

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, June 1, 2010

10:00 AM

Council Chambers

City Council

**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

Present: 9 - Rev. Burgess, Mr. Dowd, Mrs. Harris, Mr. Kraus, Mr. Lavelle, Mr. Peduto, Ms. Rudiak, Mr. Shields and Mrs. Smith

PLEDGE OF ALLEGIANCE

PROCLAMATIONS

Bill No. [2010-0571](#) THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby commend Kim Collins and all other TreeVitalize partners for their dedicated efforts to increase property values, enhance the economic vitality of business corridors, and beautify our communities by promoting tree planting and ongoing care and maintenance.

NOW, BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh does hereby declare June 5, 2010 to be "South Side Tree Project Day" in the City of Pittsburgh.

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

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

Bill No. [2010-0572](#) NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby commend the Manchester Youth Development Center for its important social contribution to the youth of Manchester; and,

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh does hereby declare June 1, 2010 to be "Manchester Youth Development Center Day" in the City of Pittsburgh.

SPONSOR(S): R. DANIEL LAVELLE AND ALL MEMBERS

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

Bill No. [2010-0573](#) NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby declare Friday, June 4, 2010 as Northside Urban Pathways Charter School day in the City of Pittsburgh.

SPONSOR(S): R. DANIEL LAVELLE AND ALL MEMBERS

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

PUBLIC COMMENTS

PRESENTATION OF PAPERS

COUNCILMAN WILLIAM PEDUTO PRESENTS:

Bill No. [2010-0567](#) Ordinance amending Sections 1003.01 and 1003.04 of Chapter 1003, Title X, of the Code of Ordinances of the City of Pittsburgh of the existing stormwater management requirements to provide more protective stormwater volume reduction standards and Low Impact Development (LID) strategies for planning and construction of Publicly

Funded Development and Publicly Funded Redevelopment projects. This bill shall be known as the "Clean Water Act of 2010".

**SPONSOR(S): WILLIAM PEDUTO, BRUCE A. KRAUS, NATALIA RUDIAK
AND DOUGLAS SHIELDS**

Read and referred to Land Use and Economic Development Committee

Bill No.

[2010-0568](#)

Ordinance supplementing the Pittsburgh Code, Title I-Administrative, Chapter 161-Contracts, by adding language regarding the retrofitting of construction vehicles at City subsidized projects. This bill shall be known as the "Clean Air Act of 2010."

**SPONSOR(S): WILLIAM PEDUTO, BRUCE A. KRAUS, NATALIA RUDIAK
AND DOUGLAS SHIELDS**

Read and referred to Land Use and Economic Development Committee

COUNCILWOMAN NATALIA RUDIAK PRESENTS:

Bill No.

[2010-0565](#)

Resolution authorizing the City of Pittsburgh to enter into a cable franchise agreement with Comcast of California/Pennsylvania/Utah/Washington, Inc.

Read and referred to Performance and Asset Management Committee

Bill No.

[2010-0566](#)

Resolution providing for the creation of the Comcast Franchise Trust Fund (CFTF) and setting conditions for the deposit and expenditure of such funds.

Read and referred to Performance and Asset Management Committee

COUNCILMAN DOUGLAS SHIELDS PRESENTS:

Bill No.

[2010-0563](#)

Resolution further amending and supplementing 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 adjusting various line-items to reflect a reduction in funding available under the Emergency Shelter Grants program.

Read and referred to Land Use and Economic Development Committee

Bill No.

[2010-0564](#)

Resolution further amending and supplementing 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 adjusting various line-items to reflect additional funding available under the Housing Opportunities for Persons with AIDS program.

Read and referred to Land Use and Economic Development Committee

COUNCILWOMAN DARLENE HARRIS, PRESIDENT OF COUNCIL, PRESENTS:

Bill No.

[2010-0569](#)

Resolution amending Resolution No. 154 of 2010, effective March 31, 2010 entitled "Authorizing and directing the City Clerk to enter into an agreement or agreements with the Comprehensive Municipal Pension Trust Fund Board (CMPTF), the Government Finance Officers Association (GFOA), and the Intergovernmental Cooperation Authority (ICA) and/or other entities for the purpose of providing an

independent examination of the value of the assets of the Pittsburgh Parking Authority.” By increasing the amount from \$50,000.00 to \$250,000.00 and changing certain language.

SPONSOR(S): DARLENE HARRIS

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.

[2010-0570](#)

Resolution further Amending Resolution No. 976 of 1995 effective January 1, 1996, as amended, adopting and approving the 1996 Capital Budget and the 1996 Community Development Block Grant by adding \$250,000 for a Parking Lease Study.

SPONSOR(S): DARLENE HARRIS

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

Read and referred to Land Use and Economic Development Committee

UNFINISHED BUSINESS

Bill No.

[2010-0429](#)

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.

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

REPORTS OF COMMITTEE - FINAL ACTION

COUNCILMAN PEDUTO PRESENTS COMMITTEE ON FINANCE AND LAW

Bill No.

[2010-0559](#)

Report of the Committee on Finance and Law for May 26, 2010 with an Affirmative Recommendation.

Read, Received and Filed

Bill No.

[2010-0498](#)

Resolution authorizing the issuance of a warrant in the sum of \$15,000.00 to Danielle Fortunato c/o Matthew G. Mazefsky, Esquire, McGuire Woods, LLP, 625 Liberty Avenue, 23rd floor, Pittsburgh, PA 15222, in full and final settlement of an action filed at USDC 2:09-cv-159, and arising from alleged injuries as a result of alleged violation of 4th and 14th amendment rights.

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. Lavelle, Mr. Peduto, Ms. Rudiak, Mr. Shields and Mrs. Smith

Noes: 0

Abstentions: 0

Bill No.

[2010-0499](#)

Resolution authorizing the issuance of a warrant in the sum of \$155,000.00 to Daniel A. Hackett, III and Timothy O'Brien, Esquire, 1705 Allegheny Building, 429 Forbes

Avenue, Pittsburgh, PA 15219, in full and final settlement of an action filed at 2:09-cv-163 in the United States District Court for the Western District of Pennsylvania, and arising from alleged injuries as a result of an alleged violation of 4th and 14th Amendment rights on March 15, 2008 at Sarah and 17th Streets in 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. Lavelle, Mr. Peduto, Ms. Rudiak, Mr. Shields and Mrs. Smith

Noes: 1 - Mr. Kraus

Abstentions: 0

COUNCILMAN KRAUS PRESENTS COMMITTEE ON PUBLIC WORKS

Bill No. Report of the Committee on Public Works for May 26, 2010 with an Affirmative
[2010-0560](#) Recommendation.

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

Bill No. Ordinance amending the Pittsburgh Code, Title Four, Public Places and Property,
[2010-0500](#) Article 1 Public Right-of-Way, Chapter 416, Obstructions by adding Sub-Section 416.08 entitled Market Square Historic District Sidewalk Cafes, renumbering subsequent sections, and deleting language in Section 416.13 (b).

This Matter was Passed Finally on the Consent Agenda.

Bill No. Resolution providing for a Contract or Contracts or for the use of existing Contracts,
[2010-0501](#) providing for an Agreement or Agreements or for the use of existing Agreements, providing for the purchase of materials and supplies in connection with the renovations and maintenance of various public buildings, and further providing for the payment of the costs thereof. Cost not to exceed \$250,000.00.

This Matter was Passed Finally on the Consent Agenda.

Bill No. Resolution providing for an Agreement or Agreements or for the use of existing
[2010-0502](#) Agreements, providing for a Contract or Contracts, or use of existing Contracts, providing for the design, repairs, maintenance, improvements, emergencies and for the purchase of materials and supplies in connection with the installation of traffic signal hardware throughout the City; and further providing for the payment of the costs thereof. Cost not to exceed \$35,000.00.

This Matter was Passed Finally on the Consent Agenda.

Bill No. Resolution providing for an Agreement or Agreements or for the use of existing
[2010-0503](#) Agreements, providing for a Contract or Contracts or for the use of existing Contracts, providing for repairs, maintenance, improvements, emergencies and/or the purchase of materials, equipment and supplies in connection with the investigation, design, construction and/or remediation for critical wall and slope failures throughout the City; and providing for the payment of the costs thereof. Cost not to exceed

\$300,000.00.

This Matter was Passed Finally on the Consent Agenda.

Bill No.

[2010-0504](#)

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 \$100,000.00.

This Matter was Passed Finally on the Consent Agenda.

Bill No.

[2010-0505](#)

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 design, repairs, maintenance, improvements, emergencies and for the purchase of materials and supplies in connection with the installation of on-road bike markings, signage and bike trails; and further providing for the payment of the costs thereof. Cost not to exceed \$100,000.00.

This Matter was Passed Finally on the Consent Agenda.

Bill No.

[2010-0506](#)

Resolution granting unto Eastside Associates, LP, P.O. Box 2166, Pittsburgh, PA 15230, their successors and assigns, the privilege and license to construct, maintain and use at their own cost and expense, a parking area on the right-of-way of 5400 Elmer Street, aka 701 South Aiken Avenue. in the 7th Ward, 8th Council District of the City of Pittsburgh.

This Matter was Passed Finally on the Consent Agenda.

Bill No.

[2010-0507](#)

Resolution granting unto MetroCom Management, 307 Fourth Avenue, Pittsburgh, PA 15222, their successors and assigns, the privilege and license to construct, maintain and use at their own cost and expense, a business identification sign over the sidewalk area at 4809 Penn Avenue. in the 10th Ward, 9th Council District of the City of Pittsburgh.

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. Lavelle, Mr. Peduto, Ms. Rudiak, Mr. Shields and Mrs. Smith

Noes: 0

Abstentions: 0

COUNCILMAN SHIELDS PRESENTS COMMITTEE ON LAND USE & ECONOMIC DEVELOPMENT

Bill No. Report of the Committee on Land Use and Economic Development for May 26, 2010
[2010-0561](#) with an Affirmative Recommendation.

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

Bill No. Resolution further amending resolution No. 768 of 2009 entitled "Adopting and
[2010-0511](#) Approving the 2010 Capital Budget and the 2010 Community Development Block Grant Program and approving the 2010 through 2014 Capital Improvement Program" by reducing the funding to the Carnegie Library from \$1,000,000 to \$640,000 and adding the remaining \$360,000 to the fund balance.

SPONSOR(S): BRUCE A. KRAUS, R. DANIEL LAVELLE, WILLIAM PEDUTO, NATALIA RUDIAK, DOUGLAS SHIELDS, THERESA SMITH AND PATRICK DOWD

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. Lavelle, Mr. Peduto, Ms. Rudiak, Mr. Shields and Mrs. Smith
Noes: 0
Abstentions: 0

COUNCILMAN LAVELLE PRESENTS COMMITTEE ON URBAN RECREATION

Bill No. Report of the Committee on Urban Recreation for May 26, 2010 with an Affirmative
[2010-0562](#) Recommendation.

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

Bill No. Resolution providing for an Agreement or Agreements with the Carnegie Library of
[2010-0510](#) Pittsburgh for a grant of City capital funds for operational/administrative expenses, maintenance, purchase of equipment and/or rehabilitation of neighborhood library facilities for the benefit of residents of the City of Pittsburgh at a cost not to exceed \$640,000.00.

SPONSOR(S): BRUCE A. KRAUS, R. DANIEL LAVELLE, WILLIAM PEDUTO, NATALIA RUDIAK, DOUGLAS SHIELDS, THERESA SMITH AND PATRICK DOWD

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: 9 - Rev. Burgess, Mr. Dowd, Mrs. Harris, Mr. Kraus, Mr. Lavelle, Mr. Peduto, Ms. Rudiak, Mr. Shields and Mrs. Smith
Noes: 0
Abstentions: 0

MOTIONS AND RESOLUTIONS

APPROVAL OF MINUTES

ADJOURNMENT

LEGISLATION PRESENTED BY SIGN LANGUAGE INTERPRETER