

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 26, 2013

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, Mrs. Harris, Mr. Kraus, Mr. Lavelle, Mr. O'Connor, Mr. Peduto, Ms. Rudiak and Mrs. Smith

Absent: 1 - Mr. Dowd

PLEDGE OF ALLEGIANCE

PROCLAMATIONS

Bill No.

[2013-1333](#)

NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby commend Autism Speaks for the job they do in educating the public and being an advocate for the autistic community and we honor the parents, family and friends of people affected by autism for their patience and willingness to support life; and,

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh does hereby declare the month of April to be “Autism Speaks Month” in the City of Pittsburgh.

SPONSOR(S): THERESA SMITH AND DARLENE HARRIS

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

Bill No.

[2013-1334](#)

NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby commend Ms. Evelyn Borghini Neiser for her service to the City of Pittsburgh and to her continued volunteerism; and,

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh does hereby declare Tuesday, March 26, 2013, to be "Evelyn Neiser 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.

[2013-1335](#)

NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby recognize Roberta London and Big Brothers Big Sisters of Greater Pittsburgh for fostering and supporting the dreams of Pittsburgh's youth and making Pittsburgh a better place for all of us, one child at a time; and

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh does hereby declare March 26, 2013 to be “Roberta London 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.

[2013-1336](#)

NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby recognize TechShop for building on Pittsburgh's manufacturing heritage and opening access to the tools that will drive Pittsburgh's creative economy forward for years to come; and

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh does hereby declare March 26, 2013 to be “TechShop 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.

[2013-1337](#)

NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby commend Lynn Ford Adams for decades of service and commitment to seniors; and,

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh does hereby declare Tuesday, March 26, 2013, to be “Lynn Ford Adams 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.

[2013-1338](#)

NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh does honor and celebrate Coston Funeral Homes Inc. for 50 years of commitment and service to the city and it's residents; and,

BE IT FURTHER RESOLVED that the Council of the City of Pittsburgh does hereby declare Tuesday, March 26, 2013, to be “Coston Funeral Homes Inc. 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.

[2013-1339](#)

Now, THEREFORE BE IT RESOLVED that the Council of the City of Pittsburgh does hereby declare March 28, 2013 to be “Henry Hurt 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.

Bill No. BE IT FURTHER RESOLVED, , that the Council of the City of Pittsburgh does
[2013-1340](#) hereby declare the month of March 2013 to be “SOCAL WORK APPRECIATION
MONTH” in the City of Pittsburgh.

SPONSOR(S): COREY O'CONNOR AND ALL MEMBERS

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

Bill No. NOW, THEREFORE, BE IT RESOLVED, that, on the occasion of the Sixth Annual
[2013-1341](#) Trivia Bowl, the Council of the City of Pittsburgh does hereby recognize and thank
George Manos and the Board of Directors of Greater Pittsburgh Literacy Council for
their tireless dedication to their mission to improve the lives of Pittsburgh's
undereducated adults, their families, and the City as a whole; and

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh does hereby
declare Sunday, April 7th 2013 “Greater Pittsburgh Literacy Council Trivia Bowl
Day” in the City of Pittsburgh.

SPONSOR(S): PATRICK DOWD AND ALL MEMBERS

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

WILL OF COUNCIL

Bill No. NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh
[2013-1342](#) does hereby call upon AT&T to reverse this harmful decision and keep a strong
presence in Pittsburgh for many years to come.

SPONSOR(S): WILLIAM PEDUTO AND ALL MEMBERS

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

PUBLIC COMMENTS

PRESENTATION OF PAPERS

COUNCILMAN REVEREND RICKY V. BURGESS PRESENTS:

Bill No. Resolution authorizing the Mayor and the City Solicitor to enter into an Agreement
[2013-1327](#) with Leech, Tishman, Fuscaldo & Lampi, Steven M. Toprani, Esquire, for expert legal
consulting services associated with a review of policies and procedures applicable to
Bureau of Police Personnel employment outside of the Bureau of Police, at a cost not
to exceed \$10,000.00 (Ten Thousand Dollars and No Cents).

Read and referred to Finance and Law Committee

COUNCILMAN PATRICK DOWD PRESENTS:

Bill No. Resolution amending Resolution 740, effective December 4, 2012, entitled,
[2013-1329](#) Resolution requesting the approval of an inter-municipal transfer of restaurant liquor
license," so as to change the license and name FROM: License No. R-6449, from
Pintail Group, LLC, Monroeville Mall, Unit 300, Monroeville PA 15146, TO:
License No. R-12461 from 316 6th Street, LLC, located at 316 6th Street,
McKeesport, PA 15132 to Applicant TBM PA01, LLC, 204 Auila Road, West Palm
Beach FL 33405; into the premises to be known as The Beer Market, 110 Federal St.,
pursuant to amended Pennsylvania Liquor Code, §4-461.

SPONSOR(S): PATRICK DOWD

Read and referred to Intergovernmental Affairs Committee

Bill No. Ordinance amending the Pittsburgh Code, Title Nine, Zoning Code, Article V, Use
[2013-1330](#) Regulations, Chapter 912: Accessory Uses and Structures so as to amend Section
912.04.G Telecommunication Antennas.

SPONSOR(S): PATRICK DOWD

Read and referred to Land Use and Economic Development Committee

Bill No. Ordinance amending the Pittsburgh Code, Title Nine, Zoning Code, Article V, Use
[2013-1331](#) Regulations, Chapter 911: Primary Uses and Chapter 926: Definitions so as to
modernize language regarding Communication Towers and Antennas.

SPONSOR(S): PATRICK DOWD

Read and referred to Land Use and Economic Development Committee

Bill No. Ordinance amending the Pittsburgh Code, Title Nine, Zoning Code, Article V, Use
[2013-1332](#) Regulations, Chapter 911.02 Use Table for Communication Tower and Antenna.

SPONSOR(S): PATRICK DOWD

Read and referred to Land Use and Economic Development Committee

COUNCILMAN BRUCE A. KRAUS PRESENTS:

Bill No. Resolution providing for a Contract or Contracts, or use of existing Contracts,
[2013-1324](#) providing for an Agreement or Agreements, or use of existing Agreements, and
providing for the repairs, maintenance, improvements, emergencies and/or the
purchase of materials and supplies in connection with City Signal Upgrades; including
Construction Services; providing for a Reimbursement Agreement or Agreements with
the Commonwealth of Pennsylvania, Department of Transportation; and providing for
the payment of the costs thereof not to exceed \$900,000.00.

Read and referred to Public Works Committee

Bill No. Resolution providing for a Contract or Contracts or the use of existing Contracts;
[2013-1325](#) providing for an Agreement or Agreements or 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, not to exceed \$100,000.00.

Read and referred to Public Works Committee

Bill No. Resolution providing for a Contract or Contracts, or use of existing Contracts,
[2013-1326](#) providing for an Agreement or Agreements, or use of existing Agreements, and
providing for the repairs, maintenance, improvements, emergencies and/or the
purchase of materials and supplies in connection with Penn Avenue Construction,
Phase 1; including Construction Services; providing for a Reimbursement Agreement
or Agreements with the Commonwealth of Pennsylvania, Department of
Transportation; and providing for the payment of the costs thereof, not to exceed
\$3,500,000.00.

Read and referred to Public Works Committee

COUNCIL PRESIDENT DARLENE M. HARRIS PRESENTS:

Bill No. Resolution providing for the issuance of a warrant in favor of Omni Associates, LLC
[2013-1328](#) in the amount of \$7,715.00 in payment for services rendered for binding the municipal
record books for the City Clerk's Office.

SPONSOR(S): DARLENE HARRIS

Read and referred to Finance and Law Committee

UNFINISHED BUSINESS**REPORTS OF COMMITTEE - FINAL ACTION****COUNCILMAN REV. RICKY V. BURGESS PRESENTS COMMITTEE ON FINANCE
AND LAW**

Bill No. Report of the Committee on Finance and Law for March 20, 2013 with an Affirmative
[2013-1320](#) Recommendation.

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

Bill No. Resolution authorizing the issuance of a Warrant in the sum of \$9,000.00 in favor of
[2013-1249](#) Tracy Gray and Joseph H. Chivers, Esquire, her attorney, at 100 First Avenue, Suite
1010 Pittsburgh, PA 15222; in full and final settlement of a Complaint filed at EEOC
No. 846-2011-19533, and arising from an alleged violation of Title VII of the Civil
Rights Act of 1964, as amended.

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

Votes: Ayes: 8 - Rev. Burgess, Mrs. Harris, Mr. Kraus, Mr. Lavelle, Mr. O'Connor, Mr. Peduto, Ms. Rudiak and Mrs. Smith
Noes: 0
Abstentions: 0
Absent: 1 - Mr. Dowd

Bill No. Resolution authorizing the issuance of a Warrant in the sum of \$6,000.00 in favor of
[2013-1250](#) Celena Celender and Joseph H. Chivers, Esquire, her attorney, 100 First Avenue, Suite 1010 Pittsburgh, PA 15222; in full and final settlement of a Complaint filed at EEOC No. 533-2011-00393, and arising from an alleged violation of Title VII of the Civil Rights Act of 1964, as amended.

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

Votes: Ayes: 8 - Rev. Burgess, Mrs. Harris, Mr. Kraus, Mr. Lavelle, Mr. O'Connor, Mr. Peduto, Ms. Rudiak and Mrs. Smith
Noes: 0
Abstentions: 0
Absent: 1 - Mr. Dowd

Bill No. Resolution authorizing and directing the Mayor to issue and the City Controller to
[2013-1270](#) countersign a warrant in an amount to be determined by the Department of Finance to the Commonwealth of Pennsylvania representing payment required for unclaimed funds for the year 2007, pursuant to the provisions of Deposition of Abandoned and Unclaimed Property Act of August 9, 1971 P.L. 74.

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

Votes: Ayes: 8 - Rev. Burgess, Mrs. Harris, Mr. Kraus, Mr. Lavelle, Mr. O'Connor, Mr. Peduto, Ms. Rudiak and Mrs. Smith
Noes: 0
Abstentions: 0
Absent: 1 - Mr. Dowd

Bill No. Resolution providing for the acceptance by the City of Pittsburgh from the County of
[2013-1273](#) Allegheny for certain portions of property acquired by Allegheny County for the creation of the connection of Parkview Boulevard to Browns Hill Road and the relocation of Old Browns Hill Road in the 15th Ward at no cost to 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, Mrs. Harris, Mr. Kraus, Mr. Lavelle, Mr. O'Connor, Mr. Peduto, Ms. Rudiak and Mrs. Smith
Noes: 0
Abstentions: 0
Absent: 1 - Mr. Dowd

COUNCILWOMAN THERESA KAIL-SMITH PRESENTS COMMITTEE ON PUBLIC SAFETY SERVICES

Bill No. Report of the Committee on Public Safety Services for March 20, 2013 with an
[2013-1321](#) Affirmative Recommendation.

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

Bill No. Resolution authorizing and providing for an extension and/or amendment of lease
[2013-1274](#) agreement and/or agreements with Associated Investors, Inc. of certain indoor office space occupied by the Citizen Police Review Board for a term of five (5) years at a cost not to exceed \$104,166.80 for the first twenty (20) months of the lease term and

\$108,333.40 for the next twenty (20) months of the lease term and \$112,500.00 for the remaining (20) months of the lease term.

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

Votes: Ayes: 8 - Rev. Burgess, Mrs. Harris, Mr. Kraus, Mr. Lavelle, Mr. O'Connor, Mr. Peduto, Ms. Rudiak and Mrs. Smith
Noes: 0
Abstentions: 0
Absent: 1 - Mr. Dowd

COUNCILMAN BRUCE A. KRAUS PRESENTS COMMITTEE ON PUBLIC WORKS

Bill No. Report of the Committee on Public Works for March 20, 2013 with an Affirmative
[2013-1322](#) Recommendation.

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

Bill No. Resolution granting unto Jeffrey Catalina, 145 S. 22nd Street, Pittsburgh, PA 15203,
[2013-1275](#) his successor and assign, the privilege and license to construct, maintain and use at his own cost and expense, a sidewalk vault and two window wells located at 4300 Butler Street in the 9th Ward, 7th 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, Mrs. Harris, Mr. Kraus, Mr. Lavelle, Mr. O'Connor, Mr. Peduto, Ms. Rudiak and Mrs. Smith
Noes: 0
Abstentions: 0
Absent: 1 - Mr. Dowd

Bill No. Resolution vacating Addison Terrace-Elmore Street/Elmore Square/Reed Street/Grove
[2013-1276](#) Street in the 3rd & 5th Wards, 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, Mrs. Harris, Mr. Kraus, Mr. Lavelle, Mr. O'Connor, Mr. Peduto, Ms. Rudiak and Mrs. Smith
Noes: 0
Abstentions: 0
Absent: 1 - Mr. Dowd

Bill No. Resolution vacating a portion of Technology Drive between the east and west
[2013-1277](#) intersections of the relocated Technology Drive in the 4th 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, Mrs. Harris, Mr. Kraus, Mr. Lavelle, Mr. O'Connor, Mr. Peduto, Ms. Rudiak and Mrs. Smith
Noes: 0
Abstentions: 0
Absent: 1 - Mr. Dowd

Bill No. Resolution vacating a portion of McCrory Way between Federal Street and Hazlip
[2013-1278](#) Way in the 25th, 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, Mrs. Harris, Mr. Kraus, Mr. Lavelle, Mr. O'Connor, Mr. Peduto, Ms. Rudiak and Mrs. Smith
Noes: 0
Abstentions: 0
Absent: 1 - Mr. Dowd

Bill No.

[2013-1279](#)

Resolution vacating Putnam Street (aka Aurelia), Leggett Way, Festival Street (aka Kaufman Street) and Festival Street in the 7th, Ward, 8th 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, Mrs. Harris, Mr. Kraus, Mr. Lavelle, Mr. O'Connor, Mr. Peduto, Ms. Rudiak and Mrs. Smith
Noes: 0
Abstentions: 0
Absent: 1 - Mr. Dowd

Bill No.

[2013-1282](#)

Resolution authorizing the Department of Public Works to enter into a contract or contracts, agreement or agreements, lease or leases, professional service agreements or the use of existing contracts, leases or agreements, and other services, along with other approved expenditures and for the payment of supplies, equipment, materials, rentals, and other services for the Park Renovations in Lincoln Place using 2003 Capital funds in an amount not to exceed Seventy Five Thousand Dollars (\$75,000.00).

SPONSOR(S): COREY O'CONNOR

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

Votes: Ayes: 8 - Rev. Burgess, Mrs. Harris, Mr. Kraus, Mr. Lavelle, Mr. O'Connor, Mr. Peduto, Ms. Rudiak and Mrs. Smith
Noes: 0
Abstentions: 0
Absent: 1 - Mr. Dowd

COUNCILMAN PATRICK DOWD PRESENTS COMMITTEE ON INTERGOVERNMENTAL AFFAIRS

Bill No.

[2013-1323](#)

Report of the Committee on Intergovernmental Affairs Committee Report for March 20, 2013 with an Affirmative Recommendation.

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

Bill No.

[2013-1185](#)

Resolution requesting the approval of an inter-municipal transfer of restaurant liquor license, License No. R- 12002 from The Estate of Hubert C. Hall, 900 Island Ave., McKees Rocks, PA 15136, to Applicant, Bakery Social Restaurant L.P. for the premises located at 169-G Bakery Square Blvd. (6425 Penn Avenue.) , Pittsburgh, PA 15206, known as Bakery Social Restaurant 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:

Votes: Ayes: 8 - Rev. Burgess, Mrs. Harris, Mr. Kraus, Mr. Lavelle, Mr. O'Connor, Mr. Peduto, Ms. Rudiak and Mrs. Smith
Noes: 0
Abstentions: 0
Absent: 1 - Mr. Dowd

MOTIONS AND RESOLUTIONS

SEE WILL OF COUNCIL REGARDING AT&T PRESENTED UNDER PROCLAMATIONS

EXCUSE ABSENT MEMBER - Mr. Dowd

APPROVAL OF MINUTES

ADJOURNMENT

LEGISLATION PRESENTED BY SIGN LANGUAGE INTERPRETER