

The City Council met in regular session in the Council Chambers on Wednesday, June 1, 2011 at 9:00 A.M.

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

On motion of Mr. Schember, Seconded by Mr. Schwartz, the reading of the minutes of the Meeting of May 18, 2011 were dispensed with and same adopted with copies furnished to the members of City Council by yeas Council Members Aleksandrowicz, Cappabianca, Jones, Schember, Schwartz, Winarski and Horan-Kunco. 7. Nays. 0. (Mr. Schwartz abstains on liquid fuel tax bills).

Copies of the bills under date of May 27, 2011 and June 3, 2011 were given to City Council and same adopted by yeas Council Members Aleksandrowicz, Cappabianca, Jones, Schwartz, Schember, Winarski and Horan-Kunco. 7. Nays. 0.

By Mr. Jones, Council File No. 15,754, Pending Official Ordinance No. 16-2011

An Ordinance vacating and closing an alley located between East 13th and East 14th Streets and French and Holland Streets.

June 1, 2011. City Council on motion of Mr. Jones, Seconded by Mr. Schember, having read Council File Ordinance 15,754, now known as Pending Official File Ordinance No.16-2011 does hereby adopt on Final Passage by yeas Council Members Aleksandrowicz, Cappabianca, Jones, Schember, Schwartz, Winarski, and Horan-Kunco. 7. Nays. 0.

June 1, 2011. Signed by the President. Attested by the City Clerk.

By Mr. Cappabianca, Council File Ordinance 15,755,

An Ordinance amending the Codified Ordinances of the City of Erie, Part Seven, General Offenses Code, Sections 738.01 et. seq., curfew for Minor Children, to include provisions providing enforcement of mandatory school attendance.

Note: Council File Ordinance No. 15,755 was **withdrawn** at the request of the City Administration and Council Sponsor Mr. Cappabianca.

By Mr. Jones, Council File No. 15,756

An Ordinance appropriating the sum of **\$215,260.00** from unappropriated and anticipated revenue to be received from the U.S. Department of Housing and Urban Development (HUD) for the following Emergency Shelter Grant (ESG'11) Projects. Copy with agenda.

June 1, 2011. City Council on motion of Mr. Jones, Seconded by Mr. Schwartz, having read Council File Ordinance 15,756, does hereby adopt on First Reading by yeas Council Members Aleksandrowicz, Cappabianca, Jones, Schember, Schwartz, Winarski and Horan-Kunco. 7. Nays. 0.

June 1, 2011. Signed by the President. Attested by the City Clerk.

By Mr. Jones, Council File No. 15,757

An Ordinance appropriating the sum of **\$948,760** from unappropriated and anticipated revenue to be received from the U.S. Department of Housing and Urban Development (HUD) for the following HOME (M11) Projects. Copy with agenda.

June 1, 2011. City Council on motion of Mr. Jones, Seconded by Mr. Schwartz, having read Council File Ordinance 15,757, does hereby adopt on First Reading by yeas Council Members Aleksandrowicz, Cappabianca, Jones, Schember, Schwartz, Winarski and Horan-Kunco. 7. Nays. 0.

June 1, 2011. Signed by the President. Attested by the City Clerk.

By Mr. Jones, Council File No. 15,758

An Ordinance appropriating the sum of **\$3,200,903.00** from unappropriated and anticipated revenue to be received from the U.S. Department of Housing and Urban Development (HUD); \$370,716.00 reprogrammed funds from previous Community Development Block Grant (CDBG) years; and \$65,000.00 program income for a total of \$3,636,619.00 for the following thirty-seventh year Projects. Copy with agenda.

June 1, 2011. City Council on motion of Mr. Jones, Seconded by Mr. Schwartz, having read Council File Ordinance 15,758, does hereby adopt on First Reading by yeas Council Members Aleksandrowicz, Cappabianca, Jones, Schember, Schwartz, Winarski and Horan-Kunco. 7. Nays. 0.

June 1, 2011. Signed by the President. Attested by the City Clerk.

By Mr. Jones, Council File No. 15,759

An Ordinance appropriating the sum of **\$1,750,000** from the General Fund and providing for the expenditure thereof. The \$1,750,000 represents a temporary loan from the General Fund to be used by the 2011 Capital Financing Fund as interim financing for street paving and curb ramp replacements until such time as permanent financing is in place. At that time a portion of the proceeds from the permanent financing will be used to fully repay the General Fund Loan.

Note: This ordinance was withdrawn from consideration due to the defeat of the Reimbursement Resolution (repayment plan). See later in the minutes.

Pursuant to Section 405 of Official Ordinance No. 80-2005, known and cited as the revised Zoning Ordinance of the City of Erie, and the proper legal advertising, City Council held a **Public hearing Wednesday, June 1, 2011 approximately 9:30 A.M.** in City Council Chambers, relative to:

1. A request from Carla Ihli and John Higham to rezone property located at 1405-1415 East Lake Road from RLB (Residential Limited Business District) to C2 (General Commercial District).
2. A request from LECOM Dental School to rezone property located at 1850 West Grandview Boulevard from R1 (Low Density Residential District) to RLB (Residential Limited Business District).

By Mr. Cappabianca, seconded by Council Members Aleksandrowicz, Horan-Kunco, Jones, Schember, Schwartz and Winarski

RESOLVED BY THE COUNCIL OF THE CITY OF ERIE THAT

WHEREAS, the City Council wishes to pay special tribute to Eriez, that is commemorating their remarkable achievement of accomplishing one-thousand days without a lost time accident and also celebrate a flourishing Erie area company that presently employees over 300 hard working Erieites, and,

WHEREAS, Eriez, has incorporated better safety features in its day-to-day operations, added educational initiatives for employees, customers, and industry suppliers, and has developed a strong commitment to product safety, which factors have contributed to the company's overall success, and,

WHEREAS, Eriez, is flourishing and setting new records for orders and shipment, even with the current economic state and is now developing products to assist the recycling industry improve their safety picture, so

THEREFORE BE IT RESOLVED, by the Council for the City of Erie hereby presents this commendation to Eriez, a world authority in advanced technology for magnetic, vibratory and inspection applications, through ten international facilities located on five continents and extend to them our best wishes and continued success in all of your future endeavors.

June 1, 2011. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Jones, Schember, Schwartz, Winarski and Horan-Kunco. 7. Nays 0.

June 1, 2011. Signed by the President. Attested by the City Clerk.

By Mr. Schwartz, Seconded by Council Members Aleksandrowicz, Cappabianca, Jones, Schember, Winarski, and Horan-Kunco.

RESOLVED, BY THE COUNCIL OF THE CITY OF ERIE, THAT

WHEREAS, the City council of the City of Erie wishes to pay special tribute to the **United Electrical Radio and Machine Workers of America, Local Union 506**, of the Erie General Electric Plant upon celebrating and sponsoring their 2011 U.E. Local 506 Contract/Rally Day on June 4, 2011 and

WHEREAS, U.E. Local 506 Contract Rally Day has been established to kick-off contract negotiations with the General Electric Company, show strength and unity of local union members, discuss key issues of importance to the community and the membership of U.E. Local 506, and showcase the City of Erie, to our brothers and sisters who will be here to celebrate with us and will represent other U.E. Locals, as well as, many other union affiliates representing members from Connecticut to California, so

THEREFORE, BE IT RESOLVED, By the Council of the City of Erie that this commendation is hereby presented to the officers and membership of the **United Electrical Radio, and Machine Workers of America Local Union 506** – Erie General Electric Plant, and extend to them our complete support during the upcoming contract negotiations.

June 1, 2011. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Jones, Schember, Schwartz, Winarski and Horan-Kunco. 7. Nays 0.

June 1, 2011. Signed by the President. Attested by the City Clerk.

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

That City Council establish the "911" – Memorial Project, to study the feasibility of locating and constructing an appropriate memorial site for the City of Erie remembrance and veneration of the events of 9-11-2001 at the World Trade Center, and further appointing Mr. Mark Aleksandrowicz to spearhead the "911" – Memorial Project.

June 1, 2011. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Jones, Schember, Schwartz, Winarski and Horan-Kunco. 7. Nays 0.

June 1, 2011. Signed by the President. Attested by the City Clerk.

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

That the Annual Financial Statements of the Erie County Convention Center Authority for the year 2010 and hereby received and placed on file in the office of Accounts, Finance and Budget.

June 1, 2011. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Jones, Schember, Schwartz, Winarski and Horan-Kunco. 7. Nays 0.

June 1, 2011. Signed by the President. Attested by the City Clerk.

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

That the Mayor and the City Controller are authorized and directed to execute the Federal Aid Bridge Project Reimbursement Supplemental Agreement no. 010N59-B between the City of Erie and the Pennsylvania Department of Transportation for the Preliminary Engineering, Finale Design, Utilities, Right-of-way and construction of the City of Erie State Street Bridge over Canal Basin.

June 1, 2011. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Jones, Schember, Schwartz, Winarski and Horan-Kunco. 7. Nays 0.

June 1, 2011. Signed by the President. Attested by the City Clerk.

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

That the Mayor and City Controller are authorized and directed to execute the Federal Aid Reimbursement Agreement No. 010T37 (MPMS No. 92864) BETWEEN THE City of Erie and the Commonwealth of Pennsylvania Department of Transportation for the construction of the Perry Square Streetscape Phase III from North Park Row to South Park Row.

June 1, 2011. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Jones, Schember, Schwartz, Winarski and Horan-Kunco. 7. Nays 0.

June 1, 2011. Signed by the President. Attested by the City Clerk.

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

WHEREAS, the City of Erie, Pennsylvania (the "City") has identified certain capital projects, which include street paving, curb ramp replacements, and capital improvements to City facilities.

WHEREAS, the City intends to incur certain expenditures in connection with the Project prior to the issuance of debt for the Project in the form of General Obligation Bonds, Series of 2011 (the "2011 Project Bonds"); and

WHEREAS, the city intends to reimburse itself for the itemized expenditures from the proceeds of the 2011 Project bonds; and

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The City intends to expend sums from the General Fund and other Funds of the City for architectural, engineering, legal fees, design fees and construction costs for the Project beginning on June 1, 2011.
2. The City reasonably expects to reimburse the expenditures as authorized herein with the proceeds of the 2011 Project Bonds.
3. The City does hereby declare the official intent of the City with reference to additional expenditures to be made by the city for the Project and to be reimbursed with proceeds of the 2011 Project Bonds.
4. This is a declaration of official intent pursuant to United States Treasury Regulation Section 1.140-2.
5. The maximum amount of the 2011 Project Bonds is expected not to exceed \$10,000,000.
6. The Project is the capital projects identified above.

TO: Mr. James Klemm, City Clerk

FROM: Joseph Schember, City Council Member

RE: Abstention from Voting – new Business #6 Reimbursement Resolution, 6/1/11 Agenda

Please be advised that, because I am currently an employee of PNC Bank and it is my understanding that PNC Bank (or its affiliates) may receive a distinct pecuniary benefit from its involvement in this matter, I abstain from voting on it. Although my duties at PNC are unrelated to the work PNC would perform on this matter, I will not participate in it in order to avoid any conflict of interest. Please reflect the contents of this memorandum in the minutes of any meeting in which action is taken on this matter.

June 1, 2011. City Council **failed to adopt** by yeas Council Members Jones, Schwartz, Winarski. 3. Nays 3. Aleksandrowicz, Cappabianca and Horan-Kunco. Mr. Schember abstains.

June 1, 2011. Signed by the President. Attested by the City Clerk.

By Mr. Winarski, Seconded by Mr. Schember, 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. **Kemira Water Solutions, Inc**, 3211 Clinton Parkway CT STE 1, Lawrence, Kansas 66047-2654, for Anhydrous Ferric Chloride, for the Bureau of Sewers at a unit cost of \$259.30/Ton for approximately 900 Tons. (Low of 3 bids).
2. **Mayer Brothers Construction Company**, 1902 Cherry Street, Erie, PA 16502 for Fiberized Hot Mixed Asphalt 9.5mm Fine, bid no. 1657-11 Unit Price Contract Street and Road Maintenance Materials for the Bureau of Streets.
Cherry Street - \$77.00 per ton (picked up)
Scattered Sites - \$80.00 per ton (picked up)
Bituminous Tack Coat - \$1.75 per gal (picked up)
3. **Verizon Wireless**, 300 Allegheny Drive, Warrendale, PA 15086, for hardware and cell phone service, for the Bureau of Computer Services and all Bureaus and Departments, at Unit Prices.

June 1, 2011. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Jones, Schember, Schwartz, Winarski and Horan-Kunco. 7. Nays 0.

June 1, 2011. Signed by the President. Attested by the City Clerk.

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

That the 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. **Liberty Tire Recycling – WNY**, 490 Ohio Street, Lockport, NY 14094, for the City Tire Recycling Project, for the Bureau of Refuse, Department of Public Works at a total cost of \$3,096.90.
2. **Smoracy LLC**, PO BOX 77000, Cleveland, OH 44194-0268, for a fuel pump, teeth and bolts, for the Municipal Garage, Department of Public Works at a total cost of \$3,605.89.
3. **Rabe Environmental**, 2300 West 23rd Street, Erie, PA 16502, to replace motor actuator valve – cooling tower, for the Bureau of Sewers, Department of Public Works at a total cost of \$2,895.00. (Low of two).
4. **John P. Place**, 90 Carlton Blvd, Pittsburgh, PA 15236, for a replacement condensate pump less motor, for the Bureau of Sewers at a total cost of \$6,890.00.(Low of two).
5. **J&S Costello LLC**, PO Box 366, Totowa, NJ 07082-0366, to rebuild a drainage well pump, for the Bureau of Sewers at a total cost of \$8,500.00.

June 1, 2011. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Jones, Schember, Schwartz, Winarski and Horan-Kunco. 7. Nays 0.

June 1, 2011. Signed by the President. Attested by the City Clerk.

WAIVE RULES

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

That the Enterprise Zone Loan Review Committee approval of the following loan be formally ratified.

| | | | |
|---------------------|---------------|-------------|------------|
| | <u>Amount</u> | <u>Term</u> | <u>Fee</u> |
| Logistics Plus, Inc | \$500,000 | 15 years | \$2,500 |

These funds have been made available through the Commonwealth of Pennsylvania Enterprise Zone Program and the Erie Enterprise Zone Revolving Fund and loan repayments. The loan will be charged against account number 310-0000-0000-1007. The interest rate is fixed at 4.5% per annum. A one-time loan processing fee based on ½ of 1.0%, not to exceed \$2,500, of the amount financed will be assessed to each client. The City Solicitor's Office will assist with the preparation of the loan documents for these transactions.

City Council further directs that the proper City Officials are authorized to sign the necessary documents and agreements effectuating same.

June 1, 2011. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Jones, Schember, Schwartz, Winarski and Horan-Kunco. 7. Nays 0.

June 1, 2011. Signed by the President. Attested by the City Clerk.

June 1, 2011. City Council on motion of Mr. Schember, Seconded by Mr. Schwartz, adjourned at 11:41 A.M. by yeas Council Members Aleksandrowicz, Cappabianca, Jones, Schember, Schwartz, Winarski and Horan-Kunco. 7. Nays. 0.

President of City Council

Attest:

City Clerk

