

The City Council met in regular session in the Council Chambers on  
Wednesday February 6, 2013 at 9:00 A.M.

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

On motion of Mr. Witherspoon, Seconded by Mr. Merski, the reading of the minutes of  
the Meeting of January 16, 2013 were dispensed with and same adopted with copies  
furnished to the members of City Council by yeas Council Members Brennan, Evans, Horan-  
Kunco, Jones, Merski, Witherspoon and Winarski 7. Nays. 0.

Copies of the bills under date of January 25, 2013 and February 1, 2013 and  
February 8, 2013 were given to City Council and same adopted by yeas Council Members  
Brennan, Evans, Horan-Kunco, Jones, Merski, Witherspoon and Winarski. 7. Nays. 0. Mr.  
Brennan abstains on all GEIDC bills.

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By Mr. Evans, Council File No. 15,822, Pending Official File Ordinance No. 6-2013

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 19<sup>th</sup> Street) from C-4 (Traditional Neighborhood Commercial  
District) and M-1 (Light Manufacturing District) to C-2 (General Commercial District).

February 6, 2013. City Council on motion of Mr. Evans, Seconded by Mr. Merski  
having read Council File No.15,822, now known as Pending Official File Ordinance No. 6 -  
2013 does hereby adopt on Final Passage by yeas Council Members Brennan, Evans,  
Jones, Merski, Witherspoon and Winarski. 6. Nays 0. Mrs. Horan-Kunco abstains.

February 6, 2013, Signed by the President. Attested by the City Clerk.

By Mrs. Horan-Kunco, Council File No. 15,828, Pending Official Ordinance No. 7-2013

An ordinance **amending Official Zoning Ordinance No. 80-2005** (Changing the  
classification of real estate located on the south side of East 12<sup>th</sup> Street and east of  
East Avenue) from M-1(Light Industrial District) to M-2 (Heavy Industrial District).

February 6, 2013. City Council on motion of Mrs. Horan-Kunco, Seconded by Mr.  
Jones having read Council File No.15,828, now known as Pending Official File Ordinance  
No. 7-2013 does hereby adopt on Final Passage by yeas Council Members Evans, Horan-  
Kunco, Jones, Merski, Witherspoon and Winarski. 6. Nays. 0. Mr. Brennan abstains.

February 6, 2013. Signed by the President. Attested by the City Clerk.

By Mr. Brennan, Council File No.15,829, Pending Official Ordinance No. 8-2013

An ordinance **amending Article 330 (Landlord and Rental)**, by amending Section  
330.12 (Sunset Provision) to extend the ordinance expiration to March 31, 2017.

February 6, 2013. City Council on motion of Mr. Brennan, Seconded by Mr. Merski  
having read Council File No 15,829, now known as Pending Official File Ordinance No. 8-  
2013 does hereby adopt on Final Passage by yeas Council Members Brennan, Evans,  
Horan-Kunco, Jones, Merski, Witherspoon and Winarski 7. Nays. 0.

February 6, 2013. Signed by the President. Attested by the City Clerk.

By Mr. Winarski, Council File No. 15,830

An ordinance designating a portion of German Street from East 10<sup>th</sup> Street to East 11<sup>th</sup> Street, as "**Rev. Herlies Murphy Way**" in memory of Pastor Herlies Murphy.

February 6, 2013. City Council on motion of Mr. Winarski, Seconded by Mr. Witherspoon having read Council File No. 15,530 does hereby adopt on First Reading by yeas Council Members Brennan, Evans, Horan-Kunco, Jones, Merski, Witherspoon and Winarski. 7. Nays. 0.

February 6, 2013. Signed by the President. Attested by the City Clerk.

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

Confirming the recommendation of Mayor Joseph E. Sinnott appointing **Mr. Matthew Good** to the Erie Metropolitan Transit Authority Board replacing Mr. George Munro. Mr. Good's term will expire on December 31, 2016.

February 6, 2013. City Council adopt by yeas Council Members Brennan, Evans, Horan-Kunco, Jones, Merski, Witherspoon and Winarski. 7. Nays. 0.

February 6, 2013. Signed by the President. Attested by the City Clerk.

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

Confirming the recommendation of Mayor Joseph E. Sinnott appointing **Attorney Richard Bordonaro** to the Redevelopment Authority Board replacing Attorney Bill Wagner. Mr. Bordonaro's term will expire August 19, 2017.

February 6, 2013. City Council adopt by yeas Council Members Brennan, Evans, Horan-Kunco, Jones, Merski, Witherspoon and Winarski. 7. Nays. 0.

February 6, 2013. Signed by the President. Attested by the City Clerk.

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

That **Luvennise Gamble**, 810 West 8<sup>th</sup> Street, Erie, PA 16502 is hereby appointed to the Erie Airport Authority Board. Ms. Gamble's term will expire 12-31-17.

February 6, 2013. City Council adopts by yeas Council Members Brennan, Evans, Horan-Kunco, Jones, Merski, Witherspoon and Winarski. 7. Nays. 0.

February 6, 2013. Signed by the President. Attested by the City Clerk.

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

That the proper City officials are authorized and directed to donate \$5,000.00 from the General Fund Government account 002-0963-0000-4187 to the **Erie Vietnam Veterans Memorial Project** to support their efforts in their project.

February 6, 2013. City Council adopts by yeas Council Members Brennan, Evans, Horan-Kunco, Jones, Merski, Witherspoon and Winarski. 7. Nays. 0.

February 6, 2013. Signed by the President. Attested by the City Clerk.

## **MUNICIPAL SERVICES AGREEMENT AND BOND GUARANTEE AGREEMENT**

### **By and Between**

**THE ERIE PARKING AUTHORITY**, a municipal authority of the Commonwealth of Pennsylvania with a business address of 25 East 10<sup>th</sup> Street, 2<sup>nd</sup> Floor, Erie, Pennsylvania 16501

**-and-**

**THE CITY OF ERIE, PENNSYLVANIA**, a municipal corporation of the Commonwealth of Pennsylvania with a principal address of 626 State Street, Erie, Pennsylvania 16501.

**WHEREAS**, the Erie Parking Authority is the owner of multiple parcels of real estate within the City which are devoted to the providing of parking facilities for the use of the public, and

**WHEREAS**, the City of Erie provides regular and ongoing services including police, fire protection, street repair and other governmental functions which benefit all citizens and property owners, including the Erie Parking authority; and

**WHEREAS**, the City of Erie provides additional goods and services to the Erie Parking Authority, including snow removal, salt, street cleaning and paving projects; and

**WHEREAS**, the Erie Parking Authority provides an efficient system of on and off street parking facilities to the benefit of all citizens, including the City of Erie; and

**WHEREAS**, The Erie Parking Authority recognizes the City of Erie's general financial needs and is willing to provide revenues for the general fund for the years 2013, 2014, 2015, 2016 and 2017; and

**WHEREAS**, the Erie Parking Authority agrees to make payments of the sum of \$500,000.00. to the City of Erie with payment to be made in four equal installments of \$125,000.00 on the 1<sup>st</sup> day of April, 1<sup>st</sup> day of July, 1<sup>st</sup> day of October and the 31<sup>st</sup> day of December for the years 2013, 2014, 2015, 2016 and 2017; and

**WHEREAS**, the Erie Parking Authority is in need of the City of Erie's guarantee of certain revenue bonds to be issued by the Authority and the City of Erie is willing and does agree to execute any such agreement guaranteeing revenue bonds of the Erie Parking Authority to be issued during the term of this Agreement.

**NOW, THEREFORE**, it is agreed between the parties as follows:

1. The effective date of this Municipal Services Agreement shall be January 1, 2013 with an ending date of December 31, 2017.
2. The City of Erie agrees to continue to provide the current level of services set forth in this Agreement for the term of the Agreement in consideration of the Municipal Services Payment. Services provided by the City of Erie, include, but are not limited to, the following:
  - (A) Police patrols of Erie Parking Authority property and facilities;
  - (B) Police response, investigation, and follow-up regarding actual and/or threatened violence or violations of law involving EPD persons and property;
  - (C) Bureau of Fire protection and first response to all accidents involving EPA persons and property
  - (D) Bureau of Fire risk assessments and inspection services;
  - (E) Emergency Management availability and response to all fires, explosions, chemical spills, gas leaks, etc., occurring on or near EPA property;
  - (F) Police Safety Department involvement in anti-terrorist planning and procedure;
  - (G) Public Works Department and Streets Department, street and roadway maintenance street cleaning, snow and ice removal operation, provision sale, and traffic control management.
  - (H) The City of Erie agrees to execute a reasonable and customary guarantee agreement guaranteeing all bonds issued by the Erie Parking Authority arising during the term of this agreement without further considerations, remuneration, including but not limited to those considerations, remunerations and fees set forth in the Debt Guarantee Fee, section 123.10 of the codified ordinance of the City of Erie, Pennsylvania. The Erie Parking Authority is hereby exempt from Official Ordinance No. 49-2006 Debt Guarantee Fee, Article 123.10 of the Codified Ordinances of the City of Erie.
3. The Erie Parking Authority agrees to make annual payments of the total sum of \$500,000.00 to the City of Erie with payments to be made in four (4) equal installments of \$125,000.00 on the first day of April, first day of July, first day of October, and the 31<sup>st</sup> day of December for the years 2013, 2014, 2015, 2016 and 2017.
4. Neither the City of Erie nor the Erie Parking Authority will use this Agreement for any other purpose than the collection of the \$500,000.00 for the years 2013, 2014, 2015, 2016 and 2017 as set forth herein and the guarantee by the City of Erie of the bonds of the Erie Parking Authority. The parties specifically agree that this Agreement is not precedent setting and will not be considered an admission of responsibility of any obligation set forth herein by the parties hereto.
5. The City of Erie agrees to include in its annual budget for the years 2013, 2014, 2015, 2016 and 2017 a \$100,000.00 payment from the Police Department budget to the Erie Parking Authority to off-set expenses of the Erie Parking Authority with respect to enforcement. The \$100,000.00 payment shall be made on or before the first day of April of each year.

**WITH INTENT TO BE LEGALLY BOUND** hereby, and with the approval of the governing bodies of each party, the representatives signify their assent to the foregoing terms by their signatures.

ERIE PARKING AUTHORITY  
BY: \_\_\_\_\_  
Ray Massing, Executive Director

CITY OF ERIE  
BY: \_\_\_\_\_  
Joseph Sinnott, Mayor

ATTEST:

BY: \_\_\_\_\_  
James E. Klemm, City Clerk

BY: \_\_\_\_\_  
Casimir Kwitowski, Controller

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

That the proper City officials are authorized to enter into the **Municipal Services and Bond Guarantee Agreement** between the City of Erie and the Erie Parking Authority to provide for the mutual exchange of services more fully set forth in the agreement covering the years 2013 through 2017.

February 6, 2013. City Council adopts by yeas Council Members Brennan, Evans, Horan-Kunco, Jones, Merski, Witherspoon and Winarski. 7. Nays. 0.

February 6, 2013. Signed by the President. Attested by the City Clerk

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

That the proposed **Repository sale** of property commonly known as vacant lot McCarter Avenue and identified by Erie County Assessment Index Number 14-10-35-112 by the Erie County Tax Claim Bureau to Jeffrey A. Dacus, 1017 McCarter Avenue, Erie, PA in the amount of \$250.00.

February 6, 2013. City Council adopts by yeas Council Members Brennan, Evans, Horan-Kunco, Jones, Merski, Witherspoon and Winarski. 7. Nays. 0.

February 6, 2013. 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 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. **King Luminaire**, 1153 State Route 46N, Jefferson, OH 44047 for the Proposed Streetlight Fixtures, State Street Mid-Block Lighting from South Park Row to 10<sup>th</sup> Street, Provide Fixtures Material only in the sum of \$19,320.00.
2. **Union Metal Corporation**, 1432 Maple Avenue, NE, Canton, OH 44705 for Proposed Streetlight Poles and Arms, State Street Mid-Block Lighting South Park Row to 18<sup>th</sup> Street, Provide Material Only, in the sum of \$32,900.00.
3. **Raven Rock**, 5800 Peach Street, Erie, PA 16565, for work boots and work uniforms, for all bureaus of the Department of Public Works at unit prices (see attached).
4. **Red Door**, 124 West 9<sup>th</sup> Street, Erie, PA 16501, for silk screened uniforms and embroidery, for all bureaus of the Department of Public Works at unit prices (see attached).
5. **Process & Data Automation**, 670 West 36<sup>th</sup> Street, Erie, PA 16508, for a service contract not to exceed \$20,000.00 at \$95.00/hour for the Bureau of Sewers.

February 6, 2013. City Council adopt by yeas Council Members Brennan, Evans, Horan-Kunco, Jones, Merski, Witherspoon and Winarski. 7. Nays. 0.

February 6, 2013. Signed by the President. Attested by the City Clerk.

By Mr. Merski, Seconded by Mr. Brennan, 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. **Zoll Medical Corporation**, 269 Mill Road, Chelmsford, MA 01824-4105 for 14 AED's for the Bureau of Fire at a total cost of \$14, 254.46.
2. **H.D. Industries, Inc.** for repair unit for the Pot Hole Patcher in the amount of \$52,680.00 for the Bureau of Streets.
3. **Telog Instruments, Inc.** 830 Canning Parkway, Victor, NY 14564 for the annual software maintenance agreement for the Telog computerized maintenance system utilized by the Bureau of Sewers at a total cost of \$2,350.00.
4. **Greenhill Farms Equip, Inc.** 28361 Highway 77, Cambridge Springs, PA 16403 in the amount of \$15,500 for a Kubota MXF5100F tractor for the Department of Public Works.
5. **American Test Center**, PO Box 408, River Falls, WI 54022, for ladder testing for the Bureau of Fire at a total cost of \$2,156.00.

6. **Cellebrite USA, Inc.** 266 Harristown Toad, Ste. 105, Glen Rock NJ 07452 for two (2) Universal Forensic Cellphone Extraction Devices, Accessory Kit, one (1) year software updates, tech support, warranty and new cables for the Bureau Of Police at a total amount of \$9,584.00.
7. **Ace Viking Electrical**, 2222 East 30<sup>th</sup> Street, Erie, PA 16510 for the emergency purchase of a replacement pump for Arlington Lift Station for the Bureau of Sewers at a total amount of \$2,803.00.
8. **PA Dept. Bureau of Laboratories**, PO Box 1467, Harrisburg, PA 17105-1467, for laboratory accreditation fees for the Bureau of Sewers at a total cost of \$2,150.00.
9. **Seepex, Inc.** 511 Speedway Drive, Enron, Ohio 45323 for three (3) stators for sludge pumps at the Treatment Plant for the Bureau of Sewers at a total amount of \$8,467.37.
10. **David Milano Construction**, 2202 Zimmerly Road, Erie PA 16506 for materials only for installing a sanitary man hole at 915 West 27<sup>th</sup> Street, repairing a sanitary sewer connection at 933 and 944 East 31<sup>st</sup> Street, repairing a street cave in at 420 State Street and at 1119 West 25<sup>th</sup> Street and repairing an open joint in a sanitary sewer main at 3528 Maple Street for the Bureau of Sewers as follows: \$2,287.15 (material costs only), \$1,134.00 (material costs only), \$1,572.05 (material costs only), \$1635.38 (material costs only), \$757.05 (material costs only) and \$417.90 (material costs only), total cost \$7,803.53
11. **Print Concepts, Inc.** 4982 Pacific Avenue, Erie, PA 16506 for the 2013 Recycling Guides for the Department of Refuse at a cost of \$12,757.47.
12. **Bitting Recreation Inc.** PO Box 6445, Harrisburg, PA 17112, for the purchase of playground equipment for the Bureau of Parks at a total cost of \$16,545.81.
13. **Qorbak/Berlin Packaging**, Corporate One West, 1195 Washington Pike, Bridgeville, PA 15017, for sample bottles for the Bureau of Sewers/Treatment, Department of Public Works at a total cost of \$4,581.49.

February 6, 2013. City Council adopt by yeas Council Members Brennan, Evans, Horan-Kunco, Jones, Merski, Witherspoon and Winarski. 7. Nays. 0.

February 6, 2013 Signed by the President. Attested by the City Clerk.

#### WAIVE RULES

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

That Angela McNair, 218 Lighthouse Street, Erie, Pa 16507 is hereby appointed to the Zoning Hearing Board replacing Ron Desser whose term expired. Mrs. McNair's term will expire December 31, 2017.

February 6, 2013. City Council adopt by yeas Council Members Brennan, Evans, Horan-Kunco, Jones, Merski, Witherspoon and Winarski. 7. Nays. 0.

February 6, 2013 Signed by the President. Attested by the City Clerk.

February 6, 2013 City Council on motion of Mr. Witherspoon Seconded by Mr. Merski adjourned at 10:24 A.M. by yeas Council Members Brennan, Evans, Horan-Kunco, Jones, Merski, Witherspoon and Winarski. 7. Nays. 0.

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President of City Council

Attest:

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City Clerk