City of Pittsburgh

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



Meeting Minutes

Monday, November 24, 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-Baskin, Deputy City Clerk

A. ROLL CALL

Present 7 - Mr. Gilman, Ms. Gross, Mrs. Harris, Mr. O'Connor, Ms. Rudiak, Mrs.

Kail-Smith, and Mr. Kraus

Absent 2 - Rev. Burgess, and Mr. Lavelle

B. PLEDGE OF ALLEGIANCE

C. PROCLAMATIONS

2014-1090

NOW THEREFORE BE IT RESOLVED, that the Pittsburgh Parking Authority is hereby authorized to offer free parking for on-street metered parking spaces on Friday, November 28, 2014, Saturday, November 29, 2014, Tuesday, December 23, 2014, and Wednesday, December 24, 2014; and,

BE IT FURTHER RESOLVED, the Council of the City of Pittsburgh hereby encourages the Pittsburgh Parking Authority to offer free parking in off-street parking lots to support small businesses.

SPONSOR /S: MR. GILMAN, MR. O'CONNOR AND ALL MEMBERS

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

Enactment No: 779

2014-1089

NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby proclaim the week of November 24, 2014, as "Small Business Week" in the City of Pittsburgh.

SPONSOR /S: MR. GILMAN AND ALL MEMBERS

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

Enactment No: 778

D. PUBLIC COMMENTS

E. PRESENTATION OF PAPERS

COUNCILMAN DAN GILMAN PRESENTS:

2014-1077

Resolution adopting Plan Revision to the City of Pittsburgh's Official Sewage Facilities Plan for Three Crossings 2501 Smallman, 2501 Smallman Street, Pittsburgh, PA 15219.

<u>2014-1078</u>	Resolution adopting Plan Revision to the City of Pittsburgh's Official Sewage Facilities Plan for Three Crossings Residential, 2645 Railroad Street, Pittsburgh, PA 15219. Enactment No: 854
<u>2014-1079</u>	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 \$2,500,000 for the Growing Clinical Programs & Jobs at CHP project at Children's Hospital of Pittsburgh of UPMC. (Council District 7)
	Enactment No: 840
<u>2014-1080</u>	Resolution authorizing a Cooperation Agreement or Agreements with the Urban Redevelopment Authority of Pittsburgh in connection with the URA's application for a Redevelopment Assistance Capital Program grant of up to \$2,500,000 for the Growing Clinical Programs & Jobs at CHP project at Children's Hospital of Pittsburgh of UPMC (Council District 7)
	Enactment No: 841
<u>2014-1081</u>	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 \$1,500,000 for the Expansion of the Pediatric Specialty Hospital project at the Children's Home. (Council District 7)
	Enactment No: 842
2014-1082	Resolution authorizing a Cooperation Agreement or Agreements with the Urban Redevelopment Authority of Pittsburgh in connection with the URA's application for a Redevelopment Assistance Capital Program grant of up to \$1,500,000 for the Expansion of the Pediatric Specialty Hospital project at the Children's Home. (Council District 7)
	Enactment No: 843
2014-1083	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 \$2,500,000 for the Forbes Hotel project. (Council District 6)
	Enactment No: 844
2014-1084	Resolution authorizing a Cooperation Agreement or Agreements with the Urban Redevelopment Authority of Pittsburgh in connection with the URA's application for a Redevelopment Assistance Capital Program grant of up to \$2,500,000 for the Forbes

Hotel project. (Council District 6)

2014-1085 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 \$5,000,000 for the Almono-Hazelwood Phase 1 Infrastructure project. (Council District 5)

Enactment No: 846

2014-1086 Resolution authorizing a Cooperation Agreement or Agreements with the Urban Redevelopment Authority of Pittsburgh in connection with the URA's application for a Redevelopment Assistance Capital Program grant of up to \$5,000,000 for the Almono-Hazelwood Phase 1 Infrastructure project. (Council District 5)

Enactment No: 847

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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 \$5,000,000 for the New Pittsburgh Playhouse project. (Council District 6)

Enactment No: 848

2014-1088

Resolution authorizing a Cooperation Agreement or Agreements with the Urban Redevelopment Authority of Pittsburgh in connection with the URA's application for a Redevelopment Assistance Capital Program grant of up to \$5,000,000 for the New Pittsburgh Playhouse project. (Council District 6)

Enactment No: 849

COUNCILWOMAN DARLENE M. HARRIS PRESENTS:

2014-1076

Resolution authorizing the Chief and Director of the Department of Innovation & Performance to enter into an agreement or agreements and/or contract or contracts for the acquisition and implementation of an e-mail archiving and retention system, cost not to exceed two hundred ten thousand dollars (\$210,000.00) and providing for the payment of the costs thereof.

Enactment No: 837

COUNCILWOMAN NATALIA RUDIAK PRESENTS:

2014-1061

Ordinance amending the Pittsburgh Code, Title Two, Fiscal; Article IX, Property Taxes; Chapter 263, Real Property Tax and Exemption; Section 263.01, Levy and Rate on Lands and Buildings, by fixing the rate of taxation for 2015.

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

Enactment No: 30

Enactment No: 30

2014-1062

An Ordinance amending the Pittsburgh Code, Title Two, Fiscal; Article IX, Property Taxes; Chapter 263, Real Property Tax and Exemption; Section 263.02, Payment Options, Discount and Delinquency Penalty, subsection (a), Discount in advance, subsection (c), Interest for late payments, and subsection (d), Due dates for tax year 2015 only, to reflect the payment, discount and delinquent dates for the year 2015.

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

Enactment No: 31

Ordinance amending the Pittsburgh Code, Title Two, Fiscal; Article VII, Business Related Taxes; Chapter 245, Earned Income Tax; Section 245.03, Declaration and Payment of Tax; subsection (e), Interest for 2015, by fixing the rate of interest on delinquent Earned Income Tax for the year 2015.

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

Enactment No: 32

Enactment No: 32

2014-1064

Ordinance amending the Pittsburgh Code, Title Two, Fiscal; Article VII, Business Related Taxes; Chapter 246, Home Rule Tax; Section 246.03, Declaration and Payment of Tax; subsection (e), Interest for 2015, by fixing the rate of interest on delinquent Home Rule Tax for the year 2015.

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

Enactment No: 33

Enactment No: 33

2014-1065

Resolution authorizing the Mayor to accept, on behalf of the City of Pittsburgh, a grant from the National League of Cities and the Food Research and Action Center in the total amount of Fifty Thousand Dollars (\$50,000) to expand summertime and afterschool meal offerings at City sites and/or, through our partners, promote anti-hunger awareness, encourage healthy offerings and choices as part of the Cities Combating Hunger through Afterschool and Summer Meals (CHAMPS) initiative. This resolution will focus on an awareness building campaign to further promote and expand meals programs across the City of Pittsburgh.

Enactment No: 838

2014-1066

Resolution providing for the issuance of a warrant in the total sum of \$2,250.00, in favor of Justus ADR Services, P.O. Box 101824, Pittsburgh, PA 15237, for payment of professional services rendered.

Enactment No: 859

<u>2014-1067</u>

Resolution authorizing the issuance of two warrants in the total sum of \$18,000.00, payable as follows: in the sum of \$17,724.13 in favor of David Rohrich, c/o Robert J. Behling, Esquire, Dapper, Baldasare, Benson, Behling & Kane, P.C., Four Gateway Center, 444 Liberty Avenue, 10th Floor, Pittsburgh, PA 15222, and in the sum of \$275.87 in favor of Treasurer City of Pittsburgh, in Full and Final Settlement of an action filed in the Court of Common Pleas of Allegheny County at GD-06-000858.

Resolution authorizing the issuance of a warrant in the sum of Fifty-nine Thousand One Hundred Sixty-six Dollars and 67/100 (\$59,166.67), in favor of Georgeia Moreno and Timothy P. O'Brien, Esquire, 1705 Allegheny Building, 429 Forbes Avenue, Pittsburgh, PA 15219, in full and final Settlement of an action filed in the United States District Court for the Western District of Pennsylvania filed at 2:12-cv-00615.

Enactment No: 861

2014-1069

Resolution providing for the issuance of a warrant in the total sum of Twenty-Five Thousand Dollars (\$25,000.00) in favor of Leann DeMuzzio and her attorney Monte J. Rabner, Esquire, Rabner Law Offices, P.C., Law & Finance Building, 429 Fourth Avenue, Suite 800, Pittsburgh, PA 15219 in Full and Final Settlement of an action filed in the Court of Common Pleas of Allegheny County at SA13-001035.

Enactment No: 862

City of Pittsburgh

Resolution authorizing the issuance of a warrant in the sum of Twenty-four Thousand One Hundred Sixty-six Dollars and 66/100 (\$24,166.66), in favor of Mark Staymates and Timothy P. O'Brien, Esquire, 1705 Allegheny Building, 429 Forbes Avenue, Pittsburgh, PA 15219, in full and final Settlement of an action filed in the United States District Court for the Western District of Pennsylvania filed at 2:12-cv-00615.

Enactment No: 863

2014-1071 Resolution authorizing the issuance of a warrant in the sum of Twenty-four Thousand One Hundred Sixty-six Dollars and 67/100 (\$24,166.67), in favor of Darlene Staymates and Timothy P. O'Brien, Esquire, 1705 Allegheny Building, 429 Forbes Avenue, Pittsburgh, PA 15219, in full and final Settlement of an action filed in the United States District Court for the Western District of Pennsylvania filed at 2:12-cv-00615.

Enactment No: 864

2014-1072 Resolution PROVIDING for the filing of petitions for the sale of certain properties, acquired at tax sales in accordance with Act No. 171 of 1984, "Second Class City Treasurer Sale and Collection Act", effective December 11, 1984. ITEMS A through H: A: 15 Elmore, 17 Elmore, 22 Wooster, 20 Wooster, 24 Wooster, 19 Wooster B: 14 Brereton C: 251 Brereton D: 313 Sackett E: 5601 Hazelwood, 5605 Second F: Asteroid G: 512 Suismon H: 528 Sunnyland.

Enactment No: 850

2014-1073 Resolution PROVIDING for conveyance by the City of Pittsburgh of certain property, under Act No. 171 of 1984, entitled, "Second Class City Treasurer Sale and Collection Act", effective December 11, 1984.

ITEMS A and B: A: 7821-23 Kelly B: 1433-35 Sheffield.

Enactment No: 851

2014-1074 Resolution PROVIDING for the conveyance by the City of Pittsburgh of certain property, under Act No. 171 of 1984, entitled, "Second Class City Treasurer Sale and Collection Act", effective December 11, 1984; having been placed for sale to adjoining property owners in conjunction with the City of Pittsburgh Side Yard Program.

ITEMS A through C. A: 216 Hazelwood B: 5309 Second C: 3224 McClure.

Enactment No: 852

COUNCILWOMAN THERESA KAIL-SMITH PRESENTS:

Resoluiton granting unto Concord Sierra, D.A. Shadyside, LP, 11410 Common Oaks Drive, Raleigh, NC, 27614, their successor and assign, the privilege and license to construct, maintain and use at their own cost and expense, a raised landscape planter along the northern sidewalk area at 5315 Baum Boulevard between South Atlantic Avenue and South Aiken Avenue in the 8th Ward, 7 Council District of the City of Pittsburgh.

Enactment No: 839

F. UNFINISHED BUSINESS

G. REPORTS OF COMMITTEE - FINAL ACTION

COUNCILWOMAN NATALIA RUDIAK PRESENTS COMMITTEE ON FINANCE AND LAW

2014-1055 Report of the Committee on Finance and Law for November 19, 2014 with an Affirmative Recommendation.

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

2014-1009 Resolution authorizing City Council to approve intra-departmental transfers throughout the 2015 Fiscal Year

SPONSOR /S: MS. RUDIAK

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

Aye: 7 - Mr. Gilman, Ms. Gross, Mrs. Harris, Mr. O'Connor, Ms. Rudiak, Mrs. Kail-Smith, and Mr. Kraus

No: 0

Abstain: 0

Absent: 2 - Rev. Burgess, and Mr. Lavelle

Enactment No: 800

2014-1027

Resolution further amending Resolution No. 719 of 2011, 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 in Council District 4; and providing for the payment of the costs thereof" by transferring \$1,000 from Brookline Library Project to Brookline Knights Football League Scoreboard.

SPONSOR /S: MS. RUDIAK

A motion was made that this matter be Passed Finally. The motion carried by the following vote: **Aye:** 7 - Mr. Gilman, Ms. Gross, Mrs. Harris, Mr. O'Connor, Ms. Rudiak, Mrs. Kail-Smith, and Mr. Kraus

No: 0

Abstain: 0

Absent: 2 - Rev. Burgess, and Mr. Lavelle

Enactment No: 809

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COUNCILMAN R. DANIEL LAVELLE PRESENTS COMMITTEE ON PUBLIC SAFETY SERVICES

2014-1056 Report of the Committee on Public Safety Services for November 19, 2014 with an Affirmative Recommendation.

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

2014-0956 Ordinance amending the Pittsburgh Code, Title 6: Conduct, Article VII Disruptive Properties, Chapter 670: Disruptive Property Abatement by changing language in Chapter 670.03 (c) (4): NOTICE.

SPONSOR /S: MRS. KAIL-SMITH

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

Aye: 7 - Mr. Gilman, Ms. Gross, Mrs. Harris, Mr. O'Connor, Ms. Rudiak, Mrs. Kail-Smith, and Mr. Kraus

No: 0

Abstain: 0

Absent: 2 - Rev. Burgess, and Mr. Lavelle

Enactment No: 23

Resolution authorizing the Mayor, Director of the Department of Public Safety and the Acting Chief of Police, on behalf of the City of Pittsburgh, to enter into a grant agreement with the U.S. Department of Justice Office of Community Oriented Policing Services (COPS) to receive the amount of one million eight hundred seventy-five thousand dollars and zero cents (\$1,875,000.00). Grant ID:

2014ULWX0041 / September 1, 2014 - August 31, 2017

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

Aye: 7 - Mr. Gilman, Ms. Gross, Mrs. Harris, Mr. O'Connor, Ms. Rudiak, Mrs. Kail-Smith, and Mr. Kraus

No: 0

Abstain: 0

Absent: 2 - Rev. Burgess, and Mr. Lavelle

Enactment No: 803

COUNCILWOMAN THERESA KAIL-SMITH PRESENTS COMMITTEE ON PUBLIC WORKS

2014-1057 Report of the Committee on Public Works for November 19, 2014 with an Affirmative Recommendation.

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

2014-1021 Resolution granting unto McKnight 535 Smithfield LP, 310 Grant Street, Suite 2500, Pittsburgh PA 15219, their successor and assign, the privilege and license to construct, maintain and use at their own cost and expense, a canopy over the right-of-way of 535 Smithfield Street in the 2nd Ward, 6 Council District of the City of Pittsburgh.

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

Aye: 7 - Mr. Gilman, Ms. Gross, Mrs. Harris, Mr. O'Connor, Ms. Rudiak, Mrs. Kail-Smith, and Mr. Kraus

No: 0

Abstain: 0

Absent: 2 - Rev. Burgess, and Mr. Lavelle

Enactment No: 804

2014-1022 Resolution granting unto Cheryl Larry, 2916 Webster Avenue, Pittsburgh, PA 15219, her successors and assigns, an encroachment to construct, maintain and use at her own cost and expense, a side porch and a driveway with parking area on the right-of-way of Granite Street in the 5th Ward, 6 Council District of the City of Pittsburgh.

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

Aye: 7 - Mr. Gilman, Ms. Gross, Mrs. Harris, Mr. O'Connor, Ms. Rudiak, Mrs. Kail-Smith, and Mr. Kraus

No: 0

Abstain: 0

Absent: 2 - Rev. Burgess, and Mr. Lavelle

Resolution granting unto MWK Forbes, LLC, 204 5th Avenue, Suite 404, Pittsburgh, PA 15222, their successors and assigns, an encroachment to construct, maintain and use at their own cost and expense, a subsurface encroachment for soil nails under the right-of-way of 5th Avenue for 3333 Forbes Avenue, Pittsburgh, PA 15213, in the 4th Ward, 6 Council District of the City of Pittsburgh.

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

Aye: 7 - Mr. Gilman, Ms. Gross, Mrs. Harris, Mr. O'Connor, Ms. Rudiak, Mrs. Kail-Smith, and Mr. Kraus

No: 0

Abstain: 0

Absent: 2 - Rev. Burgess, and Mr. Lavelle

Enactment No: 806

2014-1024

Resoluiton granting unto Charlotte Ka, 924 North Avenue, Pittsburgh, PA 15221, her successors and assigns, an encroachment for a cantilvered building extension, walls with planting areas and rail on Soho Street, for 2297 Centre Avenue, Pittsburgh, PA 15219 in the 5th Ward, 6 Council District of the City of Pittsburgh.

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

Aye: 7 - Mr. Gilman, Ms. Gross, Mrs. Harris, Mr. O'Connor, Ms. Rudiak, Mrs. Kail-Smith, and Mr. Kraus

No: 0

Abstain: 0

Absent: 2 - Rev. Burgess, and Mr. Lavelle

Enactment No: 807

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

2014-1058 Report of the Committee on Land Use and Economic Development for November 19, 2014 with an Affirmative Recommendation.

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

Resolution authorizing the Mayor and the Director of City Planning to enter into an Agreement or Agreements with a Consultant or Consultants for the purpose of the creation and implementation of the Uptown and Fifth/Forbes Corridor Investment District, at a cost not to exceed One million, Six Hundred Twenty-Eight Thousand, Five Hundred Sixty-Seven Dollars and Forty-five cents (\$1,628,567.45).

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

Aye: 7 - Mr. Gilman, Ms. Gross, Mrs. Harris, Mr. O'Connor, Ms. Rudiak, Mrs. Kail-Smith, and Mr. Kraus

No: 0

Abstain: 0

Absent: 2 - Rev. Burgess, and Mr. Lavelle

Enactment No: 801

2014-1025

Resolution authorizing the Mayor and the Director of City Planning to receive insurance monies, encumber, and enter into contract or contracts, agreement or agreements, professional service agreements or utilize existing contracts and other services to perform restoration and re-installation of the Troy Hill WWI monument. Cost not to exceed \$22,512.00.

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

Aye: 7 - Mr. Gilman, Ms. Gross, Mrs. Harris, Mr. O'Connor, Ms. Rudiak, Mrs. Kail-Smith, and Mr. Kraus

No: 0

Abstain: 0

Absent: 2 - Rev. Burgess, and Mr. Lavelle

Enactment No: 802

2014-1026

Resolution further amending and supplementing Resolution No. 855 of 2011, entitled "adopting and approving the 2012 Capital Budget and the 2012-2017 Capital Improvement Program" by transferring \$1,000 from Brookline Library Project to Brookline Knights Football League Scoreboard.

SPONSOR /S: MS. RUDIAK

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

Aye: 7 - Mr. Gilman, Ms. Gross, Mrs. Harris, Mr. O'Connor, Ms. Rudiak, Mrs. Kail-Smith, and Mr. Kraus

No: 0

Abstain: 0

Absent: 2 - Rev. Burgess, and Mr. Lavelle

Enactment No: 808

COUNCILMAN COREY O'CONNOR PRESENTS COMMITTEE ON URBAN RECREATION

2014-1059 Report of the Committee on Urban Recreation for November 19, 2014 with an

Affirmatiave Recommendation.

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

motion carried.

2014-1018 Resolution authorizing the issuance of a warrant in favor of the Richard S. Caliguiri

Amyloidosis Foundation in an amount not to exceed sixteen thousand, seven hundred, thirty two dollars (\$16,732.00), in connection with the 2014 Great Race in the

Department of Parks and Recreation, without previous authority of law; and providing

for the payment thereof.

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

Aye: 7 - Mr. Gilman, Ms. Gross, Mrs. Harris, Mr. O'Connor, Ms. Rudiak, Mrs.

Kail-Smith, and Mr. Kraus

No: 0

Abstain: 0

Absent: 2 - Rev. Burgess, and Mr. Lavelle

Enactment No: 799

COUNCILMAN DAN GILMAN PRESENTS COMMITTEE ON INTERGOVERNMENTAL AFFAIRS

2014-1060 Report of the Committee on Intergovernmental Affairs for November 19, 2014 with an Affirmative Recommendation.

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

motion carried.

Resolution requesting the approval of an inter-municipal transfer of restaurant liquor license, License No. R-14435 from Big Plan Services, Inc., 1597 Washington Pike Unit A-56, Bridgeville, PA 15017, to the Applicant Marty's Market, LLC which is proposing to add a liquor license to its existing Market and Café located at 2301 Smallman Street, Pittsburgh, PA 15222, restaurant known as Marty's Market, 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:

Aye: 7 - Mr. Gilman, Ms. Gross, Mrs. Harris, Mr. O'Connor, Ms. Rudiak, Mrs. Kail-Smith, and Mr. Kraus

No: 0

Abstain: 0

Absent: 2 - Rev. Burgess, and Mr. Lavelle

Enactment No: 777

I. MOTIONS AND RESOLUTIONS

K. EXCUSE ABSENT MEMBERS - REV. BURGESS, MR. LAVELLE

L. APPROVAL OF MINUTES

M. ADJOURNMENT

P LEGISLATION PRESENTED BY SIGN LANGUAGE INTERPRETER

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