

City of Pittsburgh



City Council

Regular Meeting Agenda

Tuesday, May 4, 2010

10:00 AM

**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**PLEDGE OF ALLEGIANCE****PROCLAMATIONS****PUBLIC COMMENTS****PRESENTATION OF PAPERS****COUNCILMAN REVEREND RICKY V. BURGESS PRESENTS:**

Bill No. Resolution providing that the City of Pittsburgh enter into a professional services agreement or agreements with First Advantage for professional services in connection with the administration and provision of clerical examination software for the City of Pittsburgh for testing prospective employees, and providing for the payment of the cost thereof. Cost not to exceed \$7,143.50.
[2010-0420](#)

Bill No. Resolution providing that the City enter into a professional services agreement with an insurance broker for the purpose of securing excess workers' compensation insurance coverage, cost not to exceed \$165,000.00.
[2010-0421](#)

COUNCILMAN PATRICK DOWD PRESENTS:

Bill No. Resolution amending Resolution No. 415, effective July 16, 2009, entitled "Authorizing the execution of a cooperation agreement or agreements with the Urban Redevelopment Authority of Pittsburgh in which URA will transfer up to \$4,500,000 to the City for the East Liberty Infrastructure Project" by increasing the amount to \$5,300,000. (Council Districts 8 and 9)
[2010-0425](#)

Bill No. Resolution transferring a total of \$40,000 from the Department of Finance, Payroll account to the Department of Finance, Bureau of Procurement, Fleet & Asset Services, Miscellaneous Services account for the purpose of the X-Car Program.
[2010-0426](#)

SPONSOR(S): PATRICK DOWD AND THERESA SMITH

COUNCILMAN BRUCE A. KRAUS PRESENTS:

Bill No. Providing for a Contract or Contracts, or the use of existing Contracts for Vacant lot cleanup services, beginning on or after April 1, 2010 and providing for the payment of the cost thereof, at a cost not to exceed \$400,000.00.
[2010-0408](#)

Bill No. Resolution providing for a Contract or Contracts, or the use of existing Contracts for street resurfacing programs to include, hot mix asphalt, crack sealing, equipment purchases, sawing and sealing, asphalt milling, truck rental, brick and blockstone repairs, handicap ramps, concrete slab replacement and parks related asphalt work in CDBG areas throughout the City of Pittsburgh, and providing for the payment of the cost thereof, at a cost not to exceed \$2,318,800.00.
[2010-0409](#)

Bill No. Resolution providing for a Contract or Contracts, or use of existing Contracts, providing for an Agreement or Agreements, or use of existing Agreements, and providing for the repairs, maintenance, improvements, emergencies and/or the purchase
[2010-0410](#)

of materials and supplies in connection with the McArdle Roadway Viaduct No. 1 Construction; including Construction Management Services; providing for a Reimbursement Agreement or Agreements with the Commonwealth of Pennsylvania, Department of Transportation; and providing for the payment of the costs thereof. Cost not to exceed \$6,896,238.64.

Bill No.

[2010-0411](#)

Resolution providing for a Contract or Contracts, or use of existing Contracts, providing for an Agreement or Agreements, or use of existing Agreements, and providing for the design, repairs, maintenance, improvements, emergencies and/or the purchase of materials and supplies in connection with the construction of a new pedestrian bridge to replace the current trail bridge and to improve the intersection of Bates Street and Second Avenue; including Construction Management Services; providing for a Reimbursement Agreement or Agreements with the Commonwealth of Pennsylvania, Department of Transportation; and providing for the payment of the costs thereof. Cost not to exceed \$3,430,152.51.

Bill No.

[2010-0412](#)

Resolution further amending Resolution No.768, effective, January 1, 2010, as amended, entitled "Adopting and approving the 2010 Capital Budget and the 2010 Community Development Block Grant Program; and approving the 2010 through 2014 Capital Improvement Program," by transferring \$250,000.00 from the "Penn Avenue Corridor Phasing Plan" line item (\$50,000.00 CITY/\$200,000 FHWA) and transferring \$70,712.00 from the "Bridge Repairs" line item (\$400,000.00 CITY/\$300,000 CDBG) to the "Bates Street/2nd Avenue Intersection" line item (\$120,712 CITY/\$482,848.00 FHWA).

Bill No.

[2010-0413](#)

Resolution further amending Resolution No. 675, effective December 30, 2008, as amended, entitled "Adopting and approving the 2009 Capital Budget and the 2009 Community Development Block Grant Program; and approving the 2009 through 2013 Capital Improvement Program," by transferring \$400,000.00 CITY money from the "Slope Failure Remediation" line item and increasing the "Bates Street/2nd Avenue Intersection" line item in the amount of \$2,400,000.00 (\$400,000.00 CITY/\$2,000,000.00 FHWA).

Bill No.

[2010-0414](#)

Resolution further amending Resolution No. 759, effective December 18, 2006, as amended, entitled "Adopting and approving the 2007 Capital Budget and the 2007 Community Development Block Grant Program; and approving the 2007 through 2012 Capital Improvement Program," by eliminating the "East Liberty-Penn Circle" line item in the amount of \$875,000.00 (\$175,000.00 CITY/\$700,000.00 FHWA) and creating the "McArdle Viaduct No. 1 Construction" line item in the amount of \$3,500,000.00 (\$175,000 .00 CITY/\$2,800,000.00 FHWA/\$525,000.00 SH).

Bill No.

[2010-0415](#)

Resolution further amending Resolution No.762, effective December 28, 2005, as amended, entitled "Adopting and approving the 2006 Capital Budget and the 2006 Community Development Block Grant Program; and approving the 2006 through 2011 Capital Improvement Program," by decreasing the "McArdle Roadway" line item in the amount of \$614,958.17 (\$14,958.17 CITY/\$600,000.00 FHWA) and creating the "McArdle Viaduct No. 1 Construction" line item in the amount of \$299,163.40 (\$14,958.17 CITY/\$239,330.72 FHWA/\$44,874.51 SH).

Bill No. [2010-0416](#) Resolution further amending 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 decreasing the "McArdle Viaduct No. 2" line item in the amount of \$91,991.65 (\$18,398.33 CITY/\$73,593.31 SH) and creating the "McArdle Viaduct No. 1 Construction" line item in the amount of \$367,966.60 (\$18,398.33 CITY/\$294,373.28 FHWA/\$55,194.99 SH).

Bill No. [2010-0417](#) Resolution further amending Resolution No. 833, effective January 1, 2002, as amended, entitled "Adopting and approving the 2002 Capital Budget and the 2002 Community Development Block Grant Program; and approving the 2002 through 2007 Capital Improvement Program," by decreasing the "East Liberty-Penn Circle" line item in the amount of \$288,000.00 (\$57,600.00 CITY/\$230,400.00 FHWA), and by creating the "McArdle Viaduct No. 1 Construction" line item in the amount of \$1,152,000.00 (\$57,600.00 CITY/\$921,600.00 FHWA/\$172,800.00).

Bill No. [2010-0418](#) Resolution further amending Resolution No. 881, effective January 1, 2001, entitled "Adopting and approving the 2001 Capital Budget and the 2001 Community Development Block Grant Program; and approving the 2001 through 2006 Capital Improvement Program," by decreasing the "Penn Avenue Reconstruction" line item in the amount of \$276,923.76 (\$55,384.75 CITY/\$221,539.01 FHWA) and decreasing the "East Liberty-Penn Circle" line item in the amount of \$288,000.00 (\$57,600.00 CITY/\$230,400.00 FHWA), and creating the "Bates Stree/2nd Avenue Intersection" line item in the amount of \$276,923.76 (\$55,384.75 CITY/\$221,539.01 FHWA) and creating the McArdle Viaduct No. 1 Construction" line item in the amount of \$1,152,000.00 (\$57,600.00 CITY/\$921,600.00 FHWA/\$172,800.00 SH).

Bill No. [2010-0419](#) Resolution further amending Res. 861, effective January 1, 2000, as amended, entitled "Adopting and approving the 2000 Capital Budget and the 2000 Community Development Block Grant Program; and approving the 2000 through 2005 Capital Improvement Program," by decreasing the "Penn Avenue Reconstruction" line item by \$149,668.75 (\$7,568.75 CITY/\$142,100.00 FHWA) and decreasing the "McArdle Roadway Viaduct No. 2" line item by \$425,108.64 (\$21,255.43 CITY/\$340,086.91 FHWA/\$63,766.30 SH) and creating two new line items entitled "Bates Street/2nd Avenue Intersection" in the amount of \$149,668.75 (\$7,568.75 CITY/\$142,100.00 FHWA), and "McArdle Viaduct No. 1 Construction" in the amount of \$425,108.64 (\$21,255.43 CITY/\$340,086.91 FHWA/\$63,766.30 SH).

COUNCILMAN WILLIAM PEDUTO PRESENTS:

Bill No. [2010-0405](#) Resolution amending Resolution No. 200, effective April 21, 2010, entitled "Providing for the issuance of a \$5,787.32 warrant in favor of Sacred Heart Parish, of 310 Shady Avenue, Pittsburgh, PA 15206, in settlement of a claim for sidewalk damage due to City tree roots on August 14, 2009." to change the Budget Year from 2010 to 2009.

COUNCILWOMAN NATALIA RUDIAK PRESENTS:

Bill No. [2010-0422](#) 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, and public works systems for a sum

not to exceed \$400,000 and for the payment of the costs thereof.

Bill No. Resolution providing for an agreement or agreements for enhancements and upgrades to the City's Public Safety systems, mobile data computers, and Automated Police Reporting Systems for a sum not to exceed \$275,000 and for the payment of the costs thereof.
[2010-0423](#)

Bill No. Resolution authorizing the Mayor, the Director of City Information Systems, or the Director of Public Safety to enter into a grant agreement with U.S. Department of Justice to receive the Community Oriented Policing Services (COPS) Technology Program Grant for professional services and the purchase of equipment, hardware, and software in connection with the execution of said grant agreement. Grant not to exceed \$250,000.00.
[2010-0424](#)

COUNCILMAN DOUGLAS SHIELDS PRESENTS:

Bill No. Ordinance amending Ordinance No. 8 of 2010, entitled "An Ordinance amending the City Code at Title Seven: Business Licensing; Article V: Trade Occupations Service Businesses, by adding a new Chapter At 780, Towing Business Licensing Setting Forth Requirements for Towing Business Registration, Tow Truck Driver Registration and General Requirements Related to Non-consensual Towing of vehicles within the City of Pittsburgh," by adding language at Section 2 to make the legislation effective 60 days after enactment.
[2010-0427](#)

SPONSOR(S): DOUGLAS SHIELDS

COUNCILWOMAN THERESA KAIL-SMITH PRESENTS:

Bill No. Resolution providing for an agreement or agreements, or use of existing agreements and/or a contract or contracts, or use of existing contracts, for the purchase of materials, supplies, equipment or services in connection with the relocation and renovation of the Firearms Training Section at Zone 5 on Washington Boulevard; and providing for the payment of the costs thereof. Cost not to exceed \$125,000.
[2010-0406](#)

Bill No. 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, software, and/or services in connection with the police station enhancements and technology and providing for the payment of the costs thereof. Cost not to exceed \$254,000.
[2010-0407](#)

COUNCIL PRESIDENT DARLENE M. HARRIS PRESENTS:

Bill No. Resolution informing City Council of the appointment of Michael Dunleavy to the Sports and Exhibition Authority, for a term to expire December 31, 2014.
[2010-0428](#)

Bill No. Resolution authorizing the appointment of Lauren J. Byrne as a Member to the Disruptive Property Appeals Board, for a term to expire December 31, 2012.
[2010-0429](#)

Bill No. Resolution authorizing the appointment of Lindsay Baxter as a Member of the Shade Tree Commission, for a term to expire April 20, 2014.
[2010-0430](#)

Bill No. Resolution authorizing the appointment of Shanicka Kennedy as a Member of the
[2010-0431](#) Ethics Hearing Board, for a term to expire August 1, 2012.

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 April 28, 2010 with an Affirmative
[2010-0400](#) Recommendation.

Bill No. Resolution amending and supplementing Resolution No. 162, effective March 31,
[2010-0333](#) 2010, entitled "Providing for the issuance of a Twenty-Three Thousand Eight Hundred Thirty-Nine Dollar and Thirty-Three Cent (\$23,839.33) warrant in favor of TBE, Inc. d/b/a Sonitrol Security Systems c/o Shawn T. Flaherty, Esquire, Flaherty Fardo, LLC, 5541 Walnut Street, Pittsburgh, PA 15232, in settlement of an action filed in the Court of Common Pleas of Allegheny County, Pennsylvania at GD 09-015612 for damages arising from a contract entered into between the City and TBE, Inc. for installation of certain goods and materials on or about May 3, 2006," to change the Budget Year from 2010 to 2009 and to provide for the payment of certain delinquent City taxes in the amount of Twenty-Four Thousand Three Hundred Ten Dollars and Sixty-Seven Cents (\$24,310.67), from the proceeds of settlement.

Legislative History

4/20/10	City Council	Read and referred	Passed
4/28/10	Standing Committee	Affirmatively Recommended	Passed

Bill No. Resolution authorizing the Mayor, the Director of the Department of Finance and the
[2010-0334](#) Director of the Department of Public Works, on behalf of the City of Pittsburgh, to enter into a lease agreement with MRL Associates, LLC, for a term of twenty-five (25) years at an initial monthly rental of \$250.00, certain real property abandoned to the City by the Pennsylvania Department of Transportation in the 4th Ward Oakland section of the City of Pittsburgh.

Legislative History

4/20/10	City Council	Read and referred	Passed
4/28/10	Standing Committee	Affirmatively Recommended	Passed

COUNCILWOMAN SMITH PRESENTS COMMITTEE ON PUBLIC SAFETY SERVICES

Bill No. Report of the Committee on Public Safety Services for April 28, 2010 with an
[2010-0401](#) Affirmative Recommendation.

Bill No. Resolution providing for an agreement or agreements, contract or contracts, or for the
[2010-0337](#) use of existing agreements and/or contracts, for the purchase of software, camera equipment, maintenance, consulting fees, installation, licenses, warranties, accessories in conjunction with the Port Security Project Grant to enhance a digital video camera

platform in and around the City of Pittsburgh for the Department of Public Safety, at a cost not to exceed three hundred twelve thousand five hundred four dollars (\$312,504) and providing for the cost thereof.

Legislative History

4/20/10	City Council	Read and referred	Passed
4/28/10	Standing Committee	Affirmatively Recommended	Passed

COUNCILMAN KRAUS PRESENTS COMMITTEE ON PUBLIC WORKS

Bill No. [2010-0402](#) Report of the Committee on Public Works for April 28, 2010 with an Affirmative Recommendation.

Bill No. [2010-0307](#) 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 purchase of materials and supplies in connection with the Brookline Community Fitness Center; and further providing for the payment of the costs thereof. Cost not to exceed \$100,000.00.

Legislative History

4/13/10	City Council	Read and referred	Passed
4/21/10	Standing Committee	Held in Committee	Passed
4/28/10	Standing Committee	AMENDED	Passed
4/28/10	Standing Committee	Affirmatively Recommended as Amended	Passed

Bill No. [2010-0308](#) Resolution further amending Resolution No.762, effective December 28, 2005, as amended, entitled “Adopting and approving the 2006 Capital Budget and the 2006 Community Development Block Grant Program; and approving the 2006 through 2011 Capital Improvement Program,” by transferring \$100,000.00 from the “Fire Station Design/Construction” line item and creating the “Brookline Community Fitness Center” line item in the amount of \$100,000.00.

Legislative History

4/13/10	City Council	Read and referred	Passed
4/21/10	Standing Committee	Held in Committee	Passed
4/28/10	Standing Committee	Affirmatively Recommended	Passed

Bill No. [2010-0343](#) Resolution authorizing the Mayor and the Director of the Department of Public Works to enter into a Right-of-Way agreement with Duquesne Light Company and the National Aviary allowing Duquesne Light Co. to erect, install, use, own, operate, maintain, repair, renew and finally remove an underground system consisting of cables, wires, switch, transformer and other fixtures and apparatus thereto belonging upon, over, under, along, across and through certain property of the City of Pittsburgh designated as Lot and Block 8-B-150, fronting on Arch Street, situate in the 22nd Ward, City of Pittsburgh together with the right to occupy and use as part of the underground system the conduit, switch pad and transformer pad, which are to be provided by the National Aviary.

Legislative History

4/20/10	City Council	Read and referred	Passed
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4/28/10	Standing Committee	Affirmatively Recommended	Passed
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Bill No. [2010-0344](#) Resolution authorizing the Mayor and the Directors of the Departments of Parks and Recreation and Public Works to enter into a Memorandum of Understanding with the 14th Ward Baseball Association to set forth the parties' understanding regarding proposed renovations to Mazeroski Field.

Legislative History

4/20/10	City Council	Read and referred	Passed
4/28/10	Standing Committee	Affirmatively Recommended	Passed

Bill No. [2010-0345](#) Resolution providing for an Agreement or Agreements, or for the use of existing Agreements, with a Consultant or Consultants, for design services and for project management services, in connection with the transformation of Penn Circle into a two-way traffic flow system; and further providing for the payment of the costs thereof. Cost not to exceed \$175,000.00.

Legislative History

4/20/10	City Council	Read and referred	Passed
4/28/10	Standing Committee	Affirmatively Recommended	Passed

Bill No. [2010-0346](#) Resolution further amending Resolution No.768, effective, January 1, 2010, as amended, entitled "Adopting and approving the 2010 Capital Budget and the 2010 Community Development Block Grant Program; and approving the 2010 through 2014 Capital Improvement Program," by adding federal funding in the amount of \$200,000.00 to the "Project Management Services" line item (\$50,000 CITY/\$200,000 FHWA).

Legislative History

4/20/10	City Council	Read and referred	Passed
4/28/10	Standing Committee	Affirmatively Recommended	Passed

Bill No. [2010-0347](#) Resolution providing for an Agreement or Agreements, or for the use of existing Agreements, with a Consultant or Consultants, for Project Management Services, to assist the City in the implementation of our Federal and State funded projects; providing for the payment of the costs thereof; and further providing for a Reimbursement Agreement with the commonwealth of Pennsylvania, Department of Transportation. Cost not to exceed \$250,000.00.

Legislative History

4/20/10	City Council	Read and referred	Passed
4/28/10	Standing Committee	Affirmatively Recommended	Passed

COUNCILMAN SHIELDS PRESENTS COMMITTEE ON LAND USE & ECONOMIC DEVELOPMENT

Bill No. [2010-0404](#) Report of the Committee on Land Use and Economic Development for April 28, 2010 with an Affirmative Recommendation.

Bill No. Ordinance amending the Pittsburgh Code, Title Nine, Zoning, Article V, Use
[2010-0188](#) Regulations, Chapter 912, Accessory Uses and Structures, to add definitions and provisions for green roofs as accessory structures.

SPONSOR(S): WILLIAM PEDUTO

Legislative History

3/2/10	City Council	Read and referred	
3/10/10	Standing Committee	Held for Public Hearing	Passed
4/22/10	Standing Committee	Public Hearing Held	Passed
4/28/10	Standing Committee	AMENDED BY SUBSTITUTE	Passed
4/28/10	Standing Committee	Affirmatively Recommended as Amended	Passed

COUNCILMAN DOWD PRESENTS COMMITTEE ON INTERGOVERNMENTAL AFFAIRS

Bill No. Report of the Committee on Intergovernmental Affairs for April 28, 2010 with a
[2010-0403](#) NEGATIVE RECOMMENDATION.

Bill No. Resolution providing for the execution of a Cooperation Agreement or Agreements
[2010-0292](#) with the Urban Redevelopment Authority of Pittsburgh for the administration of certain projects and programs, and providing for the payment of the cost thereof, not to exceed \$2,250,000. (Council Districts: All).

Legislative History

4/6/10	City Council	Read and referred	
4/14/10	Standing Committee	Held in Committee	Passed
4/28/10	Standing Committee	Affirmatively Recommended	

MOTIONS AND RESOLUTIONS

EXCUSE ABSENT MEMBERS

APPROVAL OF MINUTES

ADJOURNMENT

LEGISLATION PRESENTED BY SIGN LANGUAGE INTERPRETER