

The City Council met in regular session in the Council Chambers on Wednesday, June 15, 2011 at 7:30 P.M.

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

On motion of Mr. Schwartz, Seconded by Mr. Aleksandrowicz, the reading of the minutes of the Meeting of June 1, 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 June 10, 2011, June 17, 2011 and July 1, 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. 15,756, Pending Official Ordinance No. 17-2011

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 Emergency Shelter Grant (ESG'11) Projects.

June 15, 2011. City Council on motion of Mr. Jones, Seconded by Mr. Schwartz, having read Council File Ordinance 15,756, now known as Pending Official File Ordinance No.17-2011 does hereby adopt on Final Passage by yeas Council Members Aleksandrowicz, Cappabianca, Jones, Schember, Schwartz, Winarski, and Horan-Kunco. 7. Nays. 0.

June 15, 2011. Signed by the President. Attested by the City Clerk.

By Mr. Cappabianca, Council File Ordinance 15,757, Pending Official Ordinance No. 18-2011

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 HOME (M11) Projects.

June 15, 2011. City Council on motion of Mr. Jones, Seconded by Mr. Schwartz, having read Council File Ordinance 15,757, now known as Pending Official File Ordinance No.18-2011 does hereby adopt on Final Passage by yeas Council Members Aleksandrowicz, Cappabianca, Jones, Schember, Schwartz, Winarski, and Horan-Kunco. 7. Nays. 0.

June 15, 2011. Signed by the President. Attested by the City Clerk.

By Mr. Jones, Council File No. 15,758, Pending Official Ordinance 19-2011

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 thirty-seventh year Projects.

June 15, 2011. City Council on motion of Mr. Jones, Seconded by Mr. Schwartz, having read Council File Ordinance 15,758, now known as Pending Official File Ordinance No.19-2011 does hereby adopt on Final Passage by yeas Council Members Aleksandrowicz, Cappabianca, Jones, Schember, Schwartz, Winarski, and Horan-Kunco. 7. Nays. 0.

June 15, 2011. Signed by the President. Attested by the City Clerk.

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

An Ordinance appropriating the sum of **\$2,500,000** from the General Fund and providing for the expenditure thereof. The \$2,500,000 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.

By Mr. Cappabianca, Council File No. 15,760

An Ordinance appropriating the sum of \$44.40 from unappropriated and anticipated revenue and providing for the expenditure thereof. Justice Assistance Grant 2008.

June 15, 2011. City Council on motion of Mr. Cappabianca, Seconded by Mr. Aleksandrowicz, having read Council File Ordinance 15,760, does hereby adopt on First Reading by yeas Council Members Aleksandrowicz, Cappabianca, Jones, Schember, Schwartz, Winarski and Horan-Kunco. 7. Nays. 0.

June 15, 2011. Signed by the President. Attested by the City Clerk.

By Mr. Cappabianca, Council File No. 15,761

An Ordinance appropriating the sum of \$495,726.00 from unappropriated and anticipated revenue and providing for the expenditure thereof. 2011 Insurance Fraud Prevention Authority.

June 15, 2011. City Council on motion of Mr. Cappabianca, Seconded by Mr. Aleksandrowicz, having read Council File Ordinance 15,761, does hereby adopt on First Reading by yeas Council Members Aleksandrowicz, Cappabianca, Jones, Schember, Schwartz, Winarski and Horan-Kunco. 7. Nays. 0.

June 15, 2011. Signed by the President. Attested by the City Clerk.

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

That the City Solicitor is hereby authorized and directed to prepare an ordinance rezoning property located at 1405-1415 East Lake Road from RLB (Residential Limited Business) to C-2 (General Business District) at the request of Carla Ihli and John Higham for a tattoo parlor.

June 15, 2011. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Jones, Schember, Schwartz, Winarski and Horan-Kunco. 7. Nays 0.

June 15, 2011. Signed by the President. Attested by the City Clerk.

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

That the City Solicitor is hereby authorized and directed to prepare an ordinance rezoning property located at 1850 West Grandview Blvd from R-1 (Low Density Residential District) to RLB (Residential Limited Business District) at the request of Lake Erie College of Osteopathic Medicine (LECOM) for construction of a dental school.

June 15, 2011. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Jones, Schember, Schwartz, Winarski and Horan-Kunco. 7. Nays 0.

June 15, 2011. Signed by the President. Attested by the City Clerk.

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

That the Mayor and City Controller are hereby authorized and directed to execute an Agreement No. 010T48 between the City of Erie and the Commonwealth of Pennsylvania Department of Transportation for Line Striping on State Highways, attached hereto and made a part by reference, as attested by James Klemm, City clerk. It is understood between the parties that the maximum amount payable annually under this agreement by the Commonwealth of Pennsylvania to the City of Erie shall not exceed the sum of \$10,851.09, without a written Supplemental Agreement signed by both parties.

June 15, 2011. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Jones, Schember, Schwartz, Winarski and Horan-Kunco. 7. Nays 0.

June 15, 2011. Signed by the President. Attested by the City Clerk.

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

That the Mayor and other appropriate City officials are hereby authorized to execute the necessary agreements with subrecipients to carry out the following Community Development Block Grant (FY 2011) Projects:

501-1251-2011-4939	CHRB-St. Martin Center	\$ 10,000	Req. #609274
501-1252-2011-4146	GEIDC-Brownfield Coordinator	\$ 40,000	Req. #609275
501-1252-2011-4146	GEIDC-Brownfield	\$ 20,000	Req. #609276
501-1252-2011-4205	Erie Ctr on Health & Aging	\$ 10,000	Req. #609277
501-1252-2011-4406	Multicultural Comm. Resource Ctr	\$ 17,000	Req. #609278
501-1252-2011-4431	Economic Develop Corp.	\$ 20,000	Req. #609279
501-1252-2011-4435	BTW Center-Human Resources	\$ 27,000	Req. #609280
501-1252-2011-4452	ERA-Façade Renovation	\$ 57,000	Req. #609281
501-1252-2011-4471	GECAC-Weatherization	\$ 6,000	Req. #609282
501-1252-2011-4477	GECAC-Homemaker Services	\$ 8,250	Req. #609284
501-1252-2011-4508	St. Paul Neighborhood Clinic	\$ 10,000	Req. #609285
501-1252-2011-4518	Trinity Center-Human Resources	\$ 10,000	Req. #609286
501-1252-2011-4520	JFK Center-Human Resources	\$ 40,000	Req. #609287
501-1252-2011-4535	MLK Center-Human Resources	\$ 27,000	Req. #609288
501-1252-2011-4556	Retail Development Services	\$ 80,000	Req. #609289
501-1252-2011-4566	St. Martin Center	\$ 45,000	Req. #609290
501-1252-2011-4581	ERA-Disposition	\$ 30,000	Req. #609291

501-1252-2011-4582	ERA-Housing Rehabilitation	\$200,000	Req. #609292
501-1252-2011-4583	ERA-Acquisition	\$ 31,323	Req. #609293
501-1252-2011-4185	ERA-Relocation	\$ 30,000	Req. #609294
501-1252-2011-4187	ERA-HOME	\$ 35,000	Req. #609295
501-1252-2011-4606	ERA-Housing-Rehab-LEAD	\$200,000	Req. #609296

June 15, 2011. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Jones, Schember, Schwartz, Winarski and Horan-Kunco. 7. Nays 0.

June 15, 2011. Signed by the President. Attested by the City Clerk.

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

That the Mayor and other appropriate City officials are hereby authorized to execute the necessary agreements with subrecipients to carry out the following Emergency Shelter Grant (FY 2011) Projects:

506-1254-2011-4404	SafeNet-Bridge House	\$16,905	Req. #609802
506-1254-2011-4420	Community of Caring	\$14,490	Req. #609803
506-1254-2011-4429	Community Shelter Ser.	\$31,783	Req. #609804
506-1254-2011-4511	City Mission	\$16,905	Req. #609805
506-1254-2011-4519	SafeNet	\$16,905	Req. #609806
506-1254-2011-4521	Mercy Center f/Women	\$16,302	Req. #609807
506-1254-2011-4522	The Refuge	\$16,905	Req. #609808
506-1254-2011-4570	Safenet-TLC	\$ 3,623	Req. #609809
506-1254-2011-4591	St. Patrick's Haven	\$13,365	Req. #609810

June 15, 2011. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Jones, Schember, Schwartz, Winarski and Horan-Kunco. 7. Nays 0.

June 15, 2011. Signed by the President. Attested by the City Clerk.

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

That the Mayor and other appropriate City officials are hereby authorized to execute the necessary agreements with subrecipients to carry out the following Home (FY2011) Projects:

505-1239-2011-4401	BEST-Rental-510 Parade St.	\$ 90,000	Req.#609811
505-1239-2011-4403	BEST-CHDO Operating	\$ 10,000	Req.#609812
505-1239-2011-4488	HANDS-Acq/Rehab/Rental	\$125,000	Req.#609813
505-1239-2011-4500	HANDS-811 Rental-Project III	\$185,000	Req.#609814
505-1239-2011-4504	HANDS-CHDO-Operating	\$ 20,000	Req.#609815
505-1239-2011-4557	St. Martin Center-Homebuyer	\$200,000	Req.#609816
505-1239-2011-4582	ERA Rehabilitation	\$134,384	Req.#609817
505-1239-2011-4642	St. Martin Center-Acq/Rehab/Resale	\$ 82,500	Req.#609818
505-1239-2011-4643	St. Martin Center-CHDO Operating	\$ 7,000	Req.#609819

June 15, 2011. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Jones, Schember, Schwartz, Winarski and Horan-Kunco. 7. Nays 0.

June 15, 2011. Signed by the President. Attested by the City Clerk.

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

That the Mayor and other appropriate City officials are hereby authorized to amend the agreement between the City of Erie and Erie Redevelopment Authority for the FY2007 Home program rehabilitation. The amendment will increase the contract amount by \$75,000, from \$236,537 to \$311, 537.

June 15, 2011. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Jones, Schember, Schwartz, Winarski and Horan-Kunco. 7. Nays 0.

June 15, 2011. Signed by the President. Attested by the City Clerk.

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

That the Mayor and other appropriate City officials are authorized and directed to execute an agreement between the City of Erie and the Erie Redevelopment Authority, whereby the City will make available to ERA, from HOME Program funds appropriated, a grant in the amount of \$75,000 to carry out the **ERA Homebuyer Assistance Program** as described in the amended FY2009 Annual Plan.

June 15, 2011. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Jones, Schember, Schwartz, Winarski and Horan-Kunco. 7. Nays 0.

June 15, 2011. Signed by the President. Attested by the City Clerk.

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

That the Mayor and other appropriate City officials are authorized and directed to **amend** the agreement between the City of Erie and Erie Redevelopment Authority for the FY209 Home program rehabilitation. The amendment will increase the contract amount by \$85,000 from \$201,350 to \$286,350.

June 15, 2011. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Jones, Schember, Schwartz, Winarski and Horan-Kunco. 7. Nays 0.

June 15, 2011. Signed by the President. Attested by the City Clerk.

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

That the Mayor and other appropriate City officials are authorized and directed to execute an agreement between the City of Erie and HANDS, Inc., whereby the City will make available to HANDS, Inc., from HOME Program funds appropriated, grant in the amount of \$43,895.44 to carry out the **HANDS Acquisition/Rehab/ Rental Program** as described in the amended FY2008 Annual Plan.

June 15, 2011. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Jones, Schember, Schwartz, Winarski and Horan-Kunco. 7. Nays 0.

June 15, 2011. Signed by the President. Attested by the City Clerk.

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

That the Mayor and other appropriate City officials are authorized and directed to execute an agreement between the City of Erie and HANDS, Inc., whereby the City will make available to HANDS, Inc., from HOME Program funds appropriated, a grant in the amount of \$80,562 to carry out the **HANDS Acquisition/Rehab/Rental Program** as described in the amended FY2009 Annual Plan.

June 15, 2011. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Jones, Schember, Schwartz, Winarski and Horan-Kunco. 7. Nays 0.

June 15, 2011. Signed by the President. Attested by the City Clerk.

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

That **Change Order No. 1** on the agreement to Velocity Network, 2503 West 15th Street, Suite 10, Erie, PA 16505, for fiber connectivity project (refer to memorandum attached for details), as recommended and concurred with by the Bureau of Computer Services, be approved as follows: The original agreement was \$31,850.00; the revised agreement was \$40,967.53, the Change Order total is \$9,117.53.

June 15, 2011. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Jones, Schember, Schwartz, Winarski and Horan-Kunco. 7. Nays 0.

June 15, 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 15, 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 15, 2011. Signed by the President. Attested by the City Clerk.

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

That the following amounts are transferred in the Home program:

<u>Transferred From</u>			<u>Transferred To</u>		
Amount	Account	Title	Amount	Account	Title
\$ 75,000.00	505-1239-2007-4455	ERA-Mercantile Build	\$ 75,000.00	505-1239-2007-4582	ERA-Rehab
160,000.00	505-1239-2009-4605	ERA-Union Square	160,000.00	505-1239-2009-4453	ERA-Homebuyer Asst.
16,438.00	505-1239-2008-4571	Zoey Meadows	85,000.00	505-1239-2009-4582	ERA-Rehab
80,562.00	505-1239-2009-4571	Zoey Meadows	43,895.44	505-1239-2008-4488	HANDS-Acq/Rehab/Rent
<u>27,457.44</u>	505-1239-2008-4401	BEST-Rental 231 Parade	<u>80,562.00</u>	505-1239-2009-4488	HANDS-Acq/Rehab/Rent
\$359,457.44			\$359,457.44		

June 15, 2011. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Jones, Schember, Schwartz, Winarski and Horan-Kunco. 7. Nays 0.

June 15, 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. **U.S. Security Associates**, 11 West 33rd Street, Erie, PA 16508, for the plant security guard contract for two (2) years through June 15, 2013, for the Bureau of Sewers at the price of:\$102,332.00 – Year one and \$103.544.00 – Year Two.
2. **JCI Jones**, PO Box 636877, Cincinnati, Ohio, 45263-6877 for approximately 180 tons of liquid chlorine, for the Bureau of Sewers of the City of Erie at a unit price of \$487.00/ton. (Only bid received)

June 15, 2011. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Jones, Schember, Schwartz, Winarski and Horan-Kunco. 7. Nays 0.

June 15, 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. **Precision Odor, Inc**, 12 Alpha Park, Highland Heights, Ohio 44143, to purchase and install an odor control system for the sludge wells, for the Bureau of Sewers at a total cost of \$2,995.00.
2. **Jamestown Iron Works**, 2022 Allen Street Extension, Falconer, New York 14733-1717, for ten corner catch basins, for the Bureau of Sewers at a total cost of \$8,450.00.
3. **Lakeshore Industries**, 1817 Poplar Street, Erie, PA 16512, for the purchase of a 45x45 double face cast aluminum City of Erie marker with center post mounting hub in the amount of \$3,330.50.
4. **Kovatch Mobile Equipment**, One industrial Complex, Nesquehoning, PA 18240, for a jack tube and spring assembly for the Bureau of Fire for a total cost of \$2,997.48.
5. **Waldameer Park**, PO Box 8308, Erie, PA 16505, for the school safety patrol picnic, for the Bureau of Police at a total cost of \$3,500.00.

June 15, 2011. City Council adopt by yeas Council Members Aleksandrowicz, Cappabianca, Jones, Schember, Schwartz, Winarski and Horan-Kunco. 7. Nays 0.

June 15, 2011. Signed by the President. Attested by the City Clerk.

 June 15, 2011. City Council on motion of Mr. Cappabianca, Seconded by Mr. Schwartz, recessed at 9:10 P.M. and reconvene on Wednesday June 22, 2011 at 9:00 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