

The City Council met in regular session in the Council Chambers on
Wednesday, December 19, 2012 at 9:00 A.M.

Council Members present: Brennan, Evans, Horan-Kunco, Merski,
Winarski, Witherspoon and Jones. 7. Nays. 0.

On motion of Mr. Evans, Seconded by Mr. Witherspoon, the reading of
the minutes of the Meeting of December 5, 2012 were dispensed with and same adopted
with copies furnished to the members of City Council by yeas Council Members
Brennan, Evans, Horan-Kunco, Merski, Winarski, Witherspoon and Jones. 7. Nays. 0.

Copies of the bills under date of December 14, 2012, and December 21, 2012, were
given to City Council and same adopted by yeas Council Members Brennan, Evans, and
Horan-Kunco, Merski, Winarski, Witherspoon and Jones. 7. Nays. 0.

By Mr. Winarski, Council File No. 15,821, Pending Official File Ordinance No. 38-2012

An Ordinance approving the extension of the term of existence of the **Erie City
Water Authority** for a term consistent with the extension of the lease agreement
between the City of Erie and Erie City Water Authority.

December 19, 2012. City Council on motion of Mr. Winarski, Seconded by Mr.
Witherspoon having read Council File No. 15,821, now known as Pending Official File
Ordinance No. 38-2012 does hereby adopt on Final Passage by yeas Council Members
Brennan, Evans, Horan-Kunco, Merski, Winarski, Witherspoon and Jones. 7. Nays 0.
December 19, 2012, Signed by the President. Attested by the City Clerk.

By Mr. Jones, Council File No.15,819, Pending Official File Ordinance No. 39-2012.

An Ordinance **fixing the tax rate** for all city purposes for the Fiscal Year 2013
(beginning on January 1, 2013 and ending on December 31, 2013).

December 19, 2012. City Council on motion of Mr. Jones , Seconded by Mr. Winarski
having read Council File No. 15,819, now known as Pending Official File Ordinance No. 39-
2012 does hereby adopt on Final Passage by yeas Council Members Brennan, Evans,
Horan-Kunco, Merski, Winarski, Witherspoon and Jones. 7. Nays 0.
December 19, 2012, Signed by the President. Attested by the City Clerk.

By Mr. Jones, Council File No. 15,920, Pending Official File Ordinance No. 40-2012

An Ordinance of the City of Erie, County of Erie and Commonwealth of
Pennsylvania, **adopting the General Fund** and certain other budgets for the
fiscal year beginning January 1, 2013 and ending December 31, 2013.

December 19, 2012. City Council on motion of Mr. Jones, Seconded by Mr. Winarski
having read Council File No. 15,820, now known as Pending Official File Ordinance No.40-
2012 does hereby adopt on Final Passage by yeas Council Members Brennan, Evans,
Horan-Kunco, Merski, Winarski, Witherspoon and Jones. 7. Nays 0.
December 19, 2012, Signed by the President. Attested by the City Clerk.

By Mr. Merski, Council File No. 15,822

An ordinance **Amending Official Ordinance No.80-2005** (Changing the
classification of vacant property located between Parade Street and Ash Street on the
south side of East 19th Street) from C-4 (Traditional Neighborhood Commercial
District) and M-1 (Light Manufacturing District) to C-2 (General Commercial District).
****Pulled at the request of City Council.**

By Mr. Merski, Council File No. 15,823

An Ordinance appropriating the sum of **\$66,997.77** from unappropriated and anticipated revenue to provide for the expenditure thereof for the Preliminary Engineering, Final Design and Construction for the Norman Way Bridge and Mill Creek.

December 19, 2012. City Council on motion of Mr. Merski, Seconded by Mr. Brennan having read Council File No.15,823, does hereby adopt on First Reading by yeas Council Members Brennan, Evans, Horan-Kunco, Merski, Winarski, Witherspoon and Jones. 7. Nays. 0.

December 19, 2012. Signed by the President. Attested by the City Clerk.

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

That the City Solicitor is authorized and directed to prepare an ordinance **closing and vacating** a paper alley running under the former Glenwood School at the request of Atty. Timothy M. Ziezula, representing the School District of the City of Erie, and forward to City Council for proper action.

December 19, 2012. City Council adopt by yeas Council Members Brennan, Evans, Horan-Kunco, Merski, Winarski, Witherspoon and Jones. 7. Nays. 0.

December 19, 2012. Signed by the President. Attested by the City Clerk.

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

That the proper City officials are authorized and directed to issue an agreement to **PNC Bank** as custodian of the City of Erie Water Reserve Fund Account to release the amount of \$291,715.00 payable to the City of Erie Capital Fund. The reimbursement amount was included in the Capital Fund budget as part of the 2012 City of Erie Budget.

December 19, 2012. City Council adopt by yeas Council Members Brennan, Evans, Horan-Kunco, Merski, Winarski, Witherspoon and Jones. 7. Nays. 0.

December 19, 2012. Signed by the President. Attested by the City Clerk.

By Mr. Merski, Seconded by Mr. Brennan, Resolved etc.

That the Mayor and City Controller are authorized to execute the **Federal Aid Reimbursement Agreement** No. 010N59 (MPMS No. 76904) between the City of Erie and the Commonwealth of Pennsylvania Department of Transportation for the Construction of the State Street Bridge over Canal Basin, whereas the Selected Consultant (Construction Monitoring Services) for the project is: Urban Engineers, Inc. 1319 Sassafras Street, Erie, PA 16501. Where Supplemental Engineering Agreement 010T44-A has been executed through PennDOT between the City of Erie and the Consultant. The supplement is hereby awarded in the sum of \$14,277.60 and the proper City officials be and they are hereby authorized and directed to sign said supplement on behalf of the City of Erie. Original agreement \$88,839.90. Revised agreement \$103,117.50.

December 19, 2012. City Council adopt by yeas Council Members Brennan, Evans, Horan-Kunco, Merski, Winarski, Witherspoon and Jones. 7. Nays. 0.

December 19, 2012. Signed by the President. Attested by the City Clerk.

By Mr. Merski, Seconded by Mr. Brennan, Resolved, etc.

That the Mayor and City Controller are authorized to execute the **Federal Aid Bridge Project Reimbursement Supplemental Agreement** No. 010N58-F between the City of Erie and the Pennsylvania Department of Transportation for the Preliminary Engineering, Final Design, Utilities, Right-of-way and construction of the City of Erie Norman Way Bridge. Estimated costs for preliminary engineering are \$172,000.00. Estimated costs for Final Design are \$161,000.00. Estimated costs for Utilities are \$10,000.00. Estimated costs for Right-of-way are \$37,000.00. Estimated costs for Construction are \$1,110,000.00. Cost Sharing: Federal 80%, State 15%, Municipality 5%.

December 19, 2012. City Council adopt by yeas Council Members Brennan, Evans, Horan-Kunco, Merski, Winarski, Witherspoon and Jones. 7. Nays. 0.

December 19, 2012. Signed by the President. Attested by the City Clerk.

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

That the proper City officials are hereby authorized to enter into an agreement between the City of Erie and Attorney Donald L. Wagner to provide legal counsel to the Zoning Hearing Board of the City of Erie from January 1, 2013 through December 31, 2013 in the amount of \$1,200.00 per month, and \$120.00 dollars an hour for every hour in excess of 12 hours per month.

December 19, 2012. City Council adopt by yeas Council Members Brennan, Evans, Horan-Kunco, Merski, Winarski, Witherspoon and Jones. 7. Nays. 0.
December 19, 2012. Signed by the President. Attested by the City Clerk.

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

That the proper officials of the City of Erie are authorized to accept Ferguson & Holdnack Reporting, Inc.'s proposal for stenography services for the City of Erie's Zoning Board and Building Code Appeals Board hearings for the 2013 calendar year. The terms of the contract will be \$100.00 for daytime hearings and \$125.00 for hearings scheduled to commence at 6:00 p.m. or later, as more fully set forth in Exhibit "A" attached.

December 19, 2012. City Council adopt by yeas Council Members Brennan, Evans, Horan-Kunco, Merski, Winarski, Witherspoon and Jones. 7. Nays. 0.
December 19, 2012. Signed by the President. Attested by the City Clerk.

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

That Adam Michali, 3826 Lake Pleasant Road, Erie, Pa, 16509 No. 2 on list, having been nominated by Chief Stephen E. Franklin and the applicant is hereby confirmed and ratified to appointment as Probationary Patrolman at the current salary of \$36,986.97 and that he is on probation for the one (1) year from the date of his appointment on Monday, December 10th, 2012.

December 19, 2012. City Council adopt by yeas Council Members Brennan, Evans, Horan-Kunco, Merski, Winarski, Witherspoon and Jones. 7. Nays. 0.
December 19, 2012. Signed by the President. Attested by the City Clerk.

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

That the proper officials are authorized to enter into a contract with **Attorney Mark T. Wassell** of the Knox Law Firm, to act as Presenter in the ACT 111 Arbitration between the City of Erie and Erie FOP, in an amount not to exceed \$10,000.00.

December 19, 2012. City Council adopt by yeas Council Members Brennan, Evans, Horan-Kunco, Merski, Winarski, Witherspoon and Jones. 7. Nays. 0.
December 19, 2012. Signed by the President. Attested by the City Clerk.

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

That the following amounts are transferred in the Office of Debt Service

Transferred From			Transferred To		
Amount	Account	Title	Amount	Account	Title
\$80,000.00	460-1061-0000-4865	01 Series E Int.	\$80,000.00	460-1061-0000-4883	12 Series Principal
<u>91,527.77</u>	460-1061-0000-4875	04 Series A Int.	<u>91,527.77</u>	460-1061-0000-4884	12 Series Interest
\$171,527.77			\$171,527.77		

December 19, 2012. City Council adopt by yeas Council Members Brennan, Evans, Horan-Kunco, Merski, Winarski, Witherspoon and Jones. 7. Nays. 0.
December 19, 2012. Signed by the President. Attested by the City Clerk.

By Mr. Brennan, Seconded by Mr. Merski, 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. **Atlantic Irrigation Specialties, Inc.**, 111 Lafayette Avenue, N. White Plains, NY 10603 for computers, radios, licenses, installation and labor for the narrow banding mandate for the Irrigation System at J.C. Martin and Downing Golf Courses at a cost of \$17,192.00.

December 19, 2012. City Council adopt by yeas Council Members Brennan, Evans, Horan-Kunco, Merski, Winarski, Witherspoon and Jones. 7. Nays. 0.

December 19, 2012. Signed by the President. Attested by the City Clerk.

By Mr. Evans, Seconded by Mrs. Horan-Kunco, 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. **Malin, Berguist, & Company**, LLP P.O. Box 644369, Pittsburgh, PA 15264-4369 for the Audit for Contract #C000036836 for the Office of Economic & Community Development Enterprise Zone at a cost of \$3,000.00

December 19, 2012. City Council adopt by yeas Council Members Brennan, Evans, Horan-Kunco, Merski, Winarski, Witherspoon and Jones. 7. Nays. 0.

December 19, 2012 Signed by the President. Attested by the City Clerk.

December 19, 2012 City Council on motion of Mr. Evans , Seconded by Mr. Witherspoon , adjourned at 9:46 A.M. by yeas Council Members Brennan, Evans, Horan-Kunco, Merski, Winarski, Witherspoon and Jones. 7. Nays. 0.

President of City Council

Attest:

City Clerk