

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, March 8, 2011

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. [2011-1510](#) NOW THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby commend all of the organizers of and participants in the Annual St. Patrick's Day Parade; and,

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh does, in honor of Pittsburgh's Irish community, hereby declares the week of March 10-17, 2011, to be "ST. PATRICK'S WEEK " 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. [2011-1511](#) NOW, THEREFORE BE IT RESOLVED, The Council of the City of Pittsburgh does hereby recognize and commend Mr. Robert and Mrs. TerryAnn Michel's contributions to children and the Carrick community over the past many decades, and laud them both for doing such good work in our fine neighborhood of Carrick and the City of Pittsburgh.

SPONSOR(S): NATALIA RUDIAK AND ALL MEMBERS

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

Bill No. [2011-1512](#) NOW THEREFORE BE IT RESOLVED That the People of the City of Pittsburgh recognize the important role that the arts play in our communities, by encouraging creativity, innovation, and healthy competition, as well as life and career skills that have long-lasting positive effects; and

BE IT FURTHER RESOLVED That the City of Pittsburgh formally recognizes the organizers and performers in this event for their outstanding commitment to fair competition, performance excellence, and to this great community, and hereby declares March 5, 2011 "Pittsburgh Carrick Tournament of Bands Day" in the City of Pittsburgh.

SPONSOR(S): NATALIA RUDIAK AND ALL MEMBERS

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

Bill No. [2011-1513](#) NOW THEREFORE BE IT RESOLVED, that Pittsburgh City Council does hereby declare Tuesday, March 8, 2011 Mildred's Daughter's Urban Farm Day in the City of Pittsburgh.

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

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

Bill No.

[2011-1514](#)

NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby honor the life and work of Franklin West; and

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh does hereby declare March 13, 2011 “Franklin West 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.

[2011-1515](#)

Be It Further Resolved, that the Council of the City of Pittsburgh does hereby proclaim Tuesday, March 8, 2011, to be designated, “Douglas Pittrell Day” in the City of Pittsburgh.

SPONSOR(S): REVEREND RICKY V. BURGESS AND ALL MEMBERS

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

Bill No.

[2011-1516](#)

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Pittsburgh does, hereby, congratulate and commend Jesse Schell and Schell Games, as the developers of Toy Store Mania TV Game, TIME Magazine's Fourth Best Toy of 2011.

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

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

Bill No.

[2011-1517](#)

NOW, THEREFORE BE IT FURTHER RESOLVED that Tuesday, March 8, 2011, be designated Emerald View Park 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.

[2011-1518](#)

NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby commend Deacon Clipton Allen's service as a Member, Trustee and Deacon of Lily Baptist Church;

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh does hereby declare March 8, 2011 to be “Deacon Clipton Allen 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 REV. RICKY BURGESS PRESENTS:

Bill No. Ordinance Directing the Allegheny County Board of Elections to place before the
[2011-1509](#) qualified voters of the City of Pittsburgh at the 2011 November General Election a referendum question "Shall the Pittsburgh Home Rule Charter, Article Seven, Personnel, be supplemented by adding Section 711 - Right of City Employees to Collectively Bargain?"

SPONSOR(S): REVEREND RICKY V. BURGESS

Read and referred to Finance and Law Committee

COUNCILMAN PATRICK DOWD PRESENTS:

Bill No. Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to submit an
[2011-1505](#) Application to the Pennsylvania Office of the Budget for a Redevelopment Assistance Capital Program grant of up to \$750,000 for the 62nd Street Project. (Council District 7)

Read and referred to Intergovernmental Affairs Committee

Bill No. Resolution authorizing a Cooperation Agreement or Agreements with the Urban
[2011-1506](#) Redevelopment Authority of Pittsburgh in connection with URA's Application for a Redevelopment Assistance Capital Program grant of up to \$750,000 for the 62nd Street Project. (Council District 7)

Read and referred to Intergovernmental Affairs Committee

Bill No. Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to submit an
[2011-1507](#) Application to the Pennsylvania Office of the Budget for a Redevelopment Assistance Capital Program grant of up to \$500,000 for the Pittsburgh Community Services, Inc. Project. (Council District 8)

Read and referred to Intergovernmental Affairs Committee

Bill No. Resolution authorizing a Cooperation Agreement or Agreements with the Urban
[2011-1508](#) Redevelopment Authority of Pittsburgh in connection with URA's application for a Redevelopment Assistance Capital Program grant of up to \$500,000 for the Pittsburgh Community Services, Inc. Project. (Council District 8)

Read and referred to Intergovernmental Affairs Committee

COUNCILMAN WILLIAM PEDUTO PRESENTS:

Bill No. Resolution authorizing the issuance of a Warrant in the sum of \$40,127.57 (Forty
[2011-1500](#) Thousand One Hundred Twenty-Seven Dollars and Fifty-seven Cents), in favor of Blaine Lucas of Babst, Calland, Clements & Zomnir, PC, Two Gateway Center, 603 Stanwix Street, 7th Floor, Pittsburgh, PA 15222, for payment of services rendered in representation of the City of Pittsburgh in connection with various zoning and land use matters.

Read and referred to Finance and Law Committee

Bill No. [2011-1501](#) Resolution authorizing and directing the Mayor to issue and the City Controller to countersign a warrant in the amount of Seventy-nine Thousand, Three Hundred and Ninety-three Dollars and Thirty-two Cents (\$79,393.32) to the Commonwealth of Pennsylvania representing payment required for unclaimed funds for the year 2005, pursuant to the provisions of Deposition of Abandoned and Unclaimed Property Act of August 9, 1971 P.L. 74.

Read and referred to Finance and Law Committee

Bill No. [2011-1502](#) 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 P. A: 17 & 19 Wooster; B: 731 Carnival; C: 916 Freeland; D: 524 Curtin; E: 423 Michigan; F: 2122 Broadway; G: 2778 Glen Mawr; H: 1416 Claim; I: 3801 Baytree; J: 3132-34 McClure; K: 3811 Bonaventure; L: 134 W. McIntyre M: 2331 Valera; N: 240 Charles; O: 2829 & 2831 Centre; P: 2835 Centre.

Read and referred to Finance and Law Committee

Bill No. [2011-1503](#) 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.

ITEM A.
A: 7632 Frankstown.

Read and referred to Finance and Law Committee

Bill No. [2011-1504](#) Resolution authorizing the City of Pittsburgh to enter into an option agreement with Point Park University for the sale of a parcel of real property located at 344 Boulevard of the Allies for a purchase price of Two Hundred Seventy-Five Thousand Dollars (\$275,000.00), to lease space at the site from the University for a term of fifty (50) years at an annual rent of one dollar (\$1.00), and to execute any agreement of sale, lease or other documents in furtherance thereof.

Read and referred to Finance and Law Committee

UNFINISHED BUSINESS

REPORTS OF COMMITTEE - FINAL ACTION

COUNCILMAN PEDUTO PRESENTS COMMITTEE ON FINANCE AND LAW

Bill No. [2011-1495](#) Report of the Committee on Finance and Law for March 2, 2011 with an Affirmative Recommendation.

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

Bill No. [2011-1389](#) Resolution authorizing the Mayor and the City Solicitor to enter into an agreement or agreements for the hiring of Blaine Lucas of Babst, Calland, Clements & Zomnir, PC, Two Gateway Center, 603 Stanwix Street, 7th Floor, Pittsburgh, PA 15222 for

representation of the City of Pittsburgh in connection with various zoning and land use matters, at a cost not to exceed \$40,127.57 (Forty Thousand One Hundred Twenty-Seven Dollars and Fifty-seven Cents).

A motion was made that this matter be TABLED. 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.

[2011-1409](#)

Resolution authorizing the issuance of a warrant in the sum of \$25,903.35 to Deborah and David Wisnick, c/o Arthur J. Cutruzzula, Esquire, Cutruzzula & Nalducci, Grant Building, 330 Grant Street, Suite 3300, Pittsburgh, PA 15219-2203, in full and final settlement of an action filed in the Court of Common Pleas of Allegheny County, Pennsylvania at GD 06-029492 and in the sum of \$4,096.65 to the Treasurer of the City of Pittsburgh for indebtedness to the City.

This Matter was Passed Finally on the Consent Agenda.

Bill No.

[2011-1443](#)

Resolution authorizing the issuance of a warrant in favor of Trans Associates Engineering Cons. Inc., in an amount not to exceed Four Thousand Seven Hundred Three Dollars and Eleven Cents (\$4,703.11) for professional engineering consulting services in connection with the Carole Herman v. City of Pittsburgh litigation.

This Matter was Passed Finally on the Consent Agenda.

Bill No.

[2011-1444](#)

Resolution providing for the issuance of a \$2,826.88 warrant in favor of Shadyside Honda, of 5121 Liberty Avenue, Pittsburgh, PA 15224, in settlement of a claim for sidewalk damage due to City tree roots in August 2010.

This Matter was Passed Finally on the Consent Agenda.

Bill No.

[2011-1445](#)

Resolution authorizing the issuance of a warrant in favor of James C. Duff, Esquire, in an amount not to exceed Six Thousand Fifty-One Dollars and Thirty-Eight Cents (\$6,051.38) for professional services in connection with the Fraternal Association of Professional Paramedics (J. Dimon discharge) arbitration matter.

This Matter was Passed Finally on the Consent Agenda.

Bill No.

[2011-1446](#)

Resolution authorizing the issuance of a warrant in favor of Ogletree, Deakins, Nash, Smoak & Stewart, P.C., in an amount not to exceed Five Thousand One Hundred Dollars and Fifty Cents (\$5,100.50) for professional mediation services in connection with the John Doe v. City of Pittsburgh and the Cathy Thomas-Taylor v. City of Pittsburgh Bureau of Police labor litigation matters.

This Matter was Passed Finally on the Consent Agenda.

Bill No.

[2011-1447](#)

Resolution Authorizing the issuance of a warrant in favor of Elliot Newman, Arbitrator, in an amount not to exceed Two Thousand Four Hundred Twenty Dollars (\$2,420.00) for professional services in connection with the Police Officer Eugene Hlavac Arbitration matter.

This Matter was Passed Finally on the Consent Agenda.

Bill No. Resolution authorizing and directing the Controller of the City of Pittsburgh to
[2011-1481](#) perform a Fiscal and Performance Audit of the Payroll Preparation Tax.

**SPONSOR(S): DARLENE HARRIS, BRUCE A. KRAUS, R. DANIEL
LAVELLE, NATALIA RUDIAK AND DOUGLAS SHIELDS**

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 KRAUS PRESENTS COMMITTEE ON PUBLIC WORKS

Bill No. Report of the Committee on Public Works for March 2, 2011 with an Affirmative
[2011-1496](#) Recommendation.

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

Bill No. Resolution granting unto Riva Ridge Enterprises, P.O. Box 876, McMurray, PA
[2011-1448](#) 15317, their successors and assigns, the privilege and license to construct, maintain and use at their own cost and expense, a deck over the sidewalk area at 838 Windom Street in the 17th Ward, 3rd Council District of the City of Pittsburgh.

This Matter was Passed Finally on the Consent Agenda.

Bill No. Resolution vacating of a 20 foot Unnamed Way, from Marion Street to its terminus in
[2011-1449](#) the 1st Ward, 6th 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 REV. BURGESS PRESENTS COMMITTEE ON HUMAN RESOURCES

Bill No. Report of the Committee on Human Resources for March 2, 2011 with an Affirmative
[2011-1497](#) Recommendation.

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

Bill No. Resolution providing that the City of Pittsburgh enter into Professional Service
[2011-1450](#) 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 (Police Officer Recruits, Paramedics), and providing for payment of the cost thereof, not to exceed \$23,220.00.

This Matter was Passed Finally on the Consent Agenda.

Bill No. Resolution providing authorization for the City of Pittsburgh and the Urban
[2011-1451](#) Redevelopment Authority to enter into an agreement for the City to provide administrative services associated with the health care plan to the Urban Redevelopment Authority.

This Matter was Passed Finally on the Consent Agenda.

Bill No. Resolution amending Resolution No. 439 of 2010 entitled "Providing for the filing of
[2011-1452](#) an application or applications by the City of Pittsburgh with the U.S. Department of Labor and/or Commonwealth of Pennsylvania for a grant or grants in connection with the Workforce Investment Act of 1998 (WIA) and/or the Joint Jobs Initiative Program Employment Advancement and Retention Network (EARN) and/or the ARRA TANF Pennsylvania Way to Work Program (WTW).

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 March 2,
[2011-1498](#) 2011 with an Affirmative Recommendation.

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

Bill No. Resolution amending Resolution No. 1956 approved December 8th 2009, entitled
[2011-1453](#) "Resolution amending Resolution No. 763 approved December 31, 1998, entitled

"Amending Resolution No. 221 approved April 15, 1997, entitled amending Resolution No. 578, approved July 31, 1996, entitled amending Resolution No. 206, approved April 11, 1996, entitled providing for implementation of a Residential Parking Permit Program (RPPP) Area "Y" in the Shadyside community (Council District #8) pursuant to Pittsburgh Code Chapter 549," so as to amend streets included in Area "Y" to include Elmer Street, from Maryland Street to College Street.

This Matter was Passed Finally on the Consent Agenda.

Bill No.

[2011-1454](#)

Resolution amending resolution 95/1994 entitled "Resolution providing for implementation of the Residential Parking Permit Program in portions of the Bloomfield community pursuant to Pittsburgh Code Chapter 549, so as to amend the streets included in Area "H" so as to amend the streets to include Lorigan Street from Garnet Way to Sapphire Way.

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 DOWD PRESENTS COMMITTEE ON INTERGOVERNMENTAL AFFAIRS

Bill No.

[2011-1499](#)

Report of the Committee on Intergovernmental Affairs for March 2, 2011 with an Affirmative Recommendation.

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

Bill No.

[2011-1455](#)

Resolution amending Resolution No. 589, effective August 10, 2010, entitled "Resolution authorizing a Cooperation Agreement with the Urban Redevelopment Authority of Pittsburgh designating URA as the City's agent for administration of a TIGER II Discretionary Grant in the amount of \$30,000,000 and a TIGER II Community Challenge Planning Grant in the amount of \$1,500,000 from the U.S. Department of Transportation and/or the U.S. Department of Housing and Urban Development for planning for the Allegheny Riverfront Green Boulevard" by providing for the transfer to grant funds to URA, adding the account number into which funds will be deposited and making certain other changes. (Council Districts 7, 8 and 9)

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

MOTIONS AND RESOLUTIONS

APPROVAL OF MINUTES

ADJOURNMENT

LEGISLATION PRESENTED BY SIGN LANGUAGE INTERPRETER