

City of Pittsburgh

*510 City-County Building
414 Grant Street
Pittsburgh, PA 15219*



MEETING MINUTES

Proceedings of the Council of the City of Pittsburgh

Monday, December 19, 2011

9:30 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. [2011-2382](#) NOW, THEREFORE BE IT RESOLVED that the Council of the City of Pittsburgh does hereby commend Kenneth Goldsmith for a lifetime of achievement and success in his professional and volunteer life ; and,

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh does hereby declare Monday, December 19, 2011, to be "KENNETH GOLDSMITH 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

COUNCILMAN PATRICK DOWD PRESENTS:

Bill No. **2011-2242** 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 Bryant Street Redevelopment project. (Council District 7)

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

Read and referred to Intergovernmental Affairs Committee

Bill No. **2011-2243** 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 Bryant Street Redevelopment project (Council District 7)

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

Read and referred to Intergovernmental Affairs Committee

COUNCILMAN WILLIAM PEDUTO PRESENTS:

Bill No. [2011-2381](#) Resolution providing for the issuance of a warrant in favor of County of Allegheny Department of Elections, 604 County Office Building, 542 Forbes Avenue, Pittsburgh, PA 15219-2953 in the amount of \$52,516.16 in payment of costs associated with the Special Election held on February 3, 2009 to fill the vacancy of Council District #2.

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

Read and referred to Finance and Law Committee

COUNCILMAN R. DANIEL LAVELLE PRESENTS:

Bill No. Ordinance amending the Pittsburgh Code, Title Nine, Zoning Code, Article V, by
[2011-2379](#) amending various sections, all relative to Sign Regulations.

SPONSOR(S): R. DANIEL LAVELLE

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

Read and referred to Finance and Law Committee

Bill No. Authorizing the Mayor and the Director of the Department of Parks and Recreation
[2011-2380](#) and/or the Director of the Department of Public Works to enter into a Community Partner Playground Contract with KaBOOM!, Inc. to collaborate in the construction of a new playground in Allegheny Commons Park, North Common.

SPONSOR(S): R. DANIEL LAVELLE

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

Read and referred to Urban Recreation Committee

COUNCILMAN DOUGLAS SHIELDS PRESENTS:

Bill No. Ordinance amending the Pittsburgh Code, Title Nine, Zoning Code, Article VI,
[2011-2378](#) Chapter 919, Signs, to regulate the use of electronic media for Advertising and Non-advertising signs as a area of sign face.

SPONSOR(S): DOUGLAS SHIELDS AND PATRICK DOWD

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

Read and referred to Land Use and Economic Development Committee

UNFINISHED BUSINESS

REPORTS OF COMMITTEE - FINAL ACTION

COUNCILMAN PEDUTO PRESENTS COMMITTEE ON FINANCE AND LAW

Bill No. Report of the Committee on Finance and Law for December 14, 2011 with an
[2011-2374](#) Affirmative Recommendation.

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

Bill No.

[2011-2174](#)

Ordinance amending and supplementing the Pittsburgh Code, Title Two-Fiscal, Article Three-Depositories, Chapter 221-Contracts, by requiring financial institutions seeking to become City depositories to make a commitment to community reinvestment and responsible banking and instructing the City Controller to evaluate banks with which the City does business as to their success or failure in meeting this commitment.

SPONSOR(S): WILLIAM PEDUTO AND DARLENE HARRIS

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

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

Noes: 0

Abstentions: 0

Out of Room: 1 - Mr. Shields

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

A motion was made that this matter be Passed Finally, As Amended. The motion carried 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

Bill No.

[2011-2314](#)

Resolution Making Appropriations to pay the expenses of conducting the Public Business of the City of Pittsburgh and for meeting the debt charges thereof for the Fiscal Year, beginning January 1, 2012

Operating Budget #5

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

Operating Budget #11

A motion was made that this matter be AMENDED. 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

A motion was made that this matter be Passed Finally, As Amended. 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

Bill No.

[2011-2315](#)

Resolution fixing the number of officers and employees of the City of Pittsburgh, and the rate of compensation thereof, and setting minimum levels for designated positions.

Operating Budget #12

A motion was made that this matter be AMENDED. 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

Operating Budget #13

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

Votes: Ayes: 6 - Rev. Burgess, Mr. Dowd, Mr. Lavelle, Ms. Rudiak, Mr. Shields and Mrs. Smith
Noes: 3 - Mrs. Harris, Mr. Kraus and Mr. Peduto
Abstentions: 0

Operating Budget #14

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

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

A motion was made that this matter be Passed Finally, As Amended. 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

Bill No.

[2011-2316](#)

Resolution adopting and approving the 2012 Capital Budget and the 2012 Community Development Block Grant Program; and approving the 2012 through 2017 Capital Improvement Program," by adjusting various line items in conformance with City Council's 2012 Capital Budget amendments.

Capital Budget Amendment #3

A motion was made that this matter be AMENDED. 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

Capital Budget Amendment #4

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

Capital Budget Amendment #5

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

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

Noes: 1 - Mr. Lavelle

Abstentions: 0

Capital Budget Amendment #6

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

Votes: Ayes: 6 - Mrs. Harris, Mr. Kraus, Mr. Lavelle, Mr. Peduto, Ms. Rudiak and Mr. Shields

Noes: 3 - Rev. Burgess, Mr. Dowd and Mrs. Smith

Abstentions: 0

Capital Budget Amendment #7

A motion was made that this matter be AMENDED. 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

Capital Budget Amendment #8

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

Votes: Ayes: 7 - Mrs. Harris, Mr. Kraus, Mr. Lavelle, Mr. Peduto, Ms. Rudiak, Mr. Shields and Mrs. Smith

Noes: 2 - Rev. Burgess and Mr. Dowd

Abstentions: 0

Capital Budget Amendment #9

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

Votes: Ayes: 6 - Mrs. Harris, Mr. Kraus, Mr. Peduto, Ms. Rudiak, Mr. Shields and Mrs. Smith

Noes: 3 - Rev. Burgess, Mr. Dowd and Mr. Lavelle

Abstentions: 0

Capital Budget Amendment #10

A motion was made that this matter be AMENDED. 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

Capital Budget Amendment #11

A motion was made that this matter be AMENDED. 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

Capital Budget Amendment #12

A motion was made that this matter be AMENDED. 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

A motion was made that this matter be Passed Finally, As Amended. 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

Bill No. Resolution closing out old and unused Trust Funds so as to not include unused Trust Fund codes in the new Enterprise Resource Planning system.
[2011-2326](#)

SPONSOR(S): WILLIAM PEDUTO

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

Bill No. Resolution authorizing the City Controller to transfer One Million Three Hundred and Thirty Three Thousand Three Hundred and Twenty One dollars and Twelve Cents (\$1,333,321.12) from various closed Trust Funds to the General fund for the purpose of cleaning out old trust funds and increasing the fund balance.
[2011-2327](#)

SPONSOR(S): WILLIAM PEDUTO

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

Bill No. Resolution amending Resolution No. 908, effective January 1, 2011 entitled "Adopting and approving the 2011 Capital Budget and the 2011 Community Development Block Grant Program; and approving the 2011 through 2016 Capital Improvement Program," by deleting and /or reducing funding for various capital projects by \$17,872,500 from \$25,687,500 to \$7,815,000 in order to match available City PAYGO funding levels.
[2011-2328](#)

SPONSOR(S): WILLIAM PEDUTO

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

Bill No. Resolution providing for the issuance of a \$13,448.40 warrant in favor of Mingo Creek Construction, LP, c/o Kinga N. Blum, P.O. Box 385, Meadow Lands, PA 15347, in settlement of a claim for property damage to for damage to equipment in a
[2011-2334](#)

construction site located along Interstate Route 22, westbound in North Fayette Township on April 11, 2011, by a City of Pittsburgh Environmental Services vehicle.

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 SMITH PRESENTS COMMITTEE ON PUBLIC SAFETY SERVICES

Bill No. [2011-2375](#) Report of the Committee on Public Safety Services for December 14, 2011 with an Affirmative Recommendation.

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

Bill No. [2011-2296](#) Ordinance supplementing the Pittsburgh Code, Title Six, Conduct, Article 1 Regulated Rights and actions, by adding 618.05 Enforcement Subsection (d) to Chapter 618 entitled Marcellus Shale Natural Gas Drilling.

SPONSOR(S): DOUGLAS SHIELDS

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

Votes: Ayes: 7 - Mrs. Harris, Mr. Kraus, Mr. Lavelle, Mr. Peduto, Ms. Rudiak, Mr. Shields and Mrs. Smith
Noes: 2 - Rev. Burgess and Mr. Dowd
Abstentions: 0

Bill No. [2011-2338](#) Ordinance supplementing the Pittsburgh Code at Title Six, Conduct, by adding Article X Blighted Properties, Chapter 694 entitled "Neighborhood Blight Reclamation and Revitalization (NBRRA)."

SPONSOR(S): THERESA SMITH

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 SHIELDS PRESENTS COMMITTEE ON LAND USE & ECONOMIC DEVELOPMENT

Bill No. [2011-2376](#) Report of the Committee on Land Use and Economic Development for December 14, 2011 with an Affirmative Recommendation.

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

Bill No.

[2011-1916](#)

Ordinance amending the Pittsburgh Code, Title Nine, Zoning Code, Article VI, Chapter 919, Signs, to regulate the use of electronic media for Advertising and Non-advertising signs as a Special Exception.

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

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

A motion was made that this matter be RECOMMITTED to the Finance and Law Committee. The motion failed by the following vote:

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

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

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

Bill No.

[2011-2328](#)

Resolution amending Resolution No. 908, effective January 1, 2011 entitled "Adopting and approving the 2011 Capital Budget and the 2011 Community Development Block Grant Program; and approving the 2011 through 2016 Capital Improvement Program," by deleting and /or reducing funding for various capital projects by \$17,872,500 from \$25,687,500 to \$7,815,000 in order to match available City PAYGO funding levels.

SPONSOR(S): WILLIAM PEDUTO

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.

[2011-2377](#)

Report of the Committee on Intergovernmental Affairs for December 14, 2011 with an Affirmative Recommendation.

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

Bill No. [2011-2277](#) Resolution requesting the approval of an inter-municipal transfer of restaurant liquor license, License No. E-3448, from Subco Enterprises, Inc. - dba Rudy's Subs 1 1229 Long Run Road, White Oak, PA 15131-2038 to Applicant FVAV, Inc. dba - Italian Village Pizza - Waterworks Mall, 979 Freeport Road, Pittsburgh, PA 15238 into the premises to be known as Italian Village Pizza, pursuant to amended Pennsylvania Liquor Code, §4-461.

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

Bill No. [2011-2278](#) Resolution adopting Plan Revision to the City of Pittsburgh's Official Sewage Facilities Plan for the Residences at the Strip, located at 2404 Railroad Street, Pittsburgh, Pennsylvania 15222.

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

Bill No. [2011-2279](#) Resolution adopting Plan Revision to the City of Pittsburgh's Official Sewage Facilities Plan for East End Cooperative Ministry Community Building located at 6140 Penn Circle North, Pittsburgh, Pennsylvania 15206.

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

Bill No. [2011-2325](#) Resolution adopting Plan Revision to the City of Pittsburgh's Official Sewage Facilities Plan for Hays Mine Chemical Building, 380 Becks Run Road, Pittsburgh, PA 15227.

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

Bill No. Resolution authorizing the execution of a cooperation agreement or agreements with
[2011-2336](#) the Urban Redevelopment Authority of Pittsburgh in which URA will make a
\$100,000.00 grant to the City to pay part of the cost to convert Broad Street to
two-way traffic. (Council District 9)

**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

Bill No. Resolution adopting Plan Revision to the City of Pittsburgh's Official Sewage
[2011-2337](#) Facilities Plan for Fifth Avenue Freshman Housing, 121 University Place, Pittsburgh,
Pa 15213.

**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

MOTIONS AND RESOLUTIONS

APPROVAL OF MINUTES

ADJOURNMENT

LEGISLATION PRESENTED BY SIGN LANGUAGE INTERPRETER