

City of Pittsburgh

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



MEETING MINUTES

Proceedings of the Council of the City of Pittsburgh

Thursday, December 27, 2012

10:00 AM

Council Chambers

City Council

**ONE-HUNDRED
THIRTY-SEVENTH COUNCIL**

Darlene M. Harris, President

**Council Members: Rev. Ricky V. Burgess, Patrick Dowd, Bruce A. Kraus, R. Daniel Lavelle,
Corey O'Connor, William Peduto, Natalia Rudiak, Theresa Kail-Smith**

**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. Lavelle, Mr. O'Connor, Mr. Peduto and Mrs. Smith
Absent: 1 - Ms. Rudiak

PLEDGE OF ALLEGIANCE

PROCLAMATIONS

Bill No. [2012-1048](#) NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby commend and congratulate Eagle Scout Patrick T Lang for his outstanding achievement of attaining the rank of Eagle Scout; and,

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh does hereby declare Saturday, December 29, 2012, to be "Patrick T. Lang Day" in the City of Pittsburgh.

SPONSOR(S): THERESA SMITH AND ALL MEMBERS

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

Bill No. [2012-1049](#) NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Pittsburgh does hereby recognize and honor the important work and dedicated contributions of Moses Carper, and does hereby declare December 29, 2012, to be "Moses Carper Day" in the City of Pittsburgh.

SPONSOR(S): DARLENE HARRIS 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. [2012-1046](#) Requesting the approval of an inter-municipal transfer of restaurant liquor license, License No. R-9623, from GM Lutsko, Inc. - 1212 Crawford Avenue, Duquesne, PA. 15227 to Applicant The Cure Restaurant, LLC - 5536 Butler Street, Pittsburgh, PA 15201 (Lawrenceville) into the premises to be known as The Cure Restaurant, LLC pursuant to amended Pennsylvania Liquor Code, §4-461.

Read and referred to Intergovernmental Affairs Committee

COUNCIL PRESIDENT DARLENE M. HARRIS PRESENTS:

Bill No. [2012-1047](#) Communication from Michael Lamb, City Controller, submitting a Performance Audit for the Department of Public Safety and the Bureau of Fire.

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

UNFINISHED BUSINESS

REPORTS OF COMMITTEE - FINAL ACTION

COUNCILMAN REV. RICKY V. BURGESS PRESENTS COMMITTEE ON FINANCE AND LAW

Bill No. [2012-1042](#) Report of the Committee on Finance and Law for December 18, 2012 with an Affirmative Recommendation.

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

Bill No. [2012-0994](#) Ordinance amending the Pittsburgh Code, Title Five - Traffic, Article VII - Parking, Chapter 543 - Parking Meters, Section 543.01 - Parking Meter Zones and Rates, Subsection (b), by changing the effective date of nighttime parking enforcement from January 1, 2013 to July 1, 2013.

SPONSOR(S): WILLIAM PEDUTO

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

Votes: Ayes: 7 - Rev. Burgess, Mrs. Harris, Mr. Kraus, Mr. Lavelle, Mr. O'Connor, Mr. Peduto and Mrs. Smith
Noes: 0
Abstentions: 1 - Mr. Dowd
Absent: 1 - Ms. Rudiak

A motion was made by Councilman Dowd to change his vote. The Motion was unanimously approved.

Bill No. [2012-0994](#) Ordinance amending the Pittsburgh Code, Title Five - Traffic, Article VII - Parking, Chapter 543 - Parking Meters, Section 543.01 - Parking Meter Zones and Rates, Subsection (b), by changing the effective date of nighttime parking enforcement from January 1, 2013 to July 1, 2013.

SPONSOR(S): WILLIAM PEDUTO

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. Lavelle, Mr. O'Connor, Mr. Peduto and Mrs. Smith
Noes: 0
Abstentions: 0
Absent: 1 - Ms. Rudiak

Bill No. [2012-1007](#) Resolution providing for the issuance of a warrant in favor of Highway Equipment Co., in the amount of \$25,000.00, for the emergency rental of a Track Hoe for the removal of loose hazardous dirt and debris on Noblestown Road, and providing for the payment thereof.

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. Lavelle, Mr. O'Connor, Mr. Peduto and Mrs. Smith
Noes: 0
Abstentions: 0
Absent: 1 - Ms. Rudiak

Bill No.

[2012-1008](#)

Resolution providing for the issuance of a warrant in favor of Graciano Corporation, in the amount of \$400,000.00, for emergency work for the protection of pedestrians and vehicles at the perimeter of the City County Building and providing for temporary repairs to the parapet and cornice, and providing for the payment thereof.

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. Lavelle, Mr. O'Connor, Mr. Peduto and Mrs. Smith
Noes: 0
Abstentions: 0
Absent: 1 - Ms. Rudiak

Bill No.

[2012-1027](#)

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 2012, by fixing the rate of interest on delinquent Earned Income Tax for the year 2013.

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. Lavelle, Mr. O'Connor, Mr. Peduto and Mrs. Smith
Noes: 0
Abstentions: 0
Absent: 1 - Ms. Rudiak

Bill No.

[2012-1028](#)

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 2012, by fixing the rate of interest on delinquent Home Rule Tax for the year 2013.

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. Lavelle, Mr. O'Connor, Mr. Peduto and Mrs. Smith
Noes: 0
Abstentions: 0
Absent: 1 - Ms. Rudiak

Bill No. Resolution realigning a total of \$1,045,000 between various accounts within the 2012
[2012-1029](#) Operating Budget. This transfer is necessary for the 2012 close in order to meet expenditures for the remainder of the fiscal year.

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. Lavelle, Mr. O'Connor, Mr. Peduto and Mrs. Smith
Noes: 0
Abstentions: 0
Absent: 1 - Ms. Rudiak

Bill No. Resolution designating Banks and Lending Institutions to act as Depositories for the
[2012-1030](#) year 2013 in accordance with the Pittsburgh Code, Title Two, Fiscal, Article III, Depositories.

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. Lavelle, Mr. O'Connor, Mr. Peduto and Mrs. Smith
Noes: 0
Abstentions: 0
Absent: 1 - Ms. Rudiak

COUNCILMAN BRUCE A. KRAUS PRESENTS COMMITTEE ON PUBLIC WORKS

Bill No. Report of the Committee on Public Works for December 18, 2012 with an Affirmative
[2012-1043](#) Recommendation.

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

Bill No. Resolution granting unto the Sports & Exhibition Authority 171 10th Street, 2nd
[2012-1031](#) Floor, Pittsburgh, PA 15222, their own cost and expense a subsurface encroachment to support a retaining wall ramp on Our Way in the 3rd Ward, 6th Council District of the City of Pittsburgh.

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. Lavelle, Mr. O'Connor, Mr. Peduto and Mrs. Smith
Noes: 0
Abstentions: 0
Absent: 1 - Ms. Rudiak

Bill No. Resolution granting unto Historical Society of Western PA; Heinz History Center,
[2012-1032](#) 1212 Smallman Street Pittsburgh, PA 15222, their successors and assigns, the privilege and license to construct, maintain and use at their own cost and expense, a

pedestrian bridge over the right-of-way at Mulberry Way in the 2nd Ward, 6th Council District of the City of Pittsburgh.

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. Lavelle, Mr. O'Connor, Mr. Peduto and Mrs. Smith
Noes: 0
Abstentions: 0
Absent: 1 - Ms. Rudiak

Bill No.

[2012-1033](#)

Resolution vacating portions of Magee and Colwell Streets in the 3rd Ward, 6th Council District of the City of Pittsburgh.

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. Lavelle, Mr. O'Connor, Mr. Peduto and Mrs. Smith
Noes: 0
Abstentions: 0
Absent: 1 - Ms. Rudiak

COUNCILMAN WILLIAM PEDUTO PRESENTS COMMITTEE ON HUMAN RESOURCES

Bill No.

[2012-1044](#)

Report of the Committee on Human Resources for December 18, 2012 with an Affirmative Recommendation.

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

Bill No.

[2012-1009](#)

Resolution providing that the City of Pittsburgh enter into a Professional Services Agreement(s) and/or Contracts with O'Brien, Rulis and Bochicchio, for the purpose of providing professional legal services in connection with the defense of certain workers' compensation matters and claims brought against the City under the Workers' Compensation Act; and providing for payment of the cost thereof not to exceed \$1,200,000.00.

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. Lavelle, Mr. O'Connor, Mr. Peduto and Mrs. Smith
Noes: 0
Abstentions: 0
Absent: 1 - Ms. Rudiak

Bill No. [2012-1010](#) Resolution providing that the City of Pittsburgh enter into a Professional Services Agreement(s) and/or Contracts with consultants and/or service providers for professional services in connection with Civil Service and MPOETC required assessment and evaluation of Public Safety candidates, and providing for payment of the cost thereof not to exceed \$50,490.00.

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. Lavelle, Mr. O'Connor, Mr. Peduto and Mrs. Smith
Noes: 0
Abstentions: 0
Absent: 1 - Ms. Rudiak

Bill No. [2012-1011](#) Resolution providing for Professional Services Agreement(s) and/or Contract(s) with CERIDIAN Corporation for the purpose of on-going payroll processing services, payroll tax filing services, application outsourcing services and related support services. Cost not to exceed Three Hundred Fifty Thousand Dollars (\$350,000.00).

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. Lavelle, Mr. O'Connor, Mr. Peduto and Mrs. Smith
Noes: 0
Abstentions: 0
Absent: 1 - Ms. Rudiak

Bill No. [2012-1012](#) Resolution providing that the City of Pittsburgh enter into a Professional Services Agreement(s) and/or Contract(s) with UPMC Benefits Management Services, Inc. D/B/A Work Partners for the purpose of ensuring that on-going medical care and case management is provided to City of Pittsburgh employees who require treatment for service related injuries and/or illness pursuant to the Pennsylvania Workers' Compensation Act toward a goal of returning employees to work as soon as they are medically able to return and providing for the payment of the cost thereof not to exceed \$1,859,650.00.

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. Lavelle, Mr. O'Connor, Mr. Peduto and Mrs. Smith
Noes: 0
Abstentions: 0
Absent: 1 - Ms. Rudiak

COUNCILMAN R. DANIEL LAVELLE PRESENTS COMMITTEE ON LAND USE & ECONOMIC DEVELOPMENT

Bill No. Report of the Committee on Land Use and Economic Development for December 18,
[2012-1045](#) 2012 with an Affirmative Recommendation.

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

Bill No. Ordinance amending the Pittsburgh Code, Title Nine, Zoning, Article I, Section
[2012-0591](#) 902.03 Zoning Map, by changing from UNC Urban Neighborhood Commercial District, property bounded by South Aiken Ave., the existing EMI district boundary line, and Block & Lot No. 51-R-150; from UNC Urban Neighborhood Commercial District property bounded by Centre Ave., Morewood Ave., Baum Blvd. and the East Busway; from UI Urban Industrial District property bounded by the East Busway, South Millvale Ave., Gross St., Block & Lot No. 51-E-236, Asia Way, Lima Way, and the existing UNC boundary line; and from UNC property bounded by Baum Blvd., the East Busway, the existing UI boundary line, Cypress St., Block No. 51-K, lots 172 & 211, Woodworth St., Block No. 51-K, lot 245, and Woodworth St.; all to EMI, Educational/Medical Institution District; 7th & 8th Wards.

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. Lavelle, Mr. O'Connor, Mr. Peduto and Mrs. Smith
Noes: 0
Abstentions: 0
Absent: 1 - Ms. Rudiak

Bill No. Resolution approving an Institutional Master Plan under the Pittsburgh Code, Title
[2012-0592](#) Nine, Zoning, Article II, Chapter 905, Section 905.03.D and Article VII, Chapter 922, Section 922.12 for UPMC Shadyside Hospital entitled "Project Area Master Plan" on property zoned EMI, Educational/Medical Institution District, 7th and 8th Wards.

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

Bill No. Resolution approving an Institutional Master Plan under the Pittsburgh Code, Title
[2012-0592](#) Nine, Zoning, Article II, Chapter 905, Section 905.03.D and Article VII, Chapter 922, Section 922.12 for UPMC Shadyside Hospital entitled "Project Area Master Plan" on property zoned EMI, Educational/Medical Institution District, 7th and 8th Wards.

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. Lavelle, Mr. O'Connor, Mr. Peduto and Mrs. Smith
Noes: 0
Abstentions: 0
Absent: 1 - Ms. Rudiak

Bill No. Resolution amending Resolution No. 801 approved November 21, 2011, providing for
[2012-1013](#) the implementation of a Residential Parking Permit Program (RPPP) Area "BB", in

the Bloomfield/Friendship area (Council District #8 and #9) to expand the district to include additional streets pursuant to Pittsburgh Code Chapter 549.

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. Lavelle, Mr. O'Connor, Mr. Peduto and Mrs. Smith
Noes: 0
Abstentions: 0
Absent: 1 - Ms. Rudiak

MOTIONS AND RESOLUTIONS

Bill No.

[2012-1050](#)

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Pittsburgh requests that the Pittsburgh Parking Authority provide to the Mayor, the Controller and the City Council

- a plan for aligning rates across the parking meters, lots and garages so as to optimize the use of the assets in their respective districts
- a plan for meeting the increased demand for parking enforcement citywide
- a plan for providing Payment-In-Lieu-of-Taxes (PILOT) payments to the City of Pittsburgh consistent with the 2010 Council-Controller Plan;

BE IT FURTHER RESOLVED that the Council directs the President of Pittsburgh City Council to request in writing that the Mayor of Pittsburgh nominate a member of City Council to serve on the board of the Pittsburgh Parking Authority.

SPONSORED BY COUNCILMAN PATRICK DOWD

SPONSOR(S): PATRICK DOWD

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

MOTION FOR A CABLECAST POST AGENDA

MOTION BY COUNCILWOMAN SMITH TO CONDUCT A CABLECAST POST AGENDA ON PARKING TAX AND ISSUES. THE MOTION CARRIED.

EXCUSE ABSENT MEMBERS - Ms. Rudiak

APPROVAL OF MINUTES

ADJOURNMENT

LEGISLATION PRESENTED BY SIGN LANGUAGE INTERPRETER