

# **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, October 7, 2014**

**10:00 AM**

**Council Chambers**

**City Council**

**ONE-HUNDRED  
THIRTY-EIGHTH COUNCIL**

**Bruce A. Kraus, President of Council**

**Council Members: Rev. Ricky V. Burgess, Dan Gilman, Deborah L. Gross, Darlene M. Harris,  
R. Daniel Lavelle, Corey O'Connor, Natalia Rudiak, Theresa Kail-Smith**

**Mary Beth Doheny, City Clerk - Kimberly Clark, Deputy City Clerk**

## ROLL CALL

Present: 7 - Rev. Burgess, Mr. Gilman, Ms. Gross, Mrs. Harris, Ms. Rudiak, Mrs. Kail-Smith and Mr. Kraus  
Absent: 2 - Mr. Lavelle and Mr. O'Connor

## PLEDGE OF ALLEGIANCE

## PROCLAMATIONS

Bill No. [2014-0863](#) NOW, THEREFORE BE IT RESOLVED that the Council of the City of Pittsburgh does hereby recognize and commend Attack Theatre for their unwavering devotion to the formation of a community where artists and audiences can come together as one and experience the joy of art; and,

BE IT FURTHER RESOLVED that the Council of the City of Pittsburgh does hereby declare October 3, 2014 to be Attack Theatre day in the City of Pittsburgh.

**SPONSOR(S): DAN GILMAN AND ALL MEMBERS**

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

Bill No. [2014-0864](#) NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby commend Teresa Minor for overcoming obstacles and giving back to the community; and,

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh does hereby declare Tuesday, October 7, 2014, to be "Terri Minor Day" in the City of Pittsburgh.

**SPONSOR(S): THERESA KAIL-SMITH AND ALL MEMBERS**

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

Bill No. [2014-0865](#) NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby commend the Alzheimer's Association Greater Pennsylvania Chapter for its dedicated work for people affected by Alzheimer's and related dementias and support for families and caregivers; and,

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh does hereby declare Saturday, October 11, 2014, to be "Walk to End Alzheimer's Day" in the City of Pittsburgh.

**SPONSOR(S): THERESA KAIL-SMITH AND ALL MEMBERS**

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

Bill No. [2014-0866](#) THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby declare October 9, 2014 to be "Off The Record Day" in the City of Pittsburgh, and thereby confers on all those associated with said Off The Record XIV all the extensive rights and privileges that such an honorific has traditionally conferred, including the right to continue to make Pittsburgh a healthier place to live by generating laughter aimed at people in power.

BE IT FURTHER RESOLVED that the Council hereby declares Thursday, October 9, 2014, "Off The Record Day" in the City of Pittsburgh.

**SPONSOR(S): NATALIA RUDIAK AND ALL MEMBERS**

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

## **PUBLIC COMMENTS**

## **PRESENTATION OF PAPERS**

### **COUNCILMAN REVEREND RICKY V. BURGESS PRESENTS:**

Bill No. Resolution authorizing the Mayor and the City Solicitor to enter into a professional services agreement or agreements with E.B. Jacobs, Inc. for expert consulting services associated with revisions to the City's methods used to hire police officers and providing for payment of the cost thereof, not to exceed \$52,000.00.  
[2014-0855](#)

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

**Read and referred to Committee on Human Resources**

### **COUNCILMAN COREY O'CONNOR PRESENTS:**

Bill No. Resolution authorizing the Mayor and the Director of the Department of Public Works to execute on behalf of the City of Pittsburgh (hereinafter referred to as the "City") the Second Amendment to the Sewer Services Agreement effective as of June 1, 1971, which was entered into by and among City, the Allegheny County Sanitary Authority (hereinafter referred to as the "Sanitary Authority"), and the Township of Robinson (hereinafter referred to as the "Township").  
[2014-0862](#)

**Read and referred to Committee on Public Works**

### **COUNCILMAN DAN GILMAN PRESENTS:**

Bill No. Resolution approving Execution of a Contract for Disposition by Sale of Land by and between the Urban Redevelopment Authority of Pittsburgh and Peter E. LaRussa for the Sale of Block 26-K, Lots 71 and 72, in the 5th Ward of the City of Pittsburgh - Council District No. 6 (3402 and 3510 Ridgeway Street - Sideyard)  
[2014-0856](#)

**Read and referred to Committee on Intergovernmental Affairs**

Bill No. Resolution approving Execution of a Contract for Disposition by Sale of Land by and between the Urban Redevelopment Authority of Pittsburgh and Juanita Parks for the Sale of Block 26-J, Lots 228 & 230, in the 5th Ward of the City of Pittsburgh - Council District No. 6 (3386 and 3384 Ridgeway Street - Sideyard)  
[2014-0857](#)

**Read and referred to Committee on Intergovernmental Affairs**

Bill No. Resolution approving Execution of a Contract for Disposition by Sale of Land by and between the Urban Redevelopment Authority of Pittsburgh and Justine Goode for the Sale of Block 23-E Lots 69 and 70, in the 25th Ward of the City of Pittsburgh - Council District No. 6 (414 & 416 West Jefferson Street - Sideyard)  
[2014-0858](#)

**Read and referred to Committee on Intergovernmental Affairs**

Bill No. Resolution adopting Plan Revision to the City of Pittsburgh's Official Sewage  
[2014-0859](#) Facilities Plan for Courtyard at Penn Plan of Lots, 5420, 5422 & 5424 Penn Avenue,  
Pittsburgh, PA 15206.

**Read and referred to Committee on Intergovernmental Affairs**

Bill No. Resolution adopting Plan Revision to the City of Pittsburgh's Official Sewage  
[2014-0860](#) Facilities Plan for the Burgwin Spray Park which is located at the intersection of  
Mansion and Johnston Streets, Pittsburgh 15207.

**Read and referred to Committee on Intergovernmental Affairs****COUNCILWOMAN DARLENE M. HARRIS PRESENTS:**

Bill No. Ordinance amending the City Code at Title One: Administrative; Article III:  
[2014-0861](#) Organization; Chapter 116 - Public Safety; by adding a new section at § 116.04  
creating a care fund for post duty law enforcement canines.

**SPONSOR(S): DARLENE M. HARRIS**

**Read and referred to Committee on Public Safety Services**

**COUNCILWOMAN NATALIA RUDIAK PRESENTS:**

Bill No. Resolution authorizing the Mayor to accept on behalf of the City of Pittsburgh a grant  
[2014-0853](#) from the Hillman Foundation in the total amount of Fifty Thousand Dollars (\$50,000),  
and to enter into an agreement or agreements with Jackson/Clark Partners to facilitate,  
document, and manage Welcoming Pittsburgh's 41-member Advisory Council process.

**Read and referred to Committee on Finance and Law**

Bill No. Resolution to authorize and direct the incurring of Non-Electoral Debt through the  
[2014-0854](#) issuance of two series of General Obligation Bonds or Notes of the City of Pittsburgh,  
in the aggregate maximum principal amount of sixty-five million two hundred  
eighty-five thousand dollars (\$65,285,000) consisting of Taxable General Obligation  
Refunding Bonds, Series A of 2014 and General Obligation Refunding Bonds, Series  
B of 2014.

**Read and referred to Committee on Finance and Law**

**UNFINISHED BUSINESS****REPORTS OF COMMITTEE - FINAL ACTION****COUNCILWOMAN NATALIA RUDIAK PRESENTS COMMITTEE ON FINANCE  
AND LAW**

Bill No. Report of the Committee on Finance and Law for October 1, 2014 with an Affirmative  
[2014-0848](#) Recommendation.

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

Bill No. Resolution authorizing issuance of a warrant in the amount of \$3,582.00, in favor of  
[2014-0652](#) Michele Dunlap, 101 Cranberry Pointe Lane, Cranberry Township, PA 16066 in settlement of a claim for a damaged vehicle from City property at Bloomfield Recreation Center near Mott Way on March 1, 2014.

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

**Votes:** Ayes: 6 - Rev. Burgess, Mr. Gilman, Ms. Gross, Ms. Rudiak, Mrs. Kail-Smith and Mr. Kraus  
Noes: 0  
Abstentions: 1 - Mrs. Harris  
Absent: 2 - Mr. Lavelle and Mr. O'Connor

Bill No. Resolution providing for the issuance of a Resolution authorizing the issuance of a  
[2014-0686](#) warrant in favor of Elliot Newman, Arbitrator, 687 State Route 30, Clinton, PA 15026, in an amount not to exceed Three Thousand Nine Hundred Seventeen Dollars and No Cents (\$3,917.00) for payment of professional services rendered in City of Pittsburgh/FOP, Fort Pitt Lodge No. 1, Grievances regarding Officer Garrett Brown and regarding Shift Differential.

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

**Votes:** Ayes: 6 - Rev. Burgess, Mr. Gilman, Ms. Gross, Ms. Rudiak, Mrs. Kail-Smith and Mr. Kraus  
Noes: 0  
Abstentions: 1 - Mrs. Harris  
Absent: 2 - Mr. Lavelle and Mr. O'Connor

Bill No. Resolution providing for the issuance of a warrant in the total sum of Two Thousand  
[2014-0728](#) Six Hundred Dollars and 00/100 (\$2,600.00), in favor of Tucker Independent Medical Experts, Inc., 1082 Bower Hill Road, Suite 100, Pittsburgh, PA 15243, for payment professional services rendered in Tara Clanagan vs. City of Pittsburgh, et al., Court of Common Pleas of Allegheny County, Pennsylvania, No. GD 12-021607, and arising from an alleged incident on July 8, 2012 and described more fully in plaintiff's complaint in civil action.

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

**Votes:** Ayes: 6 - Rev. Burgess, Mr. Gilman, Ms. Gross, Ms. Rudiak, Mrs. Kail-Smith and Mr. Kraus  
Noes: 0  
Abstentions: 1 - Mrs. Harris  
Absent: 2 - Mr. Lavelle and Mr. O'Connor

Bill No.

[2014-0729](#)

Resolution providing for a Professional Services Agreement in the total sum of Two Hundred Fifty Thousand Dollars and No Cents (\$250,000.00) to Pepper Hamilton, LLP for professional consulting and legal services in relation to United States ex. rel Freedom Unlimited, Inc., et al v. City of Pittsburgh, et al., inasmuch as Pepper Hamilton, LLP possesses a professional and special expertise in housing and the False Claims Act and related matters. Cost not to exceed \$250,000.00.

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

**Votes:** Ayes: 6 - Rev. Burgess, Mr. Gilman, Ms. Gross, Mrs. Harris, Ms. Rudiak and Mr. Kraus  
Noes: 1 - Mrs. Kail-Smith  
Abstentions: 0  
Absent: 2 - Mr. Lavelle and Mr. O'Connor

Bill No.

[2014-0755](#)

Resolution providing for the issuance of a warrant in the total sum of Fifty Thousand Dollars (\$50,000.00) in favor of Charles Bonasorte and his attorneys, Maurice A. Nernberg and Associates, 301Smithfield Street, Pittsburgh, PA 15219, releasing and discharging the City of Pittsburgh from all claims of liability and damages arising in the action filed in the Court of Common Pleas of Allegheny County, Pennsylvania at GD 13-008003, an alleged de facto taking and the separate negligence action filed at GD 13-007064 for property damage arising from a rainfall that occurred on or about August 19, 2011, near Elyria Way (a City right-of-way), chargeable to and payable from Organization 11101.58.58105.108000.2014.

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

**Votes:** Ayes: 6 - Rev. Burgess, Mr. Gilman, Ms. Gross, Ms. Rudiak, Mrs. Kail-Smith and Mr. Kraus  
Noes: 0  
Abstentions: 1 - Mrs. Harris  
Absent: 2 - Mr. Lavelle and Mr. O'Connor

Bill No.

[2014-0756](#)

Resolution authorizing the issuance of warrants in the total sum of \$100,000.00, payable as follows: \$99,957.00, in favor of Robyn Kitt, c/o Timothy P. O'Brien, Esquire, 1705 Allegheny Building, 429 Forbes Avenue, Pittsburgh, PA 15219 and \$43.00 in favor Jordan Tax Service, releasing and discharging the City of Pittsburgh, Nate Harper, Michael Huss and William Bochter from direct liability in any and all claims in the United States District Court for the Western District of Pennsylvania filed at 2:14-cv-00065, and arising from an alleged incident on February 11, 2012 and described more fully in plaintiff's complaint in civil action.

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

**Votes:** Ayes: 7 - Rev. Burgess, Mr. Gilman, Ms. Gross, Mrs. Harris, Ms. Rudiak, Mrs. Kail-Smith and Mr. Kraus  
Noes: 0  
Abstentions: 0  
Absent: 2 - Mr. Lavelle and Mr. O'Connor

Bill No.

[2014-0809](#)

Ordinance Supplementing the Pittsburgh City Code, Title One: Administrative; Article VII: Procedure; Chapter 161: Contracts, by adding Section 161.44 Reasonable Accommodations Due To Pregnancy, Childbirth or Related Medical Conditions.

**SPONSOR(S): DAN GILMAN, DEBORAH L. GROSS, BRUCE A. KRAUS  
AND NATALIA RUDIAK**

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

**Votes:** Ayes: 7 - Rev. Burgess, Mr. Gilman, Ms. Gross, Mrs. Harris, Ms. Rudiak, Mrs. Kail-Smith and Mr. Kraus  
Noes: 0  
Abstentions: 0  
Absent: 2 - Mr. Lavelle and Mr. O'Connor

Bill No.

[2014-0810](#)

Ordinance amending the Pittsburgh City Code, Title Six: Conduct, Article V: Discrimination; Chapter 659.02 Unlawful Practices, by adding language.

**SPONSOR(S): DAN GILMAN, DEBORAH L. GROSS, BRUCE A. KRAUS  
AND NATALIA RUDIAK**

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

**Votes:** Ayes: 7 - Rev. Burgess, Mr. Gilman, Ms. Gross, Mrs. Harris, Ms. Rudiak, Mrs. Kail-Smith and Mr. Kraus  
Noes: 0  
Abstentions: 0  
Absent: 2 - Mr. Lavelle and Mr. O'Connor

Bill No.

[2014-0811](#)

Ordinance supplementing the Pittsburgh Code, Title Two, Fiscal, Article I, Administration, by adding Chapter 219 - Operating Budget, so as to codify Act 47 best practices and Intergovernmental Cooperation Authority requirements regarding the City's Annual Operating Budget.

**SPONSOR(S): NATALIA RUDIAK**

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

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

**Votes:** Ayes: 7 - Rev. Burgess, Mr. Gilman, Ms. Gross, Mrs. Harris, Ms. Rudiak, Mrs. Kail-Smith and Mr. Kraus  
Noes: 0  
Abstentions: 0  
Absent: 2 - Mr. Lavelle and Mr. O'Connor

### **COUNCILMAN R. DANIEL LAVELLE PRESENTS COMMITTEE ON PUBLIC SAFETY SERVICES**

Bill No. [2014-0849](#) Report of the Committee on Public Safety Services for October 1, 2014 with an Affirmative Recommendation.

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

Bill No. [2014-0813](#) An Ordinance amending the Pittsburgh Code, Title Six, Conduct, Article I, Regulated Rights and Actions, Chapter 602, Panhandling, Section 602.04 Prohibited Conduct" by adding language.

**SPONSOR(S): BRUCE A. KRAUS AND DARLENE M. HARRIS**

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

**Votes:** Ayes: 6 - Rev. Burgess, Ms. Gross, Mrs. Harris, Ms. Rudiak, Mrs. Kail-Smith and Mr. Kraus  
Noes: 1 - Mr. Gilman  
Abstentions: 0  
Absent: 2 - Mr. Lavelle and Mr. O'Connor

Bill No. [2014-0838](#) Resolution authoring the Mayor and the Director of Public Safety to amend Resolution No. 148 of 2011 to increase the not-to-exceed amount allocated for its Spay and Neuter program for the Animal Control Division from \$50,000 to \$75,000 in order to cover expenses incurred from previously performed spay and neuter procedures as well as additional spay and neuter services currently scheduled on or before December 31, 2014.

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

**Votes:** Ayes: 7 - Rev. Burgess, Mr. Gilman, Ms. Gross, Mrs. Harris, Ms. Rudiak, Mrs. Kail-Smith and Mr. Kraus  
Noes: 0  
Abstentions: 0  
Absent: 2 - Mr. Lavelle and Mr. O'Connor

### **COUNCILWOMAN THERESA KAIL-SMITH PRESENTS COMMITTEE ON PUBLIC WORKS**

Bill No. [2014-0850](#) Report of the Committee on Public Works for October 1, 2014 with an Affirmative Recommendation.

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

Bill No. [2014-0803](#) Resolution authorizing the Mayor and the Director of the Department of Public Works to enter into a grant agreement with the United States Department of Agriculture (USDA) Forest Service to protect urban ash trees from Emerald Ash Borer insects. In an amount of \$100,000.00.

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

**Votes:** Ayes: 7 - Rev. Burgess, Mr. Gilman, Ms. Gross, Mrs. Harris, Ms. Rudiak, Mrs. Kail-Smith and Mr. Kraus  
Noes: 0  
Abstentions: 0  
Absent: 2 - Mr. Lavelle and Mr. O'Connor

Bill No. [2014-0804](#) Resolution authorizing the Mayor and the Director of the Department of Public Works to enter into a Project Cooperation Agreement with Tree Pittsburgh for the purpose of supporting Tree Pittsburgh's efforts to promote and advance the City of Pittsburgh's Urban Forest Master Plan.

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

**Votes:** Ayes: 7 - Rev. Burgess, Mr. Gilman, Ms. Gross, Mrs. Harris, Ms. Rudiak, Mrs. Kail-Smith and Mr. Kraus  
Noes: 0  
Abstentions: 0  
Absent: 2 - Mr. Lavelle and Mr. O'Connor

## **COUNCILWOMAN DEBORAH L. GROSS PRESENTS COMMITTEE ON LAND USE & ECONOMIC DEVELOPMENT**

Bill No. [2014-0851](#) Report of the Committee on Land Use and Economic Development for October 1, 2014 with an Affirmative Recommendation.

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

Bill No. [2014-0805](#) Resolution providing for the implementation of the Residential Parking Permit Program Area "I I" in the South Side Flats community (Council District #3) pursuant to Pittsburgh Code Chapter 549.

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

**Votes:** Ayes: 7 - Rev. Burgess, Mr. Gilman, Ms. Gross, Mrs. Harris, Ms. Rudiak, Mrs. Kail-Smith and Mr. Kraus

Noes: 0

Abstentions: 0

Absent: 2 - Mr. Lavelle and Mr. O'Connor

**COUNCILMAN DAN GILMAN PRESENTS COMMITTEE ON INTERGOVERNMENTAL AFFAIRS**

Bill No. [2014-0852](#) Report of the Committee on Intergovernmental Affairs for October 1, 2014 with an Affirmative Recommendation.

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

Bill No. [2014-0709](#) Resolution requesting the approval of an inter-municipal transfer of restaurant liquor license, License No. R-9716 from Palmieri's Restaurant Incorporated, P.O. Box 0176, 101 Penn Plaza, Turtle Creek, PA 15145, to the Applicant, Fifty First Street, LLC, for the premises located at 242 51st, Pittsburgh, PA 15201, restaurant known as Spirit., pursuant to amended Pennsylvania Liquor Code, §4-461.

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

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

**Votes:** Ayes: 7 - Rev. Burgess, Mr. Gilman, Ms. Gross, Mrs. Harris, Ms. Rudiak, Mrs. Kail-Smith and Mr. Kraus  
Noes: 0  
Abstentions: 0  
Absent: 2 - Mr. Lavelle and Mr. O'Connor

Bill No. [2014-0808](#) Resolution approving execution of a Contract for Disposition by Sale of Land by and between the Urban Redevelopment Authority of Pittsburgh and the Sports and Exhibition Authority of Pittsburgh and Allegheny County for the sale of a portion of Block 2-C, Lot 300 situated in 3rd Ward of the City of Pittsburgh in the Mellon Arena Redevelopment Area, on which SEA will construct new streets and associated public infrastructure. (Council District No. 6)

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

**Votes:** Ayes: 7 - Rev. Burgess, Mr. Gilman, Ms. Gross, Mrs. Harris, Ms. Rudiak, Mrs. Kail-Smith and Mr. Kraus  
Noes: 0  
Abstentions: 0  
Absent: 2 - Mr. Lavelle and Mr. O'Connor

**MOTION TO SCHEDULE A CABLECAST POST AGENDA MEETING:  
AT THE REQUEST OF COUNCILMAN DAN GILMAN:****Discusson on Restaurant Fire Safety****EXCUSE ABSENT MEMBERS - MR. LAVELLE, MR. O'CONNOR****APPROVAL OF MINUTES**

**ADJOURNMENT**

**LEGISLATION PRESENTED BY SIGN LANGUAGE INTERPRETER**