

City of Pittsburgh

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



Meeting Minutes - Final

Tuesday, December 1, 2015

10:00 AM

Council Chambers

City Council

ONE-HUNDRED

THIRTY-EIGHTH COUNCIL

Bruce A. Kraus, President of Council

***Council Members: Rev. Ricky V. Burgess, Dan Gilman, Deborah L. Gross, Darlene M. Harris,
R. Daniel Lavelle, Corey O'Connor, Natalia Rudiak, Theresa Kail-Smith***

Mary Beth Doheny, City Clerk - Kimberly Clark, Deputy City Clerk

A. ROLL CALL

Present 9 - Rev. Burgess, Mr. Gilman, Ms. Gross, Mrs. Harris, Mr. Lavelle, Mr. O'Connor, Ms. Rudiak, Mrs. Kail-Smith, and Mr. Kraus

B. PLEDGE OF ALLEGIANCE**C. PROCLAMATIONS**

[2015-2301](#) NOW THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby commend and celebrate the various health services organizations who have come together to lead the AIDS FREE PITTSBURGH effort and pledges our partnership and support to their goals; and,

AND, NOW THEREFORE BE IT FURTHER RESOLVED, that it is the Will of the Council of the City of Pittsburgh that all city residents and organizations join us in the fight against HIV/AIDS.

Sponsors: MR. KRAUS AND ALL MEMBERS

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

[2015-2302](#) NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby proclaim Tuesday, December 1, 2015 as “World AIDS Day” in the City of Pittsburgh.

Sponsors: MR. GILMAN, MR. KRAUS AND ALL MEMBERS

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

[2015-2303](#) ***NOW, THEREFORE BE IT RESOLVED*** that the Council of the City of Pittsburgh does hereby recognize and commend **Pittsburgh Allderdice High School** for its consistent and unwavering emphasis on academics, rigor and diversity in education and congratulates the students who have achieved National Merit Scholar designations; and,

BE IT FURTHER RESOLVED that the Council of the City of Pittsburgh does hereby declare Tuesday, December 1, 2015, to be “***ALLDERDICE NATIONAL MERIT SCHOLAR DAY***” in the City of Pittsburgh.

Sponsors: MR. O'CONNOR AND ALL MEMBERS

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

[2015-2304](#) ***NOW, THEREFORE BE IT RESOLVED*** that the Council of the City of Pittsburgh does hereby commend **Christopher** for his leadership, character, and dedication to his Troop and to his community; and

BE IT FURTHER RESOLVED that the Council of the City of Pittsburgh does hereby declare Wednesday, December 2, 2015 to be “***Christopher Kraemer Day***” in the City of Pittsburgh.

Sponsors: MR. O'CONNOR AND ALL MEMBERS

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

[2015-2305](#) ***NOW THEREFORE BE IT RESOLVED***, the the Council of the City of Pittsburgh does congratulate and honor Dr. Oscar E. Swan for his publication of Kaleidoscope of Poland: A Cultural Encyclopedia, and;

BE IT FURTHER RESOLVED, the the Council of the City of Pittsburgh does hereby declare December 1st 2015 to be “Kaleidoscope of Poland: A Cultural Encyclopedia Day” in the City of Pittsburgh.

Sponsors: MS. RUDIAK AND ALL MEMBERS

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

[2015-2306](#) ***BE IT FURTHER RESOLVED***, that the Council of the City of Pittsburgh does hereby declare Tuesday, December 1, 2015, to be “Bishop Canevin Girls Volleyball State Champions Day” in the City of Pittsburgh.

Sponsors: MRS. KAIL-SMITH AND ALL MEMBERS

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

D. PUBLIC COMMENTS

E. PRESENTATION OF PAPERS

COUNCILMAN DAN GILMAN PRESENTS:

[2015-2299](#) An Ordinance amending the Pittsburgh Code, Title Three Water, Article I, Administration, Chapter 303 Water Exoneration Hearing Board, by making changes to Section 303.01 Composition

Sponsors: MR. GILMAN AND MRS. KAIL-SMITH

Read and referred to the Committee on Intergovernmental Affairs

COUNCILWOMAN DEBORAH L. GROSS PRESENTS:

[2015-2295](#) Resolution authorizing the Mayor and the Director of the Department of City Planning to enter into a Cooperation Agreement for Program Administration Assistance with the Office of Public Art and its fiscal agent, the Greater Pittsburgh Arts Council, for an Artist in Residence Program associated with a potential National Endowments for the Arts grant award whereby the City/Welcome Pittsburgh of the Office of the Mayor would be a partner, and OPA/GPAC would be grant recipient and lead applicant. Further authorizing the Mayor and the Director of the Department of City Planning to encumber up to \$50,000 from City Planning Operating Funds.

Read and referred to the Committee on Land Use and Economic Development

COUNCILMAN R. DANIEL LAVELLE PRESENTS:

[2015-2296](#) Resolution authorizing the Mayor, the Director of Public Safety and/or the Chief of the Bureau of Emergency Medical Services (“EMS”) to enter into a Professional Services Agreement or Agreements with McKesson for the provision of ambulance billing services to the City of Pittsburgh. The costs associated with performance shall be based on a flat rate of 4.9%.

Read and referred to the Committee on Public Safety Services

[2015-2297](#) Resolution authorizing the City to enter into a Professional Services Agreement or Agreements with the University of Pittsburgh Medical Center for the purchase of pharmaceutical supplies, medications and services necessary for the daily operations of the Bureau of Emergency Medical Services for a period of four years commencing on or about January 1, 2016. Cost not to exceed \$48,000.00 annually.

Read and referred to the Committee on Public Safety Services

COUNCILWOMAN THERESA KAIL-SMITH PRESENTS:

[2015-2298](#) Resolution accepting the dedication of certain streets in the Summerset at Frick Park for public highway and utility purposes, accepting the grading, paving, curbing, sidewalks, light pole foundations, street lighting system, retaining walls, medians, street trees within the public right of way, and fixing the width and position of the roadway and sidewalk thereof in the 14th and 15th Wards of the City of Pittsburgh, Council District 5.

Read and referred to the Committee on Public Works

COUNCILMAN BRUCE A. KRAUS PRESENTS:

[2015-2300](#) Petition from the residents of the City of Pittsburgh requesting a Public Hearing before City Council relative to Bill No. 2015-2259 as it relates to the zoning change of Enright Parklet. (Valid Petition)

A motion was made that this matter be Read and referred to the Committee on Hearings . The motion carried.

F. UNFINISHED BUSINESS

G. REPORTS OF COMMITTEE - FINAL ACTION

COUNCILWOMAN NATALIA RUDIAK PRESENTS COMMITTEE ON FINANCE AND LAW

[2015-2288](#) Report of the Committee on Finance and Law for November 23, 2015 with an Affirmative Recommendation.

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

[2015-2228](#) Resolution authorizing issuance of two (2) warrants as follows: one warrant in the amount of \$4,578.69, in favor of Marcus & Carole Gottlieb 307 S. Dithridge Street, Apt. 802, Pittsburgh, PA 15213 and one warrant in the amount of \$1,000.00, in favor of Alan & Linda Gordon, 5400 Albemarle Avenue, Pittsburgh, PA 15217, in settlement of their claim for property damage to the sewer lateral at 5400 Albemarle Avenue from encroachment of roots of a city tree during May/June 2014.

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

Aye: 8 - Rev. Burgess, Mr. Gilman, Ms. Gross, Mrs. Harris, Mr. Lavelle, Ms. Rudiak, Mrs. Kail-Smith, and Mr. Kraus

No: 0

Abstain: 0

Out of Room: 1 - Mr. O'Connor

[2015-2230](#) 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. A: 5229 Poe

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

Aye: 8 - Rev. Burgess, Mr. Gilman, Ms. Gross, Mrs. Harris, Mr. Lavelle, Ms. Rudiak, Mrs. Kail-Smith, and Mr. Kraus

No: 0

Abstain: 0

Out of Room: 1 - Mr. O'Connor

[2015-2231](#) 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 Side Yard Program.
ITEMS A through F. A: 908 Cherokee, B: 5438 Camelia, C: 7806 Kelly, & 7809 Formosa, D: 5017 & 5019 Blair, E: 959 Kirkbride, F: 205 Knox

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

Aye: 8 - Rev. Burgess, Mr. Gilman, Ms. Gross, Mrs. Harris, Mr. Lavelle, Ms. Rudiak, Mrs. Kail-Smith, and Mr. Kraus

No: 0

Abstain: 0

Out of Room: 1 - Mr. O'Connor

[2015-2232](#) Resolution authorizing the Director of Finance to enter into a contract or agreement, or use of existing contract or agreement with the Pittsburgh Community Reinvestment Group for the purpose of providing an annual analysis of community reinvestment of possible City depositories and other associated work associated with RFPs for City Depository Analysis. The contract will be with the Department of Finance and the contract period shall be for January 1 to December 31, 2015, renewable annually for up to three (3) years by mutual agreement of the parties. Total cost for 2015 is \$20,000.

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

Aye: 8 - Rev. Burgess, Mr. Gilman, Ms. Gross, Mrs. Harris, Mr. Lavelle, Ms. Rudiak, Mrs. Kail-Smith, and Mr. Kraus

No: 0

Abstain: 0

Out of Room: 1 - Mr. O'Connor

[2015-2233](#) 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 2016, by fixing the rate of interest on delinquent Earned Income Tax for the year 2016.

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

Aye: 8 - Rev. Burgess, Mr. Gilman, Ms. Gross, Mrs. Harris, Mr. Lavelle, Ms. Rudiak, Mrs. Kail-Smith, and Mr. Kraus

No: 0

Abstain: 0

Out of Room: 1 - Mr. O'Connor

[2015-2234](#) 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 2016, by fixing the rate of interest on delinquent Home Rule Tax for the year 2016.

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

Aye: 8 - Rev. Burgess, Mr. Gilman, Ms. Gross, Mrs. Harris, Mr. Lavelle, Ms. Rudiak, Mrs. Kail-Smith, and Mr. Kraus

No: 0

Abstain: 0

Out of Room: 1 - Mr. O'Connor

[2015-2235](#) 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 for 2016.

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

Aye: 8 - Rev. Burgess, Mr. Gilman, Ms. Gross, Mrs. Harris, Mr. Lavelle, Ms. Rudiak, Mrs. Kail-Smith, and Mr. Kraus

No: 0

Abstain: 0

Out of Room: 1 - Mr. O'Connor

[2015-2262](#) Ordinance amending the Pittsburgh Code, Title Two, Fiscal; Article IX, Property Taxes; Chapter 263, Real Property Tax and Exemption; Section 263.02, Payment Options, Discount and Delinquency Penalty, subsection (a), Discount in advance, subsection (c), Interest for late payments, and subsection (d), Due dates for tax year 2016 only, to reflect the payment, discount and delinquent dates for the year 2016.

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

Aye: 8 - Rev. Burgess, Mr. Gilman, Ms. Gross, Mrs. Harris, Mr. Lavelle, Ms. Rudiak, Mrs. Kail-Smith, and Mr. Kraus

No: 0

Abstain: 0

Out of Room: 1 - Mr. O'Connor

COUNCILMAN R. DANIEL LAVELLE PRESENTS COMMITTEE ON PUBLIC SAFETY SERVICES

[2015-2289](#) Report of the Committee on Public Safety Services for November 23, 2015 with an Affirmative Recommendation.

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

[2015-2227](#) Ordinance amending the Pittsburgh City Code, Title Five: Traffic, Article VII: Parking; by amending language to Sections 541.01, 541.03, and 541.05.

Sponsors: MR. GILMAN

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:

Aye: 9 - Rev. Burgess, Mr. Gilman, Ms. Gross, Mrs. Harris, Mr. Lavelle, Mr. O'Connor, Ms. Rudiak, Mrs. Kail-Smith, and Mr. Kraus

No: 0

Abstain: 0

COUNCILWOMAN THERESA KAIL-SMITH PRESENTS COMMITTEE ON PUBLIC WORKS

[2015-2290](#) Report of the Committee on Public Works for November 23, 2015 with an Affirmative Recommendation.

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

[2015-2242](#) Resolution authorizing the Mayor and the Directors of the Department of Parks and Recreation and the Department of Public Works to enter into a License and Project Agreement with United Way of Allegheny County, a Pennsylvania non-profit corporation, to renovate Stargell Field in Homewood Park.

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

Aye: 9 - Rev. Burgess, Mr. Gilman, Ms. Gross, Mrs. Harris, Mr. Lavelle, Mr. O'Connor, Ms. Rudiak, Mrs. Kail-Smith, and Mr. Kraus

No: 0

Abstain: 0

[2015-2243](#) Resolution establishing the locations of certain property and accepting these locations as right-of-way for Wenzell Avenue in the 20th Ward, 2nd Council District of the City of Pittsburgh.

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

Aye: 9 - Rev. Burgess, Mr. Gilman, Ms. Gross, Mrs. Harris, Mr. Lavelle, Mr. O'Connor, Ms. Rudiak, Mrs. Kail-Smith, and Mr. Kraus

No: 0

Abstain: 0

[2015-2280](#) Resolution granting unto unto Pittsburgh Downtown Partnership, 925 Liberty Avenue, 4th Floor, Pittsburgh, PA 15222, their successors and assigns, the privilege and license to construct, maintain and use at their own cost and expense, two bus shelters with lean rails on the sidewalk area at 623 Smithfield Street 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:

Aye: 9 - Rev. Burgess, Mr. Gilman, Ms. Gross, Mrs. Harris, Mr. Lavelle, Mr. O'Connor, Ms. Rudiak, Mrs. Kail-Smith, and Mr. Kraus

No: 0

Abstain: 0

COUNCILMAN REV. RICKY BURGESS PRESENTS COMMITTEE ON HUMAN RESOURCES

[2015-2291](#) Report of the Committee on Human Resources for November 23, 2015 with an Affirmative Recommendation.

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

[2015-2224](#) Resolution amending Resolution No. 23 of 2014 providing that the City of Pittsburgh enter into a Professional Services Agreement(s) and/or Contract(s) with UPMC LifeSolutions for professional services in connection with the administration of the City of Pittsburgh's Employee Assistance Program; by increasing the total cost from \$141,700.00 to \$212,550.00, and extending the contract one (1) calendar year through 2016.

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

Aye: 9 - Rev. Burgess, Mr. Gilman, Ms. Gross, Mrs. Harris, Mr. Lavelle, Mr. O'Connor, Ms. Rudiak, Mrs. Kail-Smith, and Mr. Kraus

No: 0

Abstain: 0

COUNCILWOMAN DEBORAH L. GROSS PRESENTS COMMITTEE ON LAND USE & ECONOMIC DEVELOPMENT

[2015-2292](#) Report of the Committee on Land Use and Economic Development for November 23, 2015 with an Affirmative Recommendation.

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

[2015-2226](#) Ordinance amending and supplementing the Pittsburgh Code, Title Four, Public Places and Property, Article I, Public Rights of Way, Section 420.10, to clarify street naming notification procedures.

Sponsors: MR. GILMAN

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

Aye: 9 - Rev. Burgess, Mr. Gilman, Ms. Gross, Mrs. Harris, Mr. Lavelle, Mr. O'Connor, Ms. Rudiak, Mrs. Kail-Smith, and Mr. Kraus

No: 0

Abstain: 0

[2015-2244](#) Ordinance amending Ordinance No. 41, effective 11-2-2015, entitled, "Ordinance amending the Pittsburgh Code, Title IV, Public Places and Property, Article VII, City Realty, by adding subsection (d) to Section 452.02 and deleting 452.04 in its entirety.

Sponsors: MRS. KAIL-SMITH

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:

Aye: 9 - Rev. Burgess, Mr. Gilman, Ms. Gross, Mrs. Harris, Mr. Lavelle, Mr. O'Connor, Ms. Rudiak, Mrs. Kail-Smith, and Mr. Kraus

No: 0

Abstain: 0

COUNCILMAN COREY O'CONNOR PRESENTS COMMITTEE ON URBAN RECREATION

[2015-2293](#) Report of the Committee on Urban Recreation for November 23, 2015 with an Affirmatiave Recommendation.

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

[2015-2229](#) Ordinance supplementing the Pittsburgh Code of Ordinances, Title IV: Public Places and Property, Article XI: Parks and Playgrounds, Chapter 473: Use Regulations, § 473.05 - Behavior; by adding new language designating parks and playground as "Tobacco-Free."

Sponsors: MR. O'CONNOR, REV. BURGESS AND MR. KRAUS

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

A motion was made that this matter be RECOMMITTED to the Committee on Urban Recreation . The motion failed by the following vote:

Aye: 3 - Ms. Gross, Mrs. Harris, and Mrs. Kail-Smith

No: 6 - Rev. Burgess, Mr. Gilman, Mr. Lavelle, Mr. O'Connor, Ms. Rudiak, and Mr. Kraus

Abstain: 0

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

Aye: 7 - Rev. Burgess, Mr. Gilman, Mr. Lavelle, Mr. O'Connor, Ms. Rudiak, Mrs. Kail-Smith, and Mr. Kraus

No: 1 - Mrs. Harris

Abstain: 1 - Ms. Gross

COUNCILWOMAN DARLENE M. HARRIS PRESENTS COMMITTEE ON PERFORMANCE AND ASSET MANAGEMENT

[2015-2294](#) Report of the Committee on Performance and Asset Management for November 23, 2015 with an Affirmative Recommendation.

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

[2015-2101](#) Resolution authorizing the Mayor and the Director of the Office of Management and Budget to enter into a professional services agreement to develop a 40-Year Facilities Optimization Plan and Investment Strategy for the City of Pittsburgh at a cost not to exceed \$1,000,000.00.

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

Aye: 9 - Rev. Burgess, Mr. Gilman, Ms. Gross, Mrs. Harris, Mr. Lavelle, Mr. O'Connor, Ms. Rudiak, Mrs. Kail-Smith, and Mr. Kraus

No: 0

Abstain: 0

I. MOTIONS AND RESOLUTIONS

K. EXCUSE ABSENT MEMBERS

L. APPROVAL OF MINUTES

M. ADJOURNMENT

P LEGISLATION PRESENTED BY SIGN LANGUAGE INTERPRETER