

The City Council met in regular session in the Council Chambers on Wednesday
December 19, 2007 at 9:00 a.m.

Council members present: Cappabianca, González, Horan-Kunco, Jones, Schember,
Thompson and Jenkins-Husband. 7.

On motion of Mr. Thompson, Seconded by Mr. Schember, the reading of the minutes
of the meeting of December 5, 2007 were dispensed with and same adopted with copies
furnished to the members of City Council by yeas Cappabianca, González, Horan-Kunco,
Jones, Schember, Thompson and Jenkins-Husband. 7. Nays. 0.

Copies of the bills under date of December 14 and December 21, 2007 were given to
City Council and same adopted by yeas Council Members Cappabianca, González, Horan-
Kunco, Jones, Schember, Thompson and Jenkins-Husband. 7. Nays. 0., with the
exception of invoices to the NATO Centers on which Mrs. Jenkins-Husband abstained from
voting.

By Mrs. Jenkins-Husband, Council File Ordinance #15,558, and now known as Pending
Official File Ordinance #65-2007, entitled
an ordinance fixing the tax rate for **general government purposes** at the rate of
11.45 mills upon each dollar of assessed valuation of real estate for the fiscal year
2008 (beginning on January 1 and ending on December 31, 2008), enacted at a levy of
1.86 mills of each dollar of assessed valuation of real estate for debt service
purposes and at 9.59 mills upon each dollar of assessed valuation for real estate tax
purposes.

December 19, 2007. City Council on motion of Mrs. Jenkins-Husband, Seconded by
Mr. Schember, having read Council File Ordinance #15,558 and now known as Pending
Official File Ordinance #65-2007, does hereby adopt by yeas Council Members Cappabianca,
González, Horn-Kunco, Jones, Schember, Thompson and Jenkins-Husband. 7. Nays. 0.

December 19, 2007. Signed by the President. Attested by the City Clerk.

By Mrs. Jenkins-Husband, Council File Ordinance #15,559 and now known as Pending
Official File Ordinance #66-2007, entitled

an ordinance adopting the General Fund and certain other budgets for the fiscal
year beginning January 1, 2008 and ending December 31, 2008, with the sum of
\$57,144,263.00 to General Fund Accounts and a total of All Funds account of
\$110,403,139.00.

December 19, 2007. City Council on motion of Mrs. Jenkins-Husband, Seconded by
Mr. Schember, having read Council File Ordinance #15,560 and now known as Pending
Official File Ordinance #66-2007, does hereby adopt on final Passage by yeas Council
Members, Cappabianca, González, Horan-Kunco, Jones, Schember, Thompson and Jenkins-
Husband. 7. Nays. 0.

December 19, 2007. Signed by the President. Attested by the City Clerk.

By Mrs. JENKINS-HUSBAND, Council File Ordinance #15,561 and now known as Pending Official
File Ordinance #67-2007,

an ordinance amending the Codified Ordinances of the City of Erie, Part
Three (Business Regulation and Taxation Code, Title Five (Act 511 Taxes), Article 375
(Emergency and Municipal Services Tax), by repealing Article 375, and enacting a new
Article 375 to be entitled Local Services Tax.

December 19, 2007. City Council on motion of Mrs. Jenkins-Husband, Seconded by Mr.
Schember, having read council File Ordinance #15,561 and now known as Pending Official
File Ordinance #67-2007, does hereby adopt by yeas Council Members Cappabianca,
González, Horan-Kunco, Jones, Schember, Thompson and Jenkins-Husband. 7. Nays. 0.

December 19, 2007. Signed by the President. Attested by the City Clerk.

By Mrs. Jenkins-Husband, Council File Ordinance #15,562, Pending Official File
Ordinance #68-2007,

an ordinance amending the Codified Ordinances of the City of Erie, Article Three
(Business Regulation and Taxation Code), Article 578 **(Amusements)**, Section 378.08
(Sunset Provision) by eliminating Section 378.08, thereby enacting the amusement tax
permanently.

December 19, 2007. City Council on motion of Mrs. Jenkins-Husband, Seconded by
Mr. Schember, having read Council File Ordinance #15,562 and now known as Pending
Official file Ordinance #68-2007 by yeas Council Members Cappabianca, González, Horan-
Kunco, Jones, Schember, Thompson and Jenkins-Husband. 7. Nays. 0.

December 19, 2007. Signed by the President. Attested by the City Clerk.

By Mrs. Horan-Kunco, Council File Ordinance #15,563

an ordinance appropriating the sum of **\$691,645.00** from Community Development Block Grant reprogrammed funds, Account #501-0000-0000-3301 Federal Operating Grant HUD-CDBG and providing the expenditure thereof by allocating said sum to Account #501-1245-2007-4072 Land & Buildings (\$300,000.00) in Park/Playground Improvement and 501-1252-2007-4582 ERA -Housing Rehabilitation (\$279,200.00) #4598 ERA-NRSA Rehabilitation (\$90,850.00) and #4556 Retail Development Services (\$21,595.00) in Community Development Projects.

December 19, 2007. City Council on motion of Mrs. Horan-Kunco, Seconded by Mr. González, having read Council File Ordinance #15,563, does hereby adopt on First Reading by yeas Council Members Cappabianca, González, Horan-Kunco, Jones, Schember, Thompson and Jenkins-Husband. 7. Nays. 0.

By Mr. Jones, Council File Ordinance #15,564

an ordinance amending the Codified Ordinances of the City of Erie, Part One (Administrative Code), Title Seven (Employment Provisions, Pensions), Article 149 (**Firefighters' Pension Fund**), Section 149.07, (Controlling Provisions of the Internal Revenue Code), Subsection 149.07(m) (Direct Rollover) and Subsection 149.07(n) EGTRRA - Required Rollover Provision) by amending said subsections in their entirety to allow the Plan to make rollovers to other qualified plans, to receive rollovers from other qualified plans and to expand the method of financing the purchase of service credit but only to the extent otherwise permitted under this Plan.

December 19, 2007. City Council on motion of Mr. Jones, Seconded by Mrs. Horan-Kunco, having read Council File Ordinance #15,564, does hereby adopt on First Reading by yeas Council Members Cappabianca, González, Jones, Schember, Thompson and Jenkins-Husband. 7. Nays. 0.

To: Dave Mulvihill
From: David González
Re: Janitorial Service

December 12, 2007

David:

City Council tabled the award of the Janitorial Services contract to ISS Facility Services at its December 5, 2007 meeting with the intention of Public Works re-bidding the contract with a provision in the specifications stating that the company that would be awarded the contract would have to be headquartered within 50 miles of the City of Erie.

In addition to our other concerns regarding limiting contracts to local companies, we have serious concerns that are addressed in the PA Purchasing Handbook. Our Solicitor's office recommends that we do not re-bid the contract as there is a strong potential for legal action against the City by ISS Facility Services for the following reason:

1. Janitorial services are not considered to be professional services and therefore must be bid.
2. The price component to the RFP responses received by the City from ISS Facility Services and Bonded Services were bid prices.
3. ISS Facility Services was the lowest responsible bidder and met all of the specifications of the City. The Handbook also states that:
Where the lowest bidder has been by-passed without any investigation, the courts have upheld surcharges against municipal officers (see Page 20 of the attached handbook).
4. The City cannot reject the lowest bid on grounds that in effect amount to a change in the proposal where the lowest bidder met the original specifications (see Page 20 of the attached handbook).

We are requesting that the contract to ISS Facility Services be placed back on Council's agenda for the December 19, 2007 meeting. The current contract with Bonded Services expires on December 31, 2007.

Thank you for your attention to this matter. If you need additional information or have any questions, please don't hesitate to contact me by e-mail or at 870-2451.

By Mr. González, Seconded by Mr. Schember, Resolved, etc.,

That the Mayor and City Controller are authorized and directed to enter into a two year contract with **ISS Facility Services**, 101 S. Mercer Street, Suite 206, New Castle, Pa., for providing Janitorial Services for the City of Erie Municipal Building for the amount of \$83,077.00 for 2007 and \$84,921,72 for 2009.

Be It Further Resolved, that the City Council does hereby ratify and confirm the said transaction, which is to be charged to Public Buildings General Fund #002-0723-0000-4059.

December 19, 2007. City Council adopt by yeas Council Members González, Horan-Kunco, Jones, Schember and Jenkins-Husband. 5. Nays. Cappabianca and Thompson. 2.

December 19, 2007. Signed by the President. Attested by the City Clerk.

By Mrs. Jenkins-Husband, Seconded by Council Members Cappabianca, González, Horan-Kunco, Jones, Schember and Thompson,
Resolved, by the Council of the City of Erie, That

WHEREAS, City council wishes to pay special tribute to the **Strong Vincent High School Varsity Football Team** upon completing a successful season by finishing with a record eleven wins against only three losses and winning the 2007 District 10 PIAA Championship advancing them to the state tournament in the State Semi-Final round in Class AAA.

WHEREAS, the Strong Vincent High School Varsity Football Team is recognized for their athletic and scholastic ability along with their conscientious and dedicated work ethic in striving to attain their goals that were set before the season started, so

THEREFORE, BE IT RESOLVED, by the Council of the city of Erie that this commendation is hereby presented to the **Strong Vincent High School Varsity Football Team** as a token of our appreciation for a job well done and continue to wish you all the best in your future endeavors.

December 19, 2007. City Council adopt by yeas Council Members Cappabianca, González, Horan-Kunco, Jones, Schember, Thompson and Jenkins-Husband. 7. Nays. 0.

December 19, 2007. Signed by the President. Attested by the City Clerk.

By Mrs. Jenkins-Husband, Seconded by Council Members Cappabianca, González, Horan-Kunco, Jones, Schember and Thompson
Resolved, by the Council of the City of Erie, That

WHEREAS, City Council wishes to pay special tribute to the faculty and students of **Edison Elementary School** for receiving the prestigious "Blue Ribbon School" award, as chosen by the United State Department of Education - No Child Left Behind for the Blue Ribbon School Program, and

WHEREAS, Edison Elementary School, was selected because they are a model of both excellence and equity and demonstrated a strong commitment to education excellence for all students, where dramatic gains in student achievement over a five year period determined that academic scores in reading and math were achieved on the Pennsylvania State Assessment, and

WHEREAS, Edison Elementary School was one of only thirteen schools in Pennsylvania honored out of 287 Blue Ribbon Schools names nationwide and is the only school in the Erie School District history to ever receive this award, so

THEREFORE, BE IT RESOLVED BY THE Council of the City of Erie that this commendation is hereby presented to the faculty and students of **Edison Elementary School** for a job well done and urge them to continue to strive for academic excellence all their lives.

December 19, 2007. City Council adopt by yeas Council Members Cappabianca, González, Horan-Kunco, Jones, Schember, Thompson and Jenkins-Husband. 7. Nays. 0.

December 19, 2007. Signed by the President. Attested by the City Clerk

By Mrs. Jenkins-Husband, Seconded by Mr. Schember, Resolved, etc.,

WHEREAS, A One-thousand nine-hundred twenty (1,920) runway extension to and the resurfacing of the existing runway at the Erie International Airport is essential for passenger safety as well as the future growth and economic development of the city of Erie and the entire Erie region; and

WHEREAS, the federal government, by delegated, statutory authority to the Federal Aviation Administration ("FAA") has agreed to contribute to the funding for the runway expansion and resurfacing project on the condition that local government contributes to the project based on a formula presented by the FAA; and

WHEREAS, elected representatives of the City of Erie ("City"), County of Erie "County", Millcreek Township ("Township") and the Erie Municipal Airport Authority ("the Authority") convened November 9, 2007 for the purpose of agreeing on a collaborative plan in order to: provide for a local funding match for the runway project, address expansion of the Authority's board and arrive at real estate acquisition and sharing agreements in furtherance of the project; and

WHEREAS, integral to the runway expansion is the acquisition of the property known as the "Millcreek Golf Course", which is presently owned by the Township; and

WHEREAS, in order to realign the Millcreek Golf Course property in a configuration suitable to accommodate the runway expansion project and still maintain the course as a viable nine-hole course, the Authority would be required to expend in excess of two million dollars.

WHEREAS, as an alternative to the above stated expenditure, the City expressed its desire to convey to the Township and the Township agreed to accept the property owned by the city and known as Erie Golf Course under the condition that the Authority or the county agree to pay, provide funds for or otherwise liquidate a debt incurred by the city for golf course improvements at Erie Golf Course in the amount of two million two hundred ten thousand (\$2,210,000.00) dollars and further that the Township provide a right-of-way to the Authority for runway expansion; and

WHEREAS, at the November 9, 2007 meeting the City, County, Township and Authority mutually agreed to the following terms:

1. The Authority has agreed to seek amendments to its Articles of Incorporation pursuant to the Municipality Authorities Act in order to expand its board membership from five members to nine members and provide that membership shall be composed of five members appointed by the City and four members appointed by the County; and

2. The County will provide for the local match for the runway project (amended by adding "up to 25.7 million dollars") either thorough gaming revenues, a County bond issue or a guarantee of a bond issue issued by the Authority, or otherwise formulate another funding mechanism suitable to all governing bodies herein; and

3. The conveyance of the Erie Golf Course by the City to the Township and payment by the (County and/or the) Authority (amended by deleting the words "County and/or the") of the golf course improvement loan incurred by the City in the amount of \$2,210,000.00 in conjunction with a right-of-way by the Township in favor of the Authority to the property adjacent to the runway are to be considered material terms of the collaborative plan arrived at by the governmental bodies; and

4. The City will consent to the expansion of the Authority's board as stated in paragraph one herein and in accordance with the Municipality Authorities Act only under the condition that all terms recited herein are successfully completed; and

5. The governing bodies shall attempt to implement all the terms of this resolution simultaneously.

Be It Further Resolved, that the City Solicitor is respectfully requested to work with the solicitors for the County, Township and Authority, upon approval by their respective governing bodies, to further the implementation of the terms of this resolution.

December 19, 2007. An motion was proposed by Mrs. Jenkins-Husband, Seconded by Mr. Schember, to amend Item #2 and #3 of the above resolution by adding the following language in Item #2 after "runway project" the words "up to 25.7 million dollars" and also in Item #3 by deleting the words "County and/or the" from the text.

December 19, 2007. City Council on motion to approve the foregoing amendments as stated, adopt by yeas Council Members Cappabianca, González Horan-Kunco, Jones, Schember, Thompson and Jenkins-Husband. 7. Nays. 0.

December 19, 2007. City Council adopt, as amended, by yeas Council Members Cappabianca, González, Horan-Kunco, Jones, Schember, Thompson and Jenkins-Husband. 7. Nays. 0.

December 19, 2007. Signed by the President. Attested by the City Clerk.

By Mr. Jones, Seconded by Mrs. Horan-Kunco, Resolved, etc.,

That **Ronald Desser**, 1660 West 39th Street, Erie, Pa., is appointed to the City of Erie Zoning Hearing Board for a term of five years, expiring on December 31, 2012. (Replacing Mike Alberico due to term limits)

December 19, 2007. City Council adopt by yeas Council Members Cappabianca, González, Horan-Kunco, Jones, Schember, Thompson and Jenkins-Husband. 7. Nays. 0.

December 19, 2007. Signed by the President. Attested by the City Clerk.

By Mr. Thompson, Seconded by Mr. Schember, Resolved, etc.,

That **Ann DeMarco**, 1056 West 25th Street, Erie, Pa., is appointed to the Erie City Water Authority for a five year term expiring on the first Monday of January 2013, replacing Yvonne Gersims whose term has expired.

December 19, 2007. City Council adopt by yeas Council Members Cappabianca, González, Horan-Kunco, Jones, Schember, Thompson and Jenkins-Husband. 7. Nays. 0.

December 19, 2007. Signed by the President. Attested by the City Clerk.

By Mr. Schember, Seconded by Mr. González, Resolved, etc.,

That the proper officials of the city of Erie, are authorized and directed to enter into an agreement between the City of Erie, the Erie Sewer Authority, the Township of Lawrence Park and **General Electric Company**, allowing General Electric Company to discharge pre-treated industrial wastewater into the City's sewer system as per attached agreement. (Agreement attached consists of nine pages along with Exhibit A which comprises a 5-page 2008 Township Sewer Fund Budget and Exhibit B titled Township Future Sewer Rate Methodology for GE Industrial Wastewater Flows consisting of one page.)

December 19, 2007. City Council adopt by yeas Council Members Cappabianca, González, Horan-Kunco, Jones, Schember, Thompson and Jenkins-Husband. 7. Nays. 0.

December 19, 2007. Signed by the President. Attested by the City Clerk.

COMMONWEALTH OF PENNSYLVANIA - DEPARTMENT OF ENVIRONMENTAL PROTECTION

In the Matter of:

City of Erie and Erie Sewer Authority
68 Port Access Road, Erie, Pa. 16507

Violations of the Air Pollution
Control Act

CONSENT ASSESSMENT OF CIVIL PENALTY

This Consent Assessment of Civil Penalty is entered into this _____ day of _____, 2007, by and between the Commonwealth of Pennsylvania, Department of environmental Protection ("Department"), the City of Erie ("City") and the Erie Sewer Authority ("Authority"). The Department has found and determined the following:

Background

A. The Department is the agency with the duty and authority to administer and enforce the Air Pollution Control Act, Act of January 8, 1960, P.L. 2119, as amended, 35 P. S. 44001-4015 "Air Act:"); Section 1917-A of the Administrative Code of 1929, Act of

April 9, 1929, P. L. 277, as amended, 71 P.S. 510-17 ("Administrative Code"); and the rules and regulations promulgated thereunder ("Regulations").

B. The Authority is a Pennsylvania Municipal Authority with a mailing address of 68 Port Access Road, Erie, Pa. 16507, and is a "person" as that term is defined in 35 P. S. 4003.

C. The Authority owns the Erie Waste Water Treatment Plant ("Plant") located at the upper end of the Port Access Road and the Bayfront Highway, in the City of Erie, Erie County, Pennsylvania, and is an "owner" as that term is defined in 25 Pa. Code 121.1.

D. The City is a Third Class City with a mailing address of 626 State Street, Erie, Pa., 16501.

E. The City is the "operator" of the plant as that term is defined in 25 Pa. Code 121.1.

Permits and Plan Approvals

F. On June 8, 2002, the Department issued to the Authority a Title V Permit No. 25-00179 ("Permit") for the operation of two sewage sludge incinerators. The incinerators are identified in the Permit as Incinerator 001 and Incinerator 002 ("Incinerators")

G. Through the Permit, the City and the Authority are authorized to operate control devices such as, venture and impingement scrubber systems ("Scrubbers") and wet electrostatic precipitator ("ESP"), for each Incinerator.

H. The Incinerators, Scrubbers and ESPs are "air contamination sources", as defined in Section 3 of the Air Act, 35 P. S. Section 4003.

Violations

I. On April 21, 2006, the Department inspected the Plant and determined that, from November 7, 2005 through April 21, 2006, the City and the Authority did not maintain the minimum applied voltage of 52k Volts to the ESP, nor did the city and Authority maintain the proper pressure drop range between 11.0 and 17.1 inches water column across the Scrubbers in violation of Section D, Condition No. 008 (a) and (b) of the Permit and 25 Pa. Code 127.444.

J. On January 30, 2007, the Department inspected the Plant and observed airborne fugitive particulate matter in violation of Section C, Subsection I, Condition No. 001 (7) of the Permit and 25 Pa. Code 123.1.

K. On March 1, 2007, the Department inspected the Plant and observed visible emissions in violation of Section C, Subsection I, Condition No. 004 (1) of the Permit and 25 Pa. Code 123.41.(1).

L. On March 24, 2007, the Department inspected the Plant and observed airborne Fugitive Particulate matter in violation of Section C, Subsection I, Condition No. -1 (7) of the Permit and 25 Pa. Code 123.1.

M. On June 4, 2007, the Department reviewed records that indicated that the Authority and the city failed to submit stack test results within 60 days after completion of the stack tests of the Incinerators in violation of Section D, Condition No. 004(e) of the Permit and in violation of 25 Pa. Code 127.444.

N. As of the date of this Consent Assessment of Civil Penalty, the Authority and the city have corrected all of the violations identified above.

O. The violations described in Paragraphs I through L, above, constitute unlawful conduct under section 8 of the Air Act, 35 P. S. 4008, statutory nuisances under Section 13 of the Air Act, 35 P. S. 4009.1.

After full and complete negotiation of all matters set forth in this Consent Assessment of civil Penalty and upon mutual exchange of the covenants herein, the Parties desiring to avoid litigation and intending to be legally bound, it is hereby ASSESSED by the Department and AGREED to by the City and the Authority as follows:

1. Assessment. In resolution for the Department's claim for civil penalties, which the Department is authorized to pursue under Section 09.1 of the Air Act, 35 P. S. 4009.1, the Department hereby assesses a civil penalty of \$20,300, which the city and the Authority hereby agree to pay.

2. Civil Penalty Settlement. Upon signing this Consent Assessment of Civil Penalty, the City and Authority shall pay the civil penalty assessed in Paragraph 1. The payment is in settlement of the Department's claim for civil penalties for the violations set forth in Paragraphs I through M above, for respective dates set forth in those Paragraphs. The payment shall be by corporate check or the like, made payable to the Commonwealth of Pennsylvania, Clean Air Fund" and set to the attention of Mr. John Guth, Air Quality Program Manager, Northwest Regional Office, Pennsylvania department of Environmental Protection, 230 Chestnut Street, Meadville, Pa. 16335-3481.

3. Findings.

a. The City and Authority agree that the findings in Paragraphs A through O are true and correct and, in any matter or proceeding involving the city, the Authority and the Department, the City and the Authority shall not challenge the accuracy or validity of these Findings.

b. The parties do not authorize any other persons to use the findings in this Consent Assessment of Civil Penalty in any matter or proceeding.

4. Reservation of Rights. The Department reserves all other rights with respect to any matter addressed by this Consent Assessment of Civil Penalty, including the right to require abatement of any conditions resulting from the events described in the Findings. The City and the Authority reserve the right to challenge any action which the Department may take, but waive the right to challenge the content or validity of this Consent Assessment of Civil Penalty.

IN WITNESS WHEREOF, the parties have caused this Consent Assessment of Civil Penalty to be executed by their duly authorized representatives. The undersigned representatives of the city and the Authority certify, under penalty of law, as provided by 18 Pa. C. S. 4904, that they are authorized to execute this Consent Assessment of Civil Penalty on behalf of the City and the Authority, that the city and the Authority

consents to the entry of this Consent Assessment of Civil Penalty as a final ASSESSMENT of the Department; that the City and the Authority hereby knowingly waive any right to a hearing under the statutes referenced in this Consent Assessment of Civil Penalty; and that the city and the Authority knowingly waive their right to appeal this Consent Assessment of Civil Penalty and to challenge its content or validity, which rights may be available under Section 4 of the Environmental Hearing Board Act, the ct of July 13, 1988, P. L. 530, No. 1988-04, 35 P. S. 7514; the Administrative Agency Law, 21 Pa. C. S. 103(a) and chapters 5A and 7A; or any other provision of law. Signature by the city and the Authority's attorney certifies only that the assessment has been signed after consulting with counsel.

FOR THE CITY OF ERIE:

FOR THE COMMONWEALTH OF PENNSYLVANIA, DEPARTMENT OF ENVIRONMENTAL PROTECTION:

FOR THE ERIE SEWER AUTHORITY:

By Mr. Schember, Seconded by Mr. Thompson, Resolved, etc.,

That the proper City officials are authorized and directed to execute the **Consent Assessment of Civil Penalty** between the City of Erie, Erie Sewer Authority and the Pennsylvania Department of Environmental Protection, whereby the City and the Authority agree to pay the assessment of a civil penalty of \$20,300.00 for alleged violation under Section 8 of the Air Pollution Control Act.

December 19, 2007. City Council adopt by yeas Council Members Cappabianca, González, Horan-Kunco, Jones, Schember, Thompson and Jenkins-Husband. 7. Nays. 0.

December 19, 2007. Signed by the President. Attested by the City Clerk.

By Mrs. Horan-Kunco, Seconded by Mr. Thompson, Resolved, etc.,

That the Mayor and City Controller are authorized and directed to execute an agreement between the City of Erie and **Mullin & Lonergan Associates, Inc.**, 2370 York Road, Suite E-2, Jamison, Pa., for on-going technical services for the Department of Economic and Community Development for a total compensation not to exceed \$16,000.00.

December 19, 2007. City Council adopt by yeas Council Members Cappabianca, González, Horan-Kunco, Jones, Schember, Thompson and Jenkins-Husband. 7. Nays. 0.

December 19, 2007. Signed by the President. Attested by the City Clerk.

By Mrs. Horan-Kunco, Seconded by Mr. Thompson, Resolved, etc.,

That the Mayor and other appropriate City officials are authorized and directed to execute the necessary agreements with sub-recipients to carry out the following **Lead Hazard Control Grant Projects**:

507-1242-2007-4414	Hispanic American Council	\$	16,310
"	4415 JFK Center		4,560
"	4416 MLK Center		4,560
"	4417 Sisters of St. Joseph		4,560
"	4418 St. Martin Center		46,510
"	4423 Applied Services		67,500
"	4435 BTW Center		14,310
"	4441 Erie County Health Dept.		2,500
"	4585 ERA - Relocation		147,000
"	4600 ERA - Clearance Exam		46,350
"	4601 ERA - Other Direct Services		297,410
"	4602 ERA - Inspections Risk Assess		116,100
"	4603 ERA - Lead Hazard		1,647,000
"	4604 ERA - Quality Control		7,200

December 19, 2007. City Council adopt by yeas Council Members Cappabianca, González, Horan-Kunco, Jones, Schember, Thompson and Jenkins-Husband. 7. Nays. 0

December 19, 2007. Signed by the President. Attested by the City Clerk.

By Mr. Jones, Seconded by Mrs. Horan-Kunco, Resolved, etc.,

That the proper City officials are authorized and directed to enter into an Agreement with **Ann McDonald** for stenography services for the Zoning Hearing Board from January 1, 2008 through December 31, 2008 at a fee of \$135.00 for each regularly scheduled meeting (up to 5 hours) for Zoning Hearing Board meetings commencing at 1:00 p.m. until their conclusion, with extra hourly fees for special meetings to be billed at \$27.00 per hour (portal to portal) and original transcript per page to be billed at \$2.50 per original page and copies of transcript per page to be billed at \$1.75 per copy page and evening billed at \$85.00 for the hour and one-half and \$40.00 per hour thereafter.

December 19, 2007. City Council adopt by yeas Council Members Cappabianca, González, Horan-Kunco, Jones, Schember, Thompson and Jenkins-Husband. 7. Nays. 0.

December 19, 2007. Signed by the President. Attested by the City Clerk.

To: Mr. David González, City Council Liaison

December 12, 12007

From: James M. Morris, EIT, Project Engineer

Re: Easement Agreement - Black Interests Limited Partnership

A resolution to prepare an Easement Agreement between the city of Erie and Black Interests Limited Partnership, for the continued encroachment of the "Dickson Tavern"

building into the French Street right-of-way and the East 2nd Street right-of-way will be presented to City Council at their Wednesday, December 19, 2007 meeting. The building has encroached into City of Erie right-of-way since its construction in 1809 and no changes are to be made. Please note the stipulation in the Easement Agreement stating that in the event of a building demolition or reconstruction, the easement will be null and void. Specifically, no other building shall encroach onto the City right-of-way on this property.

The City Engineer's office has reviewed the proposal and finds it acceptable. Please contact me at 870-1395 if you have any questions.

By Mr. Jones, Seconded by Mrs. Horan-Kunco, Resolved, etc.,

That the proper City officials are authorized and directed to execute an Easement Agreement between the City of Erie and **Black Interests Limited Partnership**, owner of Index #(14) 1006-215, in compliance with the attached City metes and bounds descriptions locating portions of an existing building that extends into the French Street right-of-way and the East 2nd Street right-of-way.

December 19, 2007. City council adopt by yeas Council Members Cappabianca, González, Horan-Kunco, Jones, Schember, Thompson and Jenkins-Husband. 7. Nays. 0.

December 19, 2007. Signed by the President. Attested by the City Clerk.

By Mr. González, Seconded by Mr. Jones, Resolved, etc.,

That the proper City officials are authorized and directed to enter into a contract with **Burt Hill**, 650 Smithfield Street, Suite 600, Pittsburgh, Pa., to provide professional Design Services for the **Perry Square Renovation Project**, which will include the development of a Master Plan and bid specifications for electrical and lighting upgrades for Perry Square, establishing set hourly rates for additional work as directed for a sum not to exceed \$55,000.00 to be drawn from Economic and Community Development Account #501-1245-2007-4072.

December 19, 2007. City Council adopt by yeas Council Members Cappabianca, González, Horan-Kunco, Jones, Schember, Thompson and Jenkins-Husband. 7. Nays. 0.

December 19, 2007. Signed by the President. Attested by the City Clerk.

By Mr. González, Seconded by Mr. Jones, Resolved, etc.,

That the Mayor and City Controller are authorized and directed to execute a contract between the City of Erie and Five Star International, P. O. Box 64006, Baltimore, MD, for a Core charge, etc. for the Municipal Garage of the City of Erie at a total cost of \$10,255.30.

Be It Further Resolved, that the City Council does hereby ratify and confirm the said transaction which is to be charged to Budget Code #002-0719-0000-4035.

December 19, 2007. City Council adopt by yeas Council Members Cappabianca, González, Horan-Kunco, Jones, Schember, Thompson and Jenkins-Husband. 7. Nays. 0.

December 19, 2007. Signed by the President. Attested by the City Clerk.

By Mrs. Jenkins-Husband, Seconded by Mr. Thompson, Resolved, etc.,

That the City Purchasing Agent is authorized and directed to issue purchase orders to the following individuals and/or companies for goods and/or services as noted and the City Council does hereby ratify and confirm the said transactions which are to be charged to the respective Budget Code Numbers, viz:

1. **Walter Drane Co.**, Tower East Suite 420, 20600 Chagrin Blvd, Cleveland, Ohio, for 25 sets of Replacement Pages for the Codified Ordinances and CD ROM in Word for the Office of the City Clerk at a total cost of \$3,525.00.

2. **Fire & Police Selections, Inc.**, 193 Blue Ravine Road, Suite 27, Folsom, CA, for Civil Service Firefighter Test Materials for the Bureau of Fire and Human Resources, Division of Civil Service, for the sum of \$6,294.14.

3. **Michael Fahey**, Erie Fire Department, 311 Marsh Street, Erie, Pa., for proctoring the Civil Service Firefighter Test, for the Bureau of Fire and Human Resources, Division of Civil Service, for the sum of \$2,737.50.

4. **Five Star International**, P. O. Box 64006, Baltimore, MD., for a Transmission to Repair Streets #881 for the Bureau of Streets, at a cost of \$2,850.00.

5. **Robinson Pipe Cleaning**, P. O. Box 396, Eighty Four, Pa., for Emergency Cleaning of the 20" Sewer Line on South Shore Drive, for the Bureau of Sewers, in the amount of \$2,992.50.

6. **William T. Spaeder Co.**, 1602 East 18th Street, Erie, Pa., for the Emergency Repair of all Ferric Chloride Piping, for the Bureau of Sewers for the sum of \$4,487.50.

7. **ONEX, Inc.**, 2225 Colonial Avenue, Erie, Pa., for Emergency Repair of Drop Holes in Incinerator #1, for the Bureau of Sewers in the sum of \$8,531.00.

December 19, 2007. City Council adopt all items above except #2 by yeas Council Members Cappabianca, González, Horan-Kunco, Jones, Schember, Thompson and Jenkins-Husband. 7. Nays. 0.

December 19, 2007. City Council adopt Item #2 by yeas Council Members Cappabianca, Horan-Kunco, Jones, Schember and Thompson 5. Nays. González and Jenkins-Husband. 2.

December 19, 2007. Signed by the President. Attested by the City Clerk.

WAIVE RULES

By Mr. Jones, Seconded by Mrs. Horan-Kunco, Resolved, etc.,

That the City Purchasing Agent is hereby authorized and directed to issue a purchase order to **McCarl's Services, Inc.**, 2004 Lowell Avenue, Suite 1, Erie, Pa, for the emergency replacement of the Boiler at Engine 10, 1937 East Lake Road, for the Bureau of Fire at a total cost of \$219,576.00.

December 19, 2007. City Council adopt by yeas Council Members Cappabianca, González, Horan-Kunco, Jones, Schember, Thompson and Jenkins-Husband. 7. Nays. 0.

December 19, 2007. Signed by the President. Attested by the City Clerk.

December 19, 2007. City Council on motion of Mr. Jones, Seconded by Mr. Schember, adjourned at 12:12 p.m. by yeas Council Members Cappabianca, González, Horan-Kunco, Jones, Schember and Jenkins-Husband. 6. Nays. 0. (Mr. Thompson left the meeting at 11:45 a.m.)

Attest:

President of City Council

City Clerk