

# **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, December 9, 2008**

**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**

**Linda M. Johnson-Wasler, City Clerk**

**Mary Beth Doheny, Deputy City Clerk**

## ROLL CALL

Present: 8 - Rev. Burgess, Mr. Dowd, Mrs. Harris, Mr. Kraus, Mr. Motznik, Ms. Payne, Mr. Peduto and Mr. Shields

## PLEDGE OF ALLEGIANCE

## PROCLAMATIONS

Bill No.

[2008-0975](#)

NOW THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh does, hereby, commend and thank Penny and Tony Folino, the staff of Tom's Diner and Officer Christine Luffey and the Officers of Zone 3 for all that they have done for our neighbors in need of a warm meal and the warm glow of knowing that someone cares, on this national day of Thanksgiving.

**SPONSOR(S): BRUCE A. KRAUS AND ALL MEMBERS**

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

Bill No.

[2008-0976](#)

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh commends Andy Gastmeyer for his dedication to serving the public by providing fair, accurate, and balanced reports on the region's most important news stories; and

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh hereby declares Tuesday, December 9, 2008, "Andy Gastmeyer 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.

[2008-0977](#)

NOW, THEREFORE, BE IT RESOLVED THAT, the Council of the City of Pittsburgh commends Rebecca L. Flora for her service to the Pittsburgh region and her commitment to promoting sustainability, and wishes her luck in her new position and in future endeavors; and

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh hereby declares Tuesday, December 9, 2008, "Rebecca Flora 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.

[2008-0978](#)

NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby recognize the importance of the work of the House of Infiniti Pittsburgh and commends them for their 3rd Annual World Aids Day Celebration - 2008; and,

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh does hereby declare Saturday, December 6, 2008, to be "HOUSE OF INFINITI PITTSBURGH 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.**

Bill No.

[2008-0979](#)

Now, Therefore Be It Resolved By the Council of the City Of Pittsburgh a, that we hereby recognize and congratulate Senator Barack Obama on winning the general election for the Presidency of the United States of America.

Be It Further Resolved, that we, on behalf of the City of Philadelphia, invite President-elect Obama to visit Pittsburgh during the month of January in 2009, on his way to his inauguration, to address the people of Pittsburgh by informing citizens how we can help him realize the promise of affordable and accessible health care for all.

**SPONSOR(S): DOUGLAS SHIELDS AND ALL MEMBERS**

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

## **PUBLIC COMMENTS**

## **PRESENTATION OF PAPERS**

### **REVEREND BURGESS, CHAIRPERSON OF THE COMMITTEE ON LAND USE AND ECONOMIC DEVELOPMENT, PRESENTS**

Bill No.

[2008-0962](#)

Resolution directing City Council, the Mayor and Controller to work with the Intergovernmental Cooperation Authority and the Act 47 Coordinators to develop and adopt an amended Act 47 Financial Recovery Plan for the City of Pittsburgh by no later than March 25, 2009.

**SPONSOR(S): REVEREND RICKY V. BURGESS**

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

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

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

Bill No.

[2008-0963](#)

Resolution granting unto Downtown Streets Pittsburgh, LP, 400 Southpointe Blvd., Suite 400, Canonsburg, PA 15317, their successors and assigns, the privilege and license to construct, maintain and use at their own cost and expense, awnings and canopies over the sidewalk areas of Fifth Avenue, Forbes Avenue and McMasters Way in the 2nd Ward, 6th Council District of the City of Pittsburgh.

**Read and referred to Public Works Committee**

Bill No.

[2008-0964](#)

Resolution granting unto The Watson Institute, 301 Camp Meeting Road, Sewickley, PA 15143, their successors and assigns, the privilege and license to construct, maintain and use at their own cost and expense, a private storm sewer on Ravoux Way for the Craig Academy at 255 South Negley Avenue in the 8th Ward, 9th Council District of the City of Pittsburgh.

**Read and referred to Public Works Committee**

Bill No.

[2008-0965](#)

Resolution granting unto Roger Westman and William Stevens, 500 Lloyd Street, Pittsburgh, PA 15208, their successors and assigns, the privilege and license to construct, maintain and use at their own cost and expense, an air conditioning unit,

walk, steps and wall on the right-of-way of Edgerton Avenue for 500 Lloyd Street in the 14th Ward, 5th Council District of the City of Pittsburgh.

**Read and referred to Public Works Committee**

Bill No. Resolution vacating a Johnstons Way between Foster Way and 39th Street in the 6th  
[2008-0966](#) Ward, 7th Council District of the City of Pittsburgh.

**Read and referred to Public Works Committee**

Bill No. Resolution vacating a portion of Ade Way from Alter Street to its terminus in the 28th  
[2008-0967](#) Ward, 2nd Council District of the City of Pittsburgh.

**Read and referred to Public Works Committee**

Bill No. Resolution further amending and supplementing Resolution No. 258, effective April  
[2008-0973](#) 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 adjusting various projects in Council District 1. The total amount of all projects is not to exceed \$1,000,000.

**SPONSOR(S): DARLENE HARRIS**

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

Bill No. Resolution amending and supplementing Resolution No. 861, effective January 1,  
[2008-0974](#) 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 Perry Hilltop Citizens Council, \$1,000 and by reducing "District 1 Community Organizational Support" by the same amount in Council District 1 Neighborhood Needs.

**SPONSOR(S): DARLENE HARRIS**

**Read and referred to Land Use and Economic Development Committee**

**MS. PAYNE, CHAIRPERSON OF THE COMMITTEE ON HUMAN RESOURCES,  
PRESENTS**

Bill No. Resolution amending Resolution No. 370, effective July 11, 2008 entitled " Resolution  
[2008-0968](#) providing that the City enter into a temporary professional services agreement for the purpose of providing an excess workers' compensation insurance policy, cost not to exceed \$357,488.00" so as to increase the amount by \$33,405.00 from \$357,488 to \$390,893.

**Read and referred to Human Resources Committee**

**MR. PEDUTO, CHAIRPERSON OF THE COMMITTEE ON FINANCE AND LAW,  
PRESENTS**

- Bill No. [2008-0951](#) Ordinance amending the Pittsburgh Code, Title Two, Fiscal, Article VII, Business Related Taxes, Chapter 245, Earned Income Tax, by fixing the rate of interest on certain delinquent Earned Income Tax for [2008] 2009.  
**Read and referred to Finance and Law Committee**
- Bill No. [2008-0952](#) Ordinance amending the Pittsburgh Code, Title Two, Fiscal, Article VII, Business Related Taxes, Chapter 246, Home Rule Tax, by fixing the rate of interest on certain delinquent Earned Income and Home Rule Taxes for [2008] 2009.  
**Read and referred to Finance and Law Committee**
- Bill No. [2008-0953](#) 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.  
**Read and referred to Finance and Law Committee**
- Bill No. [2008-0954](#) Ordinance amending and supplementing the Pittsburgh Code, Title Two, Fiscal; Article VII, Business Related Taxes; Chapter 253, Parking Tax, Section 253.02, Tax Levy and Rate, by decreasing the rate of the tax from 40% to 37.5% effective January 1, 2009.  
**Read and referred to Finance and Law Committee**
- Bill No. [2008-0955](#) Resolution authorizing the issuance of a warrant in favor of Ward McGough, LLC in an amount not to exceed Four Thousand Five Hundred Fifteen Dollars (\$4,515.00) for legal services provided for defending the City of Pittsburgh in the FOP Retiree Healthcare lawsuit in the Supreme Court, and providing for the payment thereof.  
**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. [2008-0956](#) Resolution authorizing the issuance of a warrant in favor of Ward McGough, LLC in an amount not to exceed Four Thousand Eight Hundred Sixty Three Dollars and Fifty Cents (\$4,863.50) for legal services and costs incurred, for defending a suit filed by Lamar Advertising Company against certain Council members and providing for the payment thereof.  
**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. [2008-0957](#) Resolution designating Banks and Lending Institutions to act as Depositories for the year 2009 in accordance with the Pittsburgh Code, Title Two, Fiscal, Article III, Depositories.  
**Read and referred to Finance and Law Committee**
- Bill No. [2008-0958](#) 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 F. A: 5034 Ampere; B: 7127 Hamilton; C: 2041-43 Wyandotte; D: 7051 Hamilton;

E: 730 Wills; F: 1356 Lowrie.

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

Bill No.

[2008-0959](#)

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 C: A: 5011 Kincaid; B: 5016 Kincaid; C: 5013 Jordan.

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

Bill No.

[2008-0960](#)

Resolution providing for conveyance by the City of Pittsburgh of certain property.

ITEM A. A: 3579 Bigelow.

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

Bill No.

[2008-0961](#)

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/City Source Associates Sideyard Program. ITEMS A and B. A: 100 Pasadena; B: 610 Uphold.

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

**MR. SHIELDS, PRESIDENT OF COUNCIL AND CHAIRPERSON OF THE COMMITTEE ON HEARINGS, PRESENTS**

Bill No.

[2008-0969](#)

Communication from Michael E. Lamb, City Controller, submitting a Performance Audit for the Bureau of Building Inspection for the year ended December, 2008.

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

Bill No.

[2008-0972](#)

Ordinance Amending the Supplementing the Pittsburgh Code, Title Administrative, Article XI, Personnel, Chapter 197, Code of Conduct, by making various changes.

**SPONSOR(S): DOUGLAS SHIELDS AND WILLIAM PEDUTO**

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

Bill No.

[2008-0970](#)

Resolution authorizing the City Controller to transfer funds within the City Clerk's Office in the amount of \$21,000.

**SPONSOR(S): DOUGLAS SHIELDS**

**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.

[2008-0971](#)

Resolution providing for a Contract or Contracts, Agreement or Agreements, or the use of existing Contracts with the Allegheny County Board of Elections for the payment of elections services provide for the residents of the City of Pittsburgh and City Council District 3 at a cost not to exceed Forty Three Thousand Eight Hundred Thirty Seven dollars and Thirty One cents (\$43,837.31)

**SPONSOR(S): DOUGLAS SHIELDS**

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

## **UNFINISHED BUSINESS**

Bill No. Resolution authorizing the appointment of Elizabeth Lewis Scripps, 100 7th Street, Pittsburgh, PA 15222, as a member of the Propel Pittsburgh Commission for a term to expire on August 1, 2010. Ms. Scripps is replacing Yu-Ling Cheng.

[2008-0937](#)

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

## **REPORTS OF COMMITTEE - FINAL ACTION**

### **MR. PEDUTO PRESENTS COMMITTEE ON FINANCE AND LAW**

Bill No. Report of the Committee on Finance and Law for December 3, 2008 with an Affirmative Recommendation.

[2008-0949](#)

Bill No. Resolution transferring a total of \$7,000 from the District 9 Allotment of the Clerk's Miscellaneous Services 2008 Operating Budget account into the District 9 Crime Trust Fund.

[2008-0927](#)

**SPONSOR(S): REVEREND RICKY V. BURGESS**

**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: 8 - Rev. Burgess, Mr. Dowd, Mrs. Harris, Mr. Kraus, Mr. Motznik, Ms. Payne, Mr. Peduto and Mr. Shields

Noes: 0

Abstentions: 0

### **MRS. HARRIS PRESENTS COMMITTEE ON PUBLIC WORKS**

Bill No. Report of the Committee on Public Works for December 3, 2008 with an Affirmative Recommendation.

[2008-0950](#)

#### **Read, Received and Filed**

Bill No. Resolution granting unto Bakery Square Holdings, L.P., 5550 Walnut Street, Suite 300, Pittsburgh, PA 15232, their successors and assigns, the privilege and license to construct, maintain and use at their own cost and expense, private sewer lines with manholes on the right-of-way of Dahlem Place for the Bakery Square Project in the 12th Ward, 9th Council District of the City of Pittsburgh.

[2008-0934](#)

**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,  
Mr. Peduto and Mr. Shields  
Noes: 0  
Abstentions: 0

**MOTIONS AND RESOLUTIONS**

**APPROVAL OF MINUTES**

**ADJOURNMENT**