

# Allegheny County Council

*County of Allegheny  
436 Grant Street  
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## Agenda Synopsis

**Tuesday, December 1, 2009**

**5:00 PM**

**Regular Meeting, Fourth Floor, Gold Room**

## County Council

*Rich Fitzgerald, President; Chuck Martoni, Vice-President; Jim Burn, Joan Cleary, John DeFazio, Matt Drozd, Jim Ellenbogen, Mike Finnerty, Nick Futules, Vince Gastgeb, Amanda Green, Bob Macey, Chuck McCullough, Jan Rea, and William Russell Robinson - Members*

*Copies of all proposed legislation contained in this agenda can be viewed or obtained from the Chief Clerk, Office of County Council, Room 119 Courthouse, 436 Grant Street, Pittsburgh, PA 15219 Phone: 412-350-6495, or on Council's web site: [www.county.allegheny.pa.us/council](http://www.county.allegheny.pa.us/council).*

**I. Call To Order****II. Pledge of Allegiance****III. Silent Prayer or Reflection****IV. Roll Call**

**Roll Call:** Present: Council Member Burn, Council Member Cleary, Council Member DeFazio, Council Member Drozd, Council Member Ellenbogen, Council Member Finnerty, Council Member Futules, Council Member Gastgeb, Council Member Green, Council Member Macey, Council Member Martoni, Council Member McCullough, Council Member Rea, Council Member Robinson and President Fitzgerald

**V. Proclamations/Certificates**

**5242-09** Proclamation honoring the Children's Museum of Pittsburgh for receiving the 2009 National Medal of Museum and Library Service from the Institute of Museum and Library Service.

**Presented**

**5243-09** Proclamation congratulating Pittsburgh Public Schools for receiving a grant award from the Bill and Melinda Gates Foundation.

**Presented**

**5244-09** Certificates of Achievement awarded to the Shady Side Academy girls' golf team for winning WPIAL and PIAA championships.

**Presented**

**5245-09** Certificates of Achievement awarded to the Shady Side Academy girls' field hockey team for winning a WPIAL championship.

**Presented**

**5246-09** Certificates of Achievement awarded to the Springdale High School girls' soccer team for winning a WPIAL championship.

**Presented**

**5247-09** Certificates of Achievement awarded to the CCAC South baseball team for winning its fourth consecutive WPCC and PCAA championships.

**Presented**

**5249-09** Certificates of Achievement awarded to the Mt. Lebanon High School boys' soccer team for winning a WPIAL championship.

**Presented**

5250-09 Proclamation honoring the 140th anniversary of Chatham University.

Read

5252-09 Certificates of Achievement awarded to the West Allegheny High School girls' volleyball team for winning a WPIAL championship.

Read

5253-09 Certificate of Achievement honoring Cody A. Perrett of Boy Scout Troop 504 for earning the rank of Eagle Scout.

Read

5255-09 Proclamations honoring Leonard Brennan and Earl Hendricks of Verona Borough Council for their dedicated service to the community.

Read

5256-09 Proclamations honoring Allan Kennedy of Oakmont Borough Council for his dedicated service to the community.

Read

5257-09 Certificates of Achievement awarded to the Mt. Lebanon High School girls' volleyball team for winning a WPIAL championship.

Read

5258-09 Certificate of Recognition honoring the 50th wedding anniversary of John and Patricia Sperhac.

Read

5259-09 Certificate of Recognition honoring the 50th wedding anniversary of Richard and Shirley Kociban.

Read

5260-09 Certificate of Recognition celebrating the 100th birthday of Helen Reed.

Read

5261-09 Certificates of Recognition honoring Brentwood School District schools for receiving Keystone Achievement Awards.

Read

## VI. Public Comment On Agenda Items

## VII. Approval of Minutes

**5262-09**

Motion to approve the Minutes of the Regular Meeting of Allegheny County Council held on November 4, 2009.

**A motion was made that this matter be Passed. The motion carried unanimously.**

## **VIII. Presentation of Appointments**

**5236-09**

Communication from Chief Executive Dan Onorato submitting his recommendation of Stephan A. Broadus for appointment to the Human Relations Commission of the County of Allegheny for a term to expire on December 31, 2010.

**Referred to the Committee on Appointment Review**

**5270-09**

Approving the reappointment of Michael Louik to serve as a Member of the Accountability, Conduct and Ethics Commission for a term to expire on December 3, 2014.

**A motion was made that this matter be Passed. The motion carried unanimously.**

## **IX. Unfinished Business**

### **Committee on Budget and Finance - Second Reading**

**5179-09**

An Ordinance of the County of Allegheny, Commonwealth of Pennsylvania, establishing the tax levy upon all real property subject to taxation within the limits of Allegheny County.

**A motion was made that this matter be Passed for Chief Executive Signature. The motion carried by the following vote:**

**Votes:** Yes: 15 - Council Member Burn, Council Member Cleary, Council Member DeFazio, Council Member Drozd, Council Member Ellenbogen, Council Member Finnerty, Council Member Futules, Council Member Gastgeb, Council Member Green, Council Member Macey, Council Member Martoni, Council Member McCullough, Council Member Rea, Council Member Robinson and President Fitzgerald

**5180-09**

A Resolution of the County of Allegheny, Commonwealth of Pennsylvania, adopting an Operating Budget pursuant to Article IV, §2 and Article VII, §4 of the Home Rule Charter, by setting forth appropriations to pay the expenses of conducting the public business of Allegheny County and for meeting debt charges for the fiscal year beginning January 1, 2010 and ending December 31, 2010.

**A motion was made that this matter be Passed for Chief Executive Signature. The motion carried by the following vote:**

**Votes:** Yes: 14 - Council Member Burn, Council Member Cleary, Council Member DeFazio, Council Member Drozd, Council Member Ellenbogen, Council Member Finnerty, Council Member Futules, Council Member Gastgeb, Council Member Green, Council Member Macey, Council Member Martoni, Council Member Rea, Council Member Robinson and President Fitzgerald  
Noes: 1 - Council Member McCullough

**5181-09**

Resolution of the County of Allegheny, Commonwealth of Pennsylvania,

adopting a Capital Budget pursuant to Article IV, §2 and Article VII, §4 of the Home Rule Charter by setting forth appropriations to pay the expenses for capital expenditures during the fiscal year beginning January 1, 2010 and ending December 31, 2010.

**A motion was made that this matter be Amended and Passed for Chief Executive Signature. The motion carried by the following vote:**

**Votes:** Yes: 14 - Council Member Burn, Council Member Cleary, Council Member DeFazio, Council Member Ellenbogen, Council Member Finnerty, Council Member Futules, Council Member Gastgeb, Council Member Green, Council Member Macey, Council Member Martoni, Council Member McCullough, Council Member Rea, Council Member Robinson and President Fitzgerald  
Noes: 1 - Council Member Drozd

**5182-09**

Resolution of the County of Allegheny, Commonwealth of Pennsylvania, adopting the Grants Budget, Special Accounts Budget, and Agency Fund Budget, by setting forth appropriations to pay said expenses during the fiscal year beginning January 1, 2010 and ending December 31, 2010.

**A motion was made that this matter be Passed for Chief Executive Signature. The motion carried by the following vote:**

**Votes:** Yes: 14 - Council Member Burn, Council Member Cleary, Council Member DeFazio, Council Member Drozd, Council Member Ellenbogen, Council Member Finnerty, Council Member Futules, Council Member Gastgeb, Council Member Green, Council Member Macey, Council Member Martoni, Council Member Rea, Council Member Robinson and President Fitzgerald  
Abstentions: 1 - Council Member McCullough

**5215-09**

A Resolution of the County of Allegheny amending the Grants and Special Accounts Budget for 2009 (Submission #20-09).

**A motion was made that this matter be Passed for Chief Executive Signature. The motion carried by the following vote:**

**Votes:** Yes: 14 - Council Member Burn, Council Member Cleary, Council Member DeFazio, Council Member Drozd, Council Member Ellenbogen, Council Member Finnerty, Council Member Futules, Council Member Gastgeb, Council Member Green, Council Member Macey, Council Member Martoni, Council Member Rea, Council Member Robinson and President Fitzgerald  
Abstentions: 1 - Council Member McCullough

**X. Liaison Reports**

**XI. New Business - Ordinances & Resolutions**

**5237-09**

An Ordinance authorizing the extension of the term of Ordinance No. 57-07-OR, enacted December 18, 2007, allowing the Department of Public Works to take certain actions on behalf of County Council with respect to the issuance of highway occupancy permits, the grant of certain licenses, rights of entry and easements, and the amicable acquisition of certain real estate affecting County public work projects and other matters for calendar years 2008 and 2009.

**Referred to the Committee on Public Works**

**5238-09**

An Ordinance of the County of Allegheny, Commonwealth of Pennsylvania,

amending Ordinance No. 07-06, the current schedule of facility and recreational rates and fees for the use of County recreational and park facilities.

**Referred to the Committee on Parks**

**5264-09**

An Ordinance of the County of Allegheny, Commonwealth of Pennsylvania, amending Ordinance No. 07-06, the existing schedule of facility and recreational rates and fees for the use of County recreational and park facilities.

**Referred to the Committee on Parks**

**5239-09**

Resolution of the County of Allegheny authorizing the issuance of tax and revenue anticipation notes in the aggregate principal amount of \$50,000,000; providing for the date, interest rate, maturity date and place of payment in respect of the notes; accepting a proposal for the purchase of the notes; providing for the security of the notes; authorizing the proper officers to execute and deliver the notes; authorizing and directing the preparation, certification and filing of the proceedings with the Department of Community and Economic Development; appointing a paying agent and registrar; approving a form of note; and repealing inconsistent resolutions.

**Referred to the Committee on Budget and Finance**

**5240-09**

A Resolution approving a Project for the benefit of UPMC, doing business as the University of Pittsburgh Medical Center ("UPMC"), to be financed by the Allegheny County Hospital Development Authority by the issuance of the Authority's tax-exempt refunding bonds, to be issued in one or more series, in a principal amount not to exceed \$1,175,000,000, provided that the taxing power of the County of Allegheny, Pennsylvania, shall not be obligated in any way with respect to the Bonds (hereinafter defined), and determining that the purpose of the financing will be to benefit the health and welfare of the citizens of Allegheny County, Pennsylvania.

**Referred to the Committee on Economic Development & Housing**

**5241-09**

A Resolution of the County of Allegheny amending the Grants and Special Accounts Budget for 2009 (Submission #21-09).

**Referred to the Committee on Budget and Finance**

**5265-09**

A Resolution of the County of Allegheny, Commonwealth of Pennsylvania, directing the County Solicitor to undertake a challenge to the tax exempt status of all parcels owned by UPMC within Allegheny County, consistent with the terms of the Institutions of Purely Public Charity Act, 10 P.S. §371 et. s

**Referred to the Committee on Economic Development & Housing**

**5266-09**

A Resolution of the County of Allegheny, Commonwealth of Pennsylvania, directing the County Solicitor to undertake a challenge to the tax exempt status of all parcels comprising the UPMC Braddock hospital site, consistent with the

terms of the Institutions of Purely Public Charity Act, 10 P.S. §371 et. s

**Referred to the Committee on Economic Development & Housing**

**5272-09**

A Resolution of the County of Allegheny authorizing the distribution of certain assets of the Allegheny County Economic Development, Community Infrastructure and Tourism Board to the Redevelopment Authority of Allegheny County, as agent for the County of Allegheny; ratifying and adopting all actions of the Allegheny County Economic Development, Community Infrastructure and Tourism Board as actions of Allegheny County; appointing the Redevelopment Authority of Allegheny County as agent for Allegheny County for the purpose of administering the FY 2007-08 funds provided for use in the County under the Pennsylvania Race Horse Development and Gaming Act and previously accepted by the County; and approving an Agency Agreement with the Redevelopment Authority of Allegheny County regarding the FY 2007-08 funds.

**Referred to the Committee on Economic Development & Housing**

**5273-09**

A Resolution of the County of Allegheny, Commonwealth of Pennsylvania, establishing a "bond embargo" as County policy regarding bond issuances requiring the approval of Allegheny County Council for the benefit of UPMC.

**Referred to the Committee on Economic Development & Housing**

## **XII. New Business - Motions**

**5267-09**

Motion of the Council of Allegheny County amending the Rules of Council for Allegheny County Council to provide for the availability of a copy of Robert's Rules of Order and the Rules of Council for each Council Member at every Regular Meeting.

*No Action Taken*

**5268-09**

Motion of the Council of Allegheny County pulling Bill No. 5205-09, amending and conforming Article 210 of the Administrative Code entitled "Assessment Standards and Practices" to: comply with the Pennsylvania Supreme Court's decision in Clifton, et al. v. Allegheny County and Pierce, et al. v. Allegheny County by providing a methodology to equalize base year values through periodic, computer assisted, countywide reassessments; phase-in increases to property assessments so as to protect property owners from the undue financial burden of such increases; and to preclude the County and local taxing bodies from obtaining "windfall" property tax revenues as a result of any adjustments to the base year system, from committee for an immediate final vote.

**Defeated due to lack of second**

**5269-09**

Motion of the Council of Allegheny County to establish a means of convening a working group, with representation from the Executive and Legislative branches of County of Allegheny, to analyze and work toward a cooperative solution to the

issue of tax exemptions for nonprofit entities.

**A motion was made that this matter be Amended and Passed as Amended. The motion carried unanimously.**

**5271-09** Motion of the Council of Allegheny County censuring Council Member Chuck McCullough for remarks made during the course of the November 4, 2009 Regular Meeting of Council which, in the judgment of Council, violate the standards established by the Allegheny County Ethics Code.

**Referred to the Committee on Government Reform**

**XIII. Notification of Contracts**

**5263-09** Communication from County Manager Jim Flynn submitting a summary of Executive Actions relating to contracts for the month of October, 2009.

**Received and Filed**

**XIV. Public Comment on General Items**

**XV. Adjournment**