

The City Council met in regular session in the Council Chambers on Wednesday,
March 17, 2010 at 7:30 p.m.

Council Members present: Aleksandrowicz, Cappabianca, Horan-Kunco, Jones,
Schember, Winarski and Thompson. 7. Nays. 0.

On motion of Mr. Schember, Seconded by Mr. Winarski, the reading of the minutes
of the meeting of March 3, 2010 were dispensed with and same adopted with copies
furnished to the members of City Council by yeas Council Members Aleksandrowicz,
Cappabianca, Horan-Kunco, Jones, Schember, Winarski and Thompson. 7. Nays. 0.

Copies of the bills under date of arch 12th and March 19th were given to City
Council and same adopted by yeas Council Members Aleksandrowicz, Cappabianca, Horan-
Kunco, Jones, Schember, Winarski and Thompson. 7. Nays. 0.

By Mr. Schember, Council File Ordinance #15,705, Pending Official File Ordinance #9-2010
an ordinance appropriating the sum of **\$150,093.27** from unappropriated Park and
Improvement Account Fund Balance #345-0000-0000-3111 and allocating said sum to Account
#345-0707-0000-4077 Other Improvements.

March 17, 2010. City Council on motion of Mr. Schember, Seconded by Mr. Thompson,
having read Council File Ordinance #15,705 and now known as Pending official File
Ordinance #9-2010, does hereby adopt on Final Passage by yeas Council Members
Aleksandrowicz, Cappabianca, Horan-Kunco, Jones, Schember, Winarski and Thompson. 7.
Nays. 0.

March 17, 2010. Signed by the President. Attested by the City Clerk.

By Mr. Schember, Council File Ordinance #15,706, Pending Official File Ordinance #10-
2010

an ordinance amending Ordinance #26-1958 known and cited as the Traffic Code of
the City of Erie by installing **stop signs** at the following intersections:

- 1) West 21st Street and Emerson Avenue, stopping NB Emerson Avenue
- 2) West 22nd Street and Emerson Avenue, stopping EB West 22nd Street
- 3) West 23rd Street and Emerson Avenue, stopping EB West 23rd Street
- 4) West 28th Street and Schley Street, stopping EB West 28th Street
- 5) West 3rd Street and Plum Street, stopping Plum Street
- 6) Kahkwa Avenue and Superior Avenue, stopping Superior Avenue

March 17, 2010. City Council on motion of Mr. Schember, Seconded by Mr. Thompson,
having read Council File Ordinance #15,706 and now known as Pending Official file
Ordinance #10-2010, does hereby adopt on Final Passage by yeas Council Members
Aleksandrowicz, Cappabianca, Horan-Kunco, Jones, Schember, Winarski and Thompson. 7.
Nays. 0.

March 17, 2020. Signed by the President. Attested by the City Clerk.

Honorable Joseph E. Sinnott
626 State Street, Room 500

James Klemm, City Clerk
626 State Street, Room 104

James F. Winarski, City Council Liaison
Erie Parking Authority

Casimir Kwitowski, Controller
626 State Street

Re: Erie Parking Authority, Erie County, Pennsylvania \$20,000.000 Guaranteed Parking
Revenue Bonds, Series of 2010 (City of Erie)

Gentlemen:

I am writing to you as Bond Counsel for the Erie Parking Authority. The Erie
Parking Authority is considering issuing approximately \$20,000,000 Guaranteed Parking
Revenue Bonds, Series of 2010. The purposes of the issuance of the bonds include:

- (1) A current refunding of the Erie Parking Authority's Guaranteed Parking Revenue
Bonds, Series of 1998A Bond;
- (2) A current refunding of the Erie Parking Authority's Guaranteed Parking Revenue
Bonds, Series of 1998B Bonds;
- (3) An advance refunding of a portion of the Erie Parking Authority's Guaranteed
Parking Revenue Bonds, Series of 2003 Bonds;
- (4) An advance refunding of a portion of the Erie Parking Authority's Guaranteed
Parking Revenue Bonds, Series of 2006.

The refundings of the above-referenced bonds are for the purpose of reducing
interest costs over the life of the bonds and restructuring of the debt.

(5) In addition, the bond issue will provide funds for necessary capital
improvements to parking facilities including 8th and French Streets, (B-ramp), 8th and
Peach Streets (Q-Ramp), 25th and Myrtle Streets (K-1 and K-2 Ramps), 10th and French

Streets (E-Ramp), 8th and Peach/Sassafras Streets (D-1 Ramp) and East 3rd and French Streets (M-1 Ramp).

(6) Finally, the bond issue will fund a portion of the Debt Service Reserve Fund required under the Indenture of the Erie Parking Authority and pay the costs of issuance.

Enclosed please find a draft Ordinance to be submitted to City Council for first reading at its meeting of March 17, 2010 with an anticipated second reading and approval on April 7, 2010. Erie Parking Authority will schedule a special meeting to adopt the final Bond Resolution on the morning of April 7, 2010 prior to City Council's meeting. It is anticipated that the Bonds will be sold by April 7, 2010 with a closing scheduled for May 11, 2010.

I am also enclosing a copy of the draft of the Guaranty Agreement to be entered into between the City of Erie and the Erie Parking Authority as authorized by the Ordinance. If you have any questions concerning this matter, please contact the undersigned or Ray Massing at the Erie Parking Authority.

Very truly yours,
KNOX McLAUGHLIN GORNALL & SENNETT, P.C.
S/ Timothy M. Sennett

By Mr. Winarski, Council File Ordinance #15,707,

an ordinance authorizing and directing the execution and delivery of a guaranty agreement with the Erie Parking Authority and compliance with the provisions thereof; approving the issuance by the Authority of ***\$20,000,000** Guaranteed Parking Revenue Bonds, Series of 2010, repealing all inconsistent ordinances, directing the proper officers of the city to take necessary actions and further directing that this ordinance shall take effect immediately. *(Preliminary amount, subject to change)

March 17, 2010. City Council on motion of Mr. Winarski, Seconded by Mr. Schember, having read Council File Ordinance #15,707, does hereby adopt on First Reading by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jones, Schember, Winarski and Thompson. 7. Nays. 0.

By Mr. Winarski, Council File Ordinance 15,708

an ordinance appropriating the sum of **\$6,282.05** from unappropriated amounts in Account #021-0000-0000-3111 Fund Balance and providing for the expenditure thereof by allocating said amount to Account #021-0707-0000-4075 Bridges and Streets.

March 17, 2010. City Council on motion of Mr. Winarski, Seconded by Mr. Schember, having read Council File Ordinance #15,708, does hereby adopt on First Reading by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jones, Schember, Winarski and Thompson. 7. Nays 0.

By Mr. Jones, Council File Ordinance #15,709

an ordinance appropriating the sum of **\$9,800.00** from unappropriated and anticipated revenue from Account #507-0000-0000-3699 Miscellaneous Sources for the Lead Hazard Control Grant Program and providing for the expenditure thereof by allocating said sum to Account #507-1242-2007-4043 Education & Training (\$800.00) and 4423 Applied Systems (\$9,000.00).

March 17, 2010. City Council on motion of Mr. Jones, Seconded by Mr. Thompson, having read Council File Ordinance #15,709, does hereby adopt on First Reading by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jones, Winarski and Thompson. 7. Nays. 0.

By Mr. Cappabianca, Council File Ordinance #15,710

an ordinance appropriating the sum of **\$12,000.00** from unappropriated and unanticipated revenue, Account #015-0000-0000-3641 Contributions and providing for the expenditure thereof by allocating said sum to Account #015-0613-0000-4078 Machinery and Equipment (\$4,000); #015-0639-0000-4039 Consumable Items (\$4,000.00) and #015-0713-0000-4035 Repair & Maintenance Supplies (\$4,000). (This contribution is from the Sisters of Mercy for the purchase of police equipment, fire prevention supplies/equipment and winter maintenance equipment.)

March 17, 2010. City Council on motion of Mr. Cappabianca, Seconded by Mr. Thompson, having read Council File Ordinance #15,710, does hereby adopt on First Reading by yeas Council members Aleksandrowicz, Cappabianca, Horan-Kunco, Jones, Schember, Winarski and Thompson. 7. Nays. 0.

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

That the City Solicitor is authorized and directed to prepare an ordinance amending Official Ordinance #72-2009, known as the **Cell Phone Ordinance**, by increasing the penalty from \$150.00 to \$500.00 for the first offense and \$1,000.00 for each offense thereafter if using a cell phone in commission of a vehicular accident.

March 17, 2010. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jones, Schember, Winarski and Thompson. 7. Nays. 0.

March 17, 2010. Signed by the President. Attested by the City Clerk.

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

That the **Pennsylvania Department of Environmental Protection** is respectfully requested to expedite their investigation and submit their findings on the discharge and noxious odor emanating from the Erie Coke Corporation on March 10th, 2010, and within an appropriate time if action is not taken, to seek an injunction to close Erie Coke Company until they comply with PA/DEP regulations.

March 17, 2010. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jones, Schember, Winarski and Thompson. 7. Nays. 0.

March 17, 2010. Signed by the President. Attested by the City Clerk.

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

That the proper City officials are authorized and directed to enter into an Assignment & Consent Agreement with **Velocity Net Communications, Inc.**, pertaining to the Memorandum of Understanding dated June 22, 2004, between DES Communications, Inc. and the City of Erie whereby DES granted certain rights to the City of Erie to use certain fiber optic communication strands in the system designed and constructed by DES and the City's grant of rights to DES to install, operate and maintain fiber optic cable on or in certain City facilities. The MOU of 2004 also requires written consent on the part of the City to assign any rights of the original assignee to another.

March 17, 2010. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jones, Schember, Winarski and Thompson. 7. Nays. 0.

March 17, 2010. Signed by the President. Attested by the City Clerk.

By Mr. Cappabianca, Seconded by Mr. Aleksandrowicz, Resolved, etc.,

That the proper City officials are authorized and directed to execute the Agreement between the City of Erie and the **Housing Authority of the City of Erie (HACE)** for the continuation of property maintenance code enforcement officer services associated with the HACE Neighborhood Revitalization Program on the city's eastside with respect to public housing communities for an additional term of two (2) years, commencing March 1, 2010 through February 29, 2012. (Per the agreement costs incurred by HACE for said code enforcement services shall not exceed \$134,790.00.)

March 17, 2010. City Council adopt by yeas Council members Aleksandrowicz, Cappabianca, Horan-Kunco, Jones, Schember, Winarski and Thompson. 7. Nays. 0.

March 17, 2010. Signed by the President. Attested by the City Clerk.

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

That the Mayor and City Controller are authorized and directed to execute the **Federal Aid Reimbursement Agreement** No. 010K98 (MPMS No. 87194) between the City of Erie and the Commonwealth of Pennsylvania, Department of Transportation, for the construction of the Perry Square Streetscape from North Park Row to South Park Row in the amount of **\$355,680.00**.

March 17, 2010. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jones, Schember, Winarski and Thompson. 7. Nays. 0.

March 17, 2010. Signed by the President. Attested by the City Clerk.

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

That the proper city officials are authorized and directed to file a **County Aid Application** for the reimbursement of Liquid Fuels Tax monies for 2010 in the sum of **\$122,792.00**.

March 17, 2010. City Council adopt by Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jones, Schember, Winarski and Thompson. 7. Nays. 0.

March 17, 2010. Signed by the President. Attested by the City Clerk.

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

That the following amount is hereby transferred in the LEAD Program:

<u>Amount</u>	<u>Account</u>	<u>Title</u>	<u>Amount</u>	<u>Account</u>	<u>Title</u>
\$ 800.00	507-242-2007-4031	Office Supp.	\$ 13,300.00	507-1242-2007-4052	Legal Adv.
4,500.00	"	4041 Prof. Services	1,000.00	"	4423 Applied
1,000.00	"	4045 Communication	\$14,300.00		Systems
8,000.00	"	4059			
<u>\$14,300.00</u>					

March 17, 2010. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jones, Schember, Winarski and Thompson. 7. Nays. 0.

March 17, 2010. Signed by the President. Attested by the City Clerk.

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

That the Mayor and City Controller are authorized and directed to execute contracts between the City of Erie and 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. **Otis Elevator Company**, 354 Sonwil Drive, Buffalo New York, for extending the current contract for providing maintenance for the three (3) elevators and a Traffic Master Control located in the Municipal Building, at a rate of \$970.89 per month starting 8/1/10 and continuing for five (5) years with a maximum increase of 4% per year after the first year and continuing until July 31, 2015.

2. **Unifirst Corporation**, 18999 Park Avenue, Meadville, Pa., for extending the current contract for providing all labor and materials required for laundry and rug service per Bid #6266-08 for an additional year at the same rates as the current contract and which will now expire on May 7, 2011.

3. **Brooks Landscape, Inc.**, 5751 Wales Road, Erie, Pa., for the Planting of seventy Trees for the Department of Economic and Community Development as part of the City's Urban Forest Management Program, for the sum of \$18,100.00.

4. **F. Taylor Tree Service, Inc.**, 9353 Route 20, Ripley, NY, for removal of 54 Trees and Stumps for the Department of Economic and Community Development as part of the City of Erie's Urban Forest Management Program, at a total cost of \$24,495.00.

5. **H. H. Rauh Contracting Company**, P. O. Box 2, Lakewood, NY, for the Demolition of ten (10) properties for the Department of Economic and Community Development for the sum of \$62,600.00.

March 17, 2010. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jones, Schember, Winarski and Thompson. 7. Nays. 0.

March 17, 2010. Signed by the President. Attested by the City Clerk.

By Mr. Cappabianca, Seconded by Mr. Jones, 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. **SBM Electronics, Inc.**, 628 California Avenue, Pittsburgh, Pa. for the renewal of the RACAL system annual Maintenance Agreement (2/28/10 - 2/27/11) for the Bureau of Police, at a total cost of \$3,495.00.

2. **Beacon Construction & Development**, 1854 East 26th Street, Erie, Pa., for the Demolition of 350 West 17th Street, for the Department of Economic and Community Development, at a total cost of \$4,439.00.

3. **Markl Supply Co.**, 904 Perry Highway, Pittsburgh, Pa., for 30 Exterior Personal Vest Carriers @ \$178.00 each, for the Bureau of Police, at a total cost of \$5,340.00.

4. **The Officer Store-Witmer Associates**, 2961 National Pike, P. O. Box 249, Chalk Hill, Pa., for 250 Taser 25' Replacement Cartridges @ \$23.90 each, for the Bureau of Police, at a total cost of \$5,975.00.

5. **Ram Industrial Services**, 5460B Pottsville Pike, P. O. Box 748, Leesport, Pa., for Repair Parts for the flotation thickened Sludge Pumps, for the Bureau of Sewers, for the sum of \$5,640.90.

March 17, 2010. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jones, Schember, Winarski and Thompson. 7. Nays. 0.

March 17, 2010. Signed by the President. Attested by the City Clerk.

TO: Mr. Joseph Schember, City Council Liaison
FROM: Jon Tushak, P. E., City Engineer

March 12, 2010

SUBJECT: City Council Planning Module Resolution for New Land Development
PROJECT: Mid-Town Phase 1 - Fourth River Development LLC- West 13th & Peach Streets

A resolution to adopt and submit to the DEP for its approval, a revision to the Official Sewage Facilities Plan for the City of Erie will be presented to City Council at their Wednesday, March 17, 2010 meeting.

The project conforms to applicable sewage related zoning and other sewage related municipal ordinances and plans and to a comprehensive program of pollution control and water quality management.

Please contact me at extension 1377 if you have any questions.

WAIVE RULES

RESOLUTION FOR PLAN REVISION FOR NEW LAND DEVELOPMENT

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

Whereas, Section 5 of the Act of January 24, 1966, P. L. 1535, No. 537, known as the "Pennsylvania Sewage Facilities Act", as Amended and the Rules and Regulations of the Pennsylvania Department of Environmental Protection (Department) adopted thereunder, Chapter, 71, Title 25, of the Pennsylvania Code, require the municipality to adopt an Official Sewage Facilities Plan providing the sewage services adequate to prevent contamination of water of the Commonwealth and/or environmental health hazards from sewage wastes, and to revise said plan whenever it is necessary to determine whether a proposed method of sewage disposal for a new land development conforms to a comprehensive program of pollution control and water quality management, and

WHEREAS, **Fourth River Development, LLC**, land developer, has proposed the development of a parcel of land identified as **Mid-Town Phase I**, name of subdivision, and described in the attached Sewage Facilities Planning Module, and proposes that such subdivision can be served by: sewer tap ins, sewer extension, new treatment facilities, individual on-lot systems, community on-lot systems, spray irrigation, retaining tanks, other, **Sewer Tap-ins**.

WHEREAS, the City of Erie finds that the subdivision described in the attached Sewage Facilities Planning Module conforms to applicable sewage related zoning and other sewage related municipal ordinances and plans, and to a comprehensive program of pollution control and water quality management.

Now, Therefore, Be It Resolved, that the Council of the city of Erie hereby adopts and submits to the Department of Environmental Protection for its approval as a revision to the Official Sewage Facilities Plan of the municipality the above referred Sewage Facilities Module which is attached hereto.

March 17, 2010. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jones, Schember, Winarski and Thompson. 7. Nays. 0.

March 17, 2010. Signed by the President. Attested by the City Clerk.

WAIVE RULES

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

That the proper City officials are hereby authorized and directed to issue a purchase order to **Truck Vault**, 315 Township Street, P. O. Box 734, Sedro-Woolley, WA 98284-0734, for three (3) Tahoe Field Ranger Truck Vaults & Divider Kits for the Bureau of Police at a total cost of \$5,364.99.

March 17, 2010. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jones, Schember, Winarski and Thompson. 7. Nays. 0.

March 17, 2010. Signed by the President. Attested by the City Clerk.

March 17, 2010. City Council on motion of Mr. Schember, Seconded by Mr. Winarski, adjourned at 9:02 p.m. by yeas Council Members Aleksandrowicz, Cappabianca, Horan-Kunco, Jones, Schember, Winarski, and Thompson. 7. Nays. 0.

Attest:

President of City Council

City Clerk