

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, March 17, 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: 8 - Rev. Burgess, Mr. Dowd, Mrs. Harris, Mr. Motznik, Ms. Payne, Mr. Peduto, Mrs. Smith and Mr. Shields
Absent: 1 - Mr. Kraus

PLEDGE OF ALLEGIANCE

PROCLAMATIONS

Bill No. [2009-1207](#) NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh congratulates the honorees and thanks them for their years of service; and BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh hereby declares March 22, 2009, "National Italian American Sports Hall of Fame 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. [2009-1208](#) NOW, THEREFORE, BE IT RESOLVED, that Council of the City of Pittsburgh thanks the Program to Aid Citizen Enterprise for its efforts to assist economically disadvantaged communities and recognizes its 40th year of service; and

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh hereby declares April 3, 2009, "PACE 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. [2009-1209](#) NOW, THEREFORE BE IT RESOLVED THAT, The Council of the City of Pittsburgh will work to maximize the creation of American jobs, restoring economic growth and opportunity by spending economic recovery plan funds on products and services that both create jobs and help keep Americans employed and or crate new jobs.
BE IT FURTHER RESOLVED THAT, we commit to purchasing only products and services that are made or performed in the United States of America whenever and wherever possible with any economic recovery monies provided to the City of Pittsburgh by the American taxpayers, and
BE IT FURTHER RESOLVED THAT, as legislators of The City of Pittsburgh, we commit to publish any requests to waive these procurement priorities so as to give American workers and producers the opportunity to identify and provide the American products and services that will maximize the success of our nation's economic recovery program.

SPONSOR(S): DOUGLAS SHIELDS AND ALL MEMBERS

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

PUBLIC COMMENTS

PRESENTATION OF PAPERS

MR. BURGESS, CHAIRPERSON OF THE COMMITTEE ON LAND USE AND ECONOMIC DEVELOPMENT

Bill No. [2009-1210](#) An Ordinance Supplementing the Pittsburgh Code of Ordinances, Title One, Administrative, Article I, General Provisions, by adding new language.

SPONSOR(S): REVEREND RICKY V. BURGESS

Read and referred to Finance and Law Committee

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

Bill No. [2009-1197](#) Resolution 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 design, repairs, maintenance, improvements, emergencies and/or the purchase of equipment, materials and supplies in connection with the on-going maintenance, rehabilitation and new construction of City-owned walls, steps and fences; and further providing for the payment of the costs thereof. Cost not to exceed \$200,000.

Read and referred to Public Works Committee

Bill No. [2009-1198](#) Resolution providing for a Contract or Contracts or the use of existing Contracts; providing for an Agreement or Agreements or for the use of existing Agreements; providing for the design, repairs, maintenance, improvements, emergencies and/or the purchase of materials, equipment and supplies in connection with the design and construction of handicap ramps and sidewalks at various city-owned locations throughout the City of Pittsburgh; and further providing for the payment of the costs thereof. Cost not to exceed \$200,000.

Read and referred to Public Works Committee

Bill No. [2009-1199](#) Resolution providing for an Agreement or Agreements, or for the use of existing Agreements, providing for a Contract or Contracts, or use of existing Contracts, and providing for the purchase of materials and supplies in connection with the Reconstruction of Forbes Avenue/Market Square; including Construction Management Services, providing for a Reimbursement Agreement with the Commonwealth of Pennsylvania, Department of Transportation; and further providing for the payment of the costs thereof. Cost not to exceed \$3,200,000.

Read and referred to Public Works Committee

Bill No. [2009-1200](#) Resolution 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 design, repairs, maintenance, improvements, emergencies and/or the purchase of materials and supplies in connection with Neighborhood Street Improvements; and further providing for the payment of the costs thereof. Cost not to exceed \$1,100,000.

Read and referred to Public Works Committee**MR. MOTZNIK, CHAIRPERSON OF THE COMMITTEE ON GENERAL AND GOVERNMENT SERVICES, PRESENTS**

Bill No. [2009-1205](#) Resolution providing for an agreement between the City of Pittsburgh ("City") and the County of Allegheny ("County") for the continued assumption by the County of purchasing activities on behalf of the City which henceforth shall include service contracts (B contracts) and commodity purchases for the purchase of materials, general supplies, and equipment by the various Departments of the City of Pittsburgh for any or all Departments of the City of Pittsburgh; and providing for the payment of all costs thereof. Cost not to exceed \$200,000.

Read and referred to General and Government Services Committee

Bill No. [2009-1206](#) Resolution authorizing the City to enter into a Grant Agreement with the Pennsylvania Department of Community and Economic Development, in the amount of \$67,500.00.

Read and referred to General and Government Services Committee**MRS. SMITH, CHAIRPERSON OF THE COMMITTEE ON URBAN RECREATION, PRESENTS**

Bill No. [2009-1145](#) Resolution authorizing the Department of Parks and Recreation to enter into a contract or contracts, agreement or agreements, or the use of existing contracts or agreements and other approved expenditures for the first floor reconstruction of the Brookline Community Center to convert into a fitness center with new nautilus circuit equipment. Cost not to exceed \$75,000.00.

Read and referred to Urban Recreation Committee

Bill No. [2009-1201](#) Resolution amending Resolution No.672, effective August 22, 2003, entitled: "Resolution providing for an Agreement or Agreements, or use of existing Agreements and/or a Contract or Contracts, or use of existing Contracts, and for the purchase of materials, supplies, equipment, and/or services in connection with the 2003 Swimming Pool Maintenance and Repairs," by increasing the authorized amount, from \$50,000 to \$150,000

Read and referred to Urban Recreation Committee

Bill No. [2009-1202](#) Resolution amending and supplementing Resolution No.891, effective January 1, 2003, as amended, entitled: "Adopting and approving the 2003 Capital Budget and the 2003 Community Development Block Grant Program; and approving the 2003 through 2008 Capital Improvement Program," by deleting the Recreation Grants Matching Fund and increasing the "Pool Maintenance" line-item in the amount of \$100,000.

Read and referred to Urban Recreation Committee

Bill No. [2009-1203](#) Resolution authorizing the Department of Parks and Recreation to enter into a contract or contracts, agreement or agreements, or the use of existing contracts or agreements and other approved expenditures for the construction of Splash Zones, aquatic playground facilities. Cost not to exceed \$575,000.00.

Read and referred to Urban Recreation Committee

Bill No. Resolution authorizing the Mayor and the Department of Finance to enter into a grant agreement with the Commonwealth of Pennsylvania, Office of Commonwealth Libraries to receive Keystone Recreation, Park, and Conservation Fund grant monies in the amount of \$300,000 that will be used by the Carnegie Library of Pittsburgh to upgrade the existing lighting in the Stacks of the Main Library.

[2009-1204](#)

Read and referred to Urban Recreation 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 March 11, 2009 with an Affirmative Recommendation.

[2009-1188](#)

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

Bill No. Resolution authorizing the Mayor and the City Solicitor to enter into an agreement or agreements for the hiring of the Cohen Law Group to represent the City of Pittsburgh in connection with the conduct of negotiations for renewal of a cable franchise agreement in the City of Pittsburgh with Comcast, Inc., at a cost not to exceed Fifty Thousand Dollars (\$50,000.00).

[2009-1132](#)

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

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

Noes: 0

Abstentions: 1 - Mr. Peduto

Bill No. Resolution providing for the issuance of a \$6,911.23 warrant in favor of Duquesne Light Company, c/o Jonathan A. Orie, Esquire, Tucker Arensburg, P.C., 1500 One PPG Place, Pittsburgh, PA 15222, in settlement of a claim for a damaged light pole due to a City ES vehicle on April 3, 2008.

[2009-1109](#)

This Matter was Passed Finally on the Consent Agenda.

Bill No. Resolution authorizing the Mayor and the City Solicitor to enter into an agreement or agreements for the hiring of Blaine Lucas of Babst, Calland, Clements & Zomnir, PC, Two Gateway Center, 603 Stanwix Street, 7th Floor, Pittsburgh, PA 15222 for representation of the City of Pittsburgh in the Lamar Advertising Company LED Zoning Appeal, at a cost not to exceed Fifteen Thousand Dollars (\$15,000.00).

[2009-1131](#)

This Matter was Passed Finally on the Consent Agenda.

Bill No. [2009-1156](#) Resolution further amending and supplementing Resolution No. 258, effective April 26, 2000, as amended, entitled "Providing for an Agreement or Agreements, or use of existing Agreements and/or a Contract or Contracts, or use of existing Contracts, and for the purchase of materials, supplies, equipment, and/or services for various projects in connection with the Neighborhood Needs Program; and providing for the payment of the costs thereof," by adding \$2,000 to Animal Care and Welfare" and by adjusting various projects in Council District 1. The total amount of all projects is not to exceed \$1,000,000.

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

MR. KRAUS PRESENTS COMMITTEE ON PUBLIC SAFETY SERVICES

Bill No. [2009-1189](#) Report of the Committee on Public Safety Services for March 11, 2009 with an Affirmative Recommendation.

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

Bill No. [2009-1123](#) Ordinance supplementing the Pittsburgh Code, Title Six, Conduct, Article I: Regulated Rights and Actions, by adding Chapter 614 entitled, Outdoor Storage of Furniture.

SPONSOR(S): BRUCE A. KRAUS

This Matter was Passed Finally on the Consent Agenda.

Bill No. [2009-1134](#) Resolution authorizing the acquisition of the property located at 1222 Arlington Avenue, 18th Ward, Block & Lot No. 14-F-153, from Adam R. Ripley and Nicole L. Ripley or Urban Redevelopment Authority of Pittsburgh for \$85,000 plus closing costs for use as a parking lot for the new Zone 3 police station. (Council District 3).

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. [2009-1190](#) Report of the Committee on Land Use and Economic Development for March 11, 2009 with an Affirmative Recommendation.

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

Bill No. [2009-1157](#) Resolution amending and supplementing Resolution No. 861, effective January 1, 2000, as amended, entitled: "Adopting and approving the 2000 Capital; and approving the 2000 through 2005 Capital Improvement Program, by adjusting various line items in conformance with City Council's 2000 Capital Budget amendments," by adding "Animal Care and Welfare" \$2,000 and by adjusting various other projects in Council District 1 Neighborhood Needs.

SPONSOR(S): DARLENE HARRIS

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

MRS. SMITH PRESENTS COMMITTEE ON URBAN RECREATION

Bill No. [2009-1191](#) Report of the Committee on Urban Recreation for March 11, 2009 with an Affirmative Recommendation.

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

Bill No. [2009-1139](#) Resolution providing for an Agreement with the Allegheny County Community College (CCAC) for reimbursement for health and wellness programs for the Senior Community Program via the Allegheny County Area Agency on Aging/State Primetime Health Allocation in an amount not to exceed \$20,000 for the Department of Parks and Recreation.

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

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

Bill No. Resolution authorizing the Director of the Department of Parks and Recreation to enter into agreements in individual amounts of Ten Thousand Dollars (\$10,000.00) or less with performers, instructors, artists and persons with specialized skills in connection with the Department's recreational and instructional programs.

[2009-1140](#)

This Matter was Passed Finally on the Consent Agenda.

Bill No. Resolution authorizing the Director of the Department of Parks and Recreation to enter into agreement or agreements, contract or contracts and use of existing agreement or agreements, contract or contracts in individual amounts of Ten Thousand Dollars (\$10,000.00) or less with consultants in connection with the Department's recreational and park related services.

[2009-1141](#)

This Matter was Passed Finally on the Consent Agenda.

Bill No. Resolution providing for an Agreement or Agreements, Lease(s) and/or License Agreement(s) for the use of certain property for senior facilities for the provision of center services to seniors in an amount not to exceed \$92,196.00, chargeable to and payable from the Seniors Community Program Trust Fund in the Department of Parks and Recreation.

[2009-1142](#)

This Matter was Passed Finally on the Consent Agenda.

Bill No. Resolution authorizing the Department of Parks and Recreation to enter into a contract or contracts, agreement or agreements, or the use of existing contracts or agreements and other approved expenditures for the maintenance of City swimming pools. Cost not to exceed \$50,000.00.

[2009-1143](#)

This Matter was Passed Finally on the Consent Agenda.

Bill No. Resolution authorizing the Department of Parks and Recreation to enter into a contract or contracts, agreement or agreements, or the use of existing contracts or agreements and other approved expenditures for the renovation of the Mellon Park restroom facility. Cost not to exceed \$80,000.00.

[2009-1144](#)

This Matter was Passed Finally on the Consent Agenda.

Bill No. Resolution authorizing the Mayor and the Department of Parks and Recreation to enter into a License Agreement with the Catholic Diocese of Pittsburgh, St. Mary of the Mount Parish Charitable Trust, for the use of property in the St. Mary of the Mount parking lot for a 2009 Farmers' Market.

[2009-1146](#)

This Matter was Passed Finally on the Consent Agenda.

Bill No. Resolution authorizing the Mayor and the Director of the Department of Parks and Recreation to enter into a License Agreement with Union Real Estate Company of Pittsburgh for the use of property behind Carrick Shopping Center for the 2009 Farmers' Market.

[2009-1147](#)

This Matter was Passed Finally on the Consent Agenda.

Bill No. Resolution authorizing the Mayor and the Department of Parks and Recreation to enter into a License Agreement with the Catholic Diocese of Pittsburgh, Immaculate Conception School parking lot for a 2009 Farmers' Market.

[2009-1148](#)

This Matter was Passed Finally on the Consent Agenda.

Bill No. Resolution authorizing the Mayor and the Department of Parks and Recreation to enter into a License Agreement with Lamar Advertising Company for the use of property on Noblestown Road for the 2009 Farmers' Market.

[2009-1149](#)

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

MR. MOTZNIK PRESENTS COMMITTEE ON GENERAL & GOVERNMENT SERVICES

Bill No. Report of the Committee on General and Governmental Services for March 11, 2009 with an Affirmative Recommendation.

[2009-1192](#)

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

Bill No. Resolution providing for an agreement or agreements for Information Systems Modernization to include upgrades to the City's existing information and telecommunication systems, public safety systems, public works systems, and bureau of building inspection systems for a sum not to exceed \$250,000 and for the payment of the costs thereof.

[2009-1150](#)

This Matter was Passed Finally on the Consent Agenda.

Bill No. Resolution providing for an agreement or agreements for enhancements and upgrades for of the City's Public Safety systems, mobile data computers, and Automated Police Reporting Systems for a sum not to exceed \$150,000 and for the payment of the costs thereof.

[2009-1151](#)

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

Noes: 0

Abstentions: 0

MR. DOWD PRESENTS COMMITTEE ON INTERGOVERNMENTAL AFFAIRS

Bill No. [2009-1193](#) Report of the Committee on Intergovernmental Affairs for March 17, 2009 with an Affirmative Recommendation.

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

Bill No. [2009-1152](#) Resolution approving Execution of a Deed by and between the Urban Redevelopment Authority of Pittsburgh and the City of Pittsburgh for the Sale of Block 50-H, Lots 196, 200, 207, 208, 209, 210, 212, 258 and 265, in the 10th Ward of the City of Pittsburgh - Council District No. 9 - Cornwall, Wicklow, Fannell Streets (Greenway)

This Matter was Passed Finally on the Consent Agenda.

Bill No. [2009-1153](#) Resolution approving Execution of a Contract for Disposition by Sale of Land by and between the Urban Redevelopment Authority of Pittsburgh and Robert A. and Grace S. Vargo, for the Sale of Block 56-D, Lots 132 and 134, in the 15th Ward of the City of Pittsburgh - Council District No. 5 - 477 Kilbourne Street/Flowers Avenue (sideyard).

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

Noes: 0

Abstentions: 0

MOTIONS AND RESOLUTIONS

EXCUSE ABSENT MEMBERS

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.