Thursday, June 5, 2008

EXCUSED: 1 - Councilmember Kenney

PRESENT: 16 - Councilmembers Blackwell, Clarke, Council President Verna, DiCicco, Goode, Green, Greenlee, Jones, Kelly, Krajewski, Miller, O'Neill, Reynolds Brown, Rizzo, Sanchez and Tasco

Council met, a quorum being present.

Reverend Kevin Johnson of Bright Hope Baptist Church was introduced and offered an appropriate prayer.

COUNCILMEMBER TASCO MOVED TO APPROVE THE JOURNAL

of the meeting of May 22, 2008

THE MOTION WAS DULY SECONDED AND AGREED TO.

Councilmember Kenney

THE REQUEST WAS GRANTED.

COMMUNICATIONS

The Sergeant-at-Arms presented messages from the Mayor as follows:

- Transmitting a message advising Council that Bill Nos. 080022, 080154, 080155, 080156, 080158, 080159, 080160, 080161 and 080465, which were passed by Council on May 22, 2008, were signed by the Mayor on May 22, 2008. (File No. 080563)

THE COMMUNICATION WAS READ.

- Transmitting a message advising Council that Bill Nos. 080162, 080163, 080164, 080168, 080362, 080374, 080375, 080377, 080404 and 080408, which were passed by Council on May 22, 2008, were signed by the Mayor on June 4, 2008. (File No. 080564)

THE COMMUNICATION WAS READ.

- Transmitting a resolution confirming the appointment of Melissa Kim to the Malt and Brewed Beverage Hearing Board. (File No. 080565)

THE COMMUNICATION WAS READ.

- Transmitting a resolution confirming the appointment of Gilbert Rowe to the Malt and Brewed Beverage Hearing Board. (File No. 080566)

THE COMMUNICATION WAS READ.

- Transmitting a resolution approving the annual Program Statement and Budget for the expenditure of the Neighborhood Transformation Initiative (NTI) Bond Proceeds for Fiscal Year 2009. (File No. 080567)

THE COMMUNICATION WAS READ.

- Transmitting a bill authorizing the revision of lines and grades on a portion of City Plan No. 163 by relocating the southwesterly houseline and curbline of Ridge Avenue near Calumet Street; by relocating the northwesterly houseline and curbline of Calumet Street from Ridge Avenue to the Fairmount Park Line; by striking from the City Plan East River Road from Calumet Street northwestwardly to its terminus; and vacating the portions of said East River Road laying outside the lines of Fairmount Park; all under certain terms and conditions. (File No. 080568)

THE COMMUNICATION WAS READ.

- Transmitting a bill authorizing the creation of a loan or loans to provide funds for and toward various capital municipal purposes; authorizing the Mayor, City Controller and City Solicitor or a majority of them to sell bonds at public or private negotiated sale; setting forth the capital purposes and the amounts for which the proceeds of the loan or loans will be expended, including reimbursement of City capital expenditures; providing for the maturities and for other terms and conditions and for the form of the bonds; providing that certain bonds may be redeemable prior to maturity; providing sinking funds for the bonds and for appropriations to the Sinking Fund Commission for the payment thereof; authorizing agreements to provide credit or payment or liquidity sources for the bonds and interest rate swaps in connection with issuance of the bonds, and certain other actions; providing for obtaining the consent of the electors to increasing the indebtedness of the City of Philadelphia; and fixing a day for holding the election for obtaining such consent and providing for the arrangements for holding such election, accompanied by an explanatory letter from the Director of Finance. (File No. 080569)

THE COMMUNICATION WAS READ.

- Transmitting a bill authorizing the Commissioner of Public Property, on behalf of the City of Philadelphia, to lease from The School District of Philadelphia certain property located in the vicinity of Byberry and Academy Roads for further sublease to the Academy Sports Association under certain terms and conditions. (File No. 080570)

THE COMMUNICATION WAS READ.

- Transmitting a bill authorizing the Commissioner of Public Property and the Executive Director of Fairmount Park to enter into an air rights license agreement with Main Street Partners, LP allowing Main Street Properties, LP to construct a deck over a certain portion of the Manayunk Canal Towpath at 2 Rector Street under certain terms and conditions, accompanied by explanatory letter from the Executive Director of the Fairmount Park. (File No. 080571)

THE COMMUNICATION WAS READ.

INTRODUCTION OF ORDINANCES AND RESOLUTONS

Councilmember Jones Introduced the following Bill, Sponsored by Councilmembers Jones and Reynolds Brown:

- **Bill No. 080540:** An Ordinance Authorizing the Commissioner of Public Property and the Executive Director of Fairmount Park to enter into an air rights license agreement with Main Street Partners, LP allowing Main Street Properties, LP to construct a deck over a certain portion of the Manayunk Canal Towpath at 2 Rector Street under certain terms and conditions.

THE BILL WAS REFERRED TO THE COMMITTEE ON PARKS, RECREATION AND CULTURAL AFFAIRS.

Councilmember O'Neill Introduced the following Bill, Sponsored by Councilmember O'Neill:

- **Bill No. 080541:** An Ordinance Authorizing the Commissioner of Public Property, on behalf of the City of Philadelphia, to lease from The School District of Philadelphia certain property located in the vicinity of Byberry and Academy Roads for further sublease to the Academy Sports Association under certain terms and conditions.

THE BILL WAS REFERRED TO THE COMMITTEE ON PUBLIC PROPERTY AND PUBLIC WORKS.

Councilmember Blackwell Introduced the following Bill, Sponsored by Councilmember Blackwell:

- electors of the City of Philadelphia of an amendment to Section 7-400 of the Philadelphia Home Rule Charter set forth in a Council Resolution prohibiting the Civil Service Commission from imposing any fee to apply for employment with the City; fixing the date of a special election for such purpose; prescribing the form of ballot question to be voted on; and authorizing the appropriate officers to publish notice and to make arrangements for the special election.

THE BILL WAS REFERRED TO THE COMMITTEE ON LAW AND GOVERNMENT.

Councilmember Tasco Introduced the following Bill for Councilmember Council President Verna, Sponsored by Councilmember Tasco:

- **Bill No. 080543:** An Ordinance Authorizing the creation of a loan or loans to provide funds for and toward various capital municipal purposes; authorizing the Mayor, City Controller and City Solicitor or a majority of them to sell bonds at public or private negotiated sale; setting forth the capital purposes and the amounts for which the proceeds of the loan or loans will be expended, including reimbursement of City capital expenditures; providing for the maturities and for other terms and conditions and for the form of the bonds; providing that certain bonds may be redeemable prior to maturity; providing sinking funds for the bonds and for appropriations to the Sinking Fund Commission for the payment thereof; authorizing agreements to provide credit or payment or liquidity sources for the bonds and interest rate swaps in connection with issuance of the bonds, and certain other actions; providing for obtaining the consent of the electors to increasing the indebtedness of the City of Philadelphia; and fixing a day for holding the election for obtaining such consent and providing for the arrangements for holding such election.

THE BILL WAS REFERRED TO THE COMMITTEE ON FINANCE.

Councilmember Jones Introduced the following Bill, Sponsored by Councilmembers Jones and Reynolds Brown:

- **Bill No. 080544:** An Ordinance Authorizing the revision of lines and grades on a portion of City Plan No. 163 by relocating the southwesterly houseline and curbline of Ridge Avenue near Calumet Street; by relocating the northwesterly houseline and curbline of Calumet Street from Ridge Avenue to the Fairmount Park Line; by striking from the City Plan East River Road from Calumet Street northwestwardly to its terminus; and vacating the portions of said East River Road laying outside the lines of Fairmount Park; all under certain terms and conditions.

THE BILL WAS REFERRED TO THE COMMITTEE ON STREETS AND SERVICES.

Councilmember Reynolds Brown Introduced the following Bill, Sponsored by Councilmember Reynolds Brown:

- **Bill No. 080545:** An Ordinance Amending Section 12-902 of The Philadelphia Code, entitled "Parking for Certain Purposes Prohibited," by prohibiting the standing or parking of any boat on the roadway for the purpose of sale, washing, greasing or repairing and amending Section 12-2405, entitled "Removal or Immobilization of Parked Vehicles; Notice," to provide for towing of boats parked for the purpose of sale and Section 12-2809, entitled "Civil Penalties and Costs," to provide for penalties for violations; all under certain terms and conditions.

THE BILL WAS REFERRED TO THE COMMITTEE ON STREETS AND SERVICES.

Councilmember Reynolds Brown Introduced the following Bill, Sponsored by Councilmember Reynolds Brown:

- **Bill No. 080546:** An Ordinance Amending Subcode "PM" (The Philadelphia Property Maintenance Code) of Title 4 of The Philadelphia Code, entitled "The Philadelphia Building Construction and Occupancy Code," by amending Section PM-302.4, entitled "Grading and drainage," by adding certain structures to the provisions prohibiting the accumulation of stagnant water, and making certain technical changes, all under certain terms and conditions.

THE BILL WAS REFERRED TO THE COMMITTEE ON LICENSES AND INSPECTIONS.

Councilmember Reynolds Brown Introduced the following Bill, Sponsored by Councilmember Reynolds Brown:

- **Bill No. 080547:** An Ordinance Amending Title 9 of The Philadelphia Code, entitled "Regulation of Businesses, Trades and Professions," by adding a new Chapter providing for the licensing of day care centers and other child care programs, and providing for licensing fees and penalties, all under certain terms and conditions.

THE BILL WAS REFERRED TO THE COMMITTEE ON LICENSES AND INSPECTIONS.

Councilmember DiCicco Introduced the following Bill, Sponsored by Councilmember DiCicco:

- **Bill No. 080548:** An Ordinance Amending Section 2 of Bill No. 050510, approved November 17, 2005, entitled "An Ordinance to amend the Philadelphia Zoning Maps by changing the zoning designations of certain areas of land located within an area bounded by Allegheny Avenue, Collins Street, Westmoreland Street and Tulip Street," by extending the period of

compliance.

THE BILL WAS REFERRED TO THE COMMITTEE ON RULES.

Councilmember Clarke Introduced the following Bill, Sponsored by Councilmembers Clarke and DiCicco:

- **Bill No. 080549:** An Ordinance Amending Chapter 10-700 of The Philadelphia Code, entitled "Refuse and Littering," by increasing the penalties for owners of private premises and vacant private premises who don't maintain their premises, or the sidewalk in front of such premise, free of litter.

THE BILL WAS REFERRED TO THE COMMITTEE ON STREETS AND SERVICES.

RESOLUTIONS

Councilmember Blackwell Introduced the following Resolution, Sponsored by Councilmember Blackwell:

- **Resolution No. 080550:** Resolution Proposing an amendment to Section 7-400 of the Philadelphia Home Rule Charter, relating to the preparation of Civil Service Regulations, by prohibiting the Civil Service Commission from imposing any fee to apply for employment with the City.

THE RESOLUTION WAS READ.

THE RESOLUTION WAS REFERRED TO THE COMMITTEE ON LAW AND GOVERNMENT.

Councilmember Greenlee Introduced the following Resolution for Councilmember Kenney, Sponsored by Councilmembers Greenlee, O'Neill, Jones, Rizzo, Sanchez, Goode, Reynolds Brown, Tasco, DiCicco, Blackwell, Krajewski, Kelly and Clarke:

- **Resolution No. 080551:** Resolution Recognizing and congratulating Saint Joseph's Preparatory School's Baseball Team on the occasion of winning the 2008 Catholic League Baseball Title.

THE RESOLUTION WAS READ.

THE RESOLUTION WAS ADOPTED.

Councilmember Tasco Introduced (By Request) the following Resolution for Councilmember Council President Verna, Sponsored by Councilmember Tasco:

- **Resolution No. 080552-A:** Resolution Approving the annual Program Statement and Budget for the expenditure of the Neighborhood Transformation Initiative (NTI) Bond Proceeds for Fiscal Year 2009.

THE RESOLUTION WAS READ.

THE RESOLUTION WAS REFERRED TO THE COMMITTEE ON FINANCE.

Councilmember Tasco Introduced the following Resolution for Councilmember Council President Verna, Sponsored by Councilmember Tasco:

- **Resolution No. 080553:** Resolution Confirming the appointment of Gilbert Rowe to the Malt and Brewed Beverage Hearing Board.

THE RESOLUTION WAS READ.

THE RESOLUTION WAS REFERRED TO THE COMMITTEE OF THE WHOLE.

Councilmember Tasco Introduced the following Resolution for Councilmember Council President Verna, Sponsored by Councilmember Tasco:

- **Resolution No. 080554:** Resolution Confirming the appointment of Melissa Kim to the Malt and Brewed Beverage Hearing Board.

THE RESOLUTION WAS READ.

THE RESOLUTION WAS REFERRED TO THE COMMITTEE OF THE WHOLE.

Councilmember Tasco Introduced the following Resolution, Sponsored by Councilmember Tasco:

- **Resolution No. 080555:** Resolution Authorizing the Council Committee on Finance to hold hearings regarding the creation of the Philadelphia Film Tax Credit.

THE RESOLUTION WAS READ.

THE RESOLUTION WAS ADOPTED & REFERRED TO THE COMMITTEE ON FINANCE.

Councilmember Tasco Introduced the following Resolution, Sponsored by Councilmembers Tasco, Council President Verna, Clarke, Rizzo, Kelly, Blackwell, Krajewski, Miller, Greenlee, O'Neill, Reynolds Brown, DiCicco, Jones, Sanchez, Kenney, Goode and Green:

- **Resolution No. 080556:** Resolution Honoring the Life of Anne d'Harnoncourt.

THE RESOLUTION WAS READ.

THE RESOLUTION WAS ADOPTED BY STANDING VOTE.

Councilmember Miller Introduced the following Resolution, Sponsored by Councilmember Miller:

- "Philadelphia CPR Training Day."

THE RESOLUTION WAS READ.

THE RESOLUTION WAS ADOPTED.

Councilmember Miller Introduced the following Resolution, Sponsored by Councilmember Miller:

- **Resolution No. 080558:** Resolution Authorizing the Commissioner of Public Property to execute and deliver to the Redevelopment Authority of the City of Philadelphia, without consideration, deeds conveying conditional fee simple title to certain City-owned lots or pieces of ground with the buildings and improvements thereon, situate in the Seventeenth Ward of the City of Philadelphia, pursuant to Chapter 16-400 of The Philadelphia Code and authorizing the Redevelopment Authority of the City of Philadelphia to dispose of such properties for rehabilitation and/or improvement in accordance with the terms of Chapter 16-400 of The Philadelphia Code.

THE RESOLUTION WAS READ.

THE RESOLUTION WAS ADOPTED.

Councilmember Sanchez Introduced the following Resolution, Sponsored by Councilmember Sanchez:

- **Resolution No. 080559:** Resolution Recognizing and honoring the week of June 6th through June 14th as Philippine Independence Week.

THE RESOLUTION WAS READ.

THE RESOLUTION WAS ADOPTED.

Councilmember Reynolds Brown Introduced the following Resolution, Sponsored by Councilmembers Reynolds Brown and Sanchez:

- **Resolution No. 080560:** Resolution Recognizing CORE Philly for its accomplishments in the area of increasing college enrollment amongst graduating Philadelphia students.

THE RESOLUTION WAS READ.

THE RESOLUTION WAS ADOPTED.

Councilmember DiCicco Introduced the following Resolution, Sponsored by Councilmembers DiCicco, Jones and Kenney:

Committee on Transportation and Public Utilities and the Environment to hold public hearings on SEPTA's rising fuel costs, their potential impact on riders and alternatives to diesel-operated buses.

THE RESOLUTION WAS READ.

THE RESOLUTION WAS ADOPTED & REFERRED TO THE JOINT COMMITTEES ON THE ENVIRONMENT AND TRANSPORTATION & PUBLIC UTILITIES.

Councilmember Clarke Introduced the following Resolution, Sponsored by Councilmember Clarke:

Resolution No. 080562: Resolution Authorizing the Commissioner of Public Property to execute and deliver to the Redevelopment Authority of the City of Philadelphia, without consideration, deeds conveying conditional fee simple title to certain City-owned lots or pieces of ground with the buildings and improvements thereon, situate in the Eighteenth, Twenty-eighth and Thirty-second Wards of the City of Philadelphia, pursuant to Chapter 16-400 of The Philadelphia Code and authorizing the Redevelopment Authority of the City of Philadelphia to dispose of such properties for rehabilitation and/or improvement in accordance with the terms of Chapter 16-400 of The Philadelphia Code.

THE RESOLUTION WAS READ.

THE RESOLUTION WAS ADOPTED.

REPORTS FROM COMMITTEES

COMMITTEE ON FINANCE

Bill No. 080495: An Ordinance Authorizing the Philadelphia Municipal Authority, incorporated pursuant to the "Municipality Authorities Act of 1945," P.L. 382, as amended (the "Act"), to design, build, finance, own, operate, maintain, and lease facilities and equipment, and provide related services, for the management of the City's wastewater treatment solids; all under certain terms and conditions.

COUNCILMEMBER TASCO MOVED TO SUSPEND THE RULES OF THE COUNCIL SO AS TO PERMIT CONSIDERATION THIS DAY OF BILL NO. 080495.

THE MOTION WAS DULY SECONDED AND AGREED TO.

THE BILL WAS ORDERED PLACED ON THIS DAY`S FIRST READING CALENDAR.

Bill No. 080498-A, as amended: An Ordinance Authorizing the Water Commissioner and the Procurement Commissioner, on behalf of the City of

Philadelphia, to enter into a Service Contract with the Philadelphia Municipal Authority, pursuant to which the City will assume certain obligations under an agreement that the Authority will enter into with Philadelphia Biosolids Services, LLC to design, finance, build, own and maintain facilities and equipment, and provide operating services, for the management of the City's wastewater treatment solids; all under certain terms and conditions.

COUNCILMEMBER TASCO MOVED TO SUSPEND THE RULES OF THE COUNCIL SO AS TO PERMIT CONSIDERATION THIS DAY OF BILL NO. 080498-A.

THE MOTION WAS DULY SECONDED AND AGREED TO.

THE BILL WAS ORDERED PLACED ON THIS DAY`S FIRST READING CALENDAR.

COMMITTEE ON PUBLIC PROPERTY AND PUBLIC WORKS

Bill No. 080402: An Ordinance Authorizing the Commissioner of Public Property, on behalf of the City, to enter into an amendment to an existing sublease between the Philadelphia Municipal Authority and the City for the City's use of certain office space located at 100 South Broad Street, under certain terms and conditions.

COUNCILMEMBER CLARKE MOVED TO SUSPEND THE RULES OF THE COUNCIL SO AS TO PERMIT CONSIDERATION THIS DAY OF BILL NO. 080402.

THE MOTION WAS DULY SECONDED AND AGREED TO.

THE BILL WAS ORDERED PLACED ON THIS DAY`S FIRST READING CALENDAR.

Bill No. 080403: An Ordinance Authorizing the Commissioner of Public Property and the Executive Director of Fairmount Park to enter into a temporary easement agreement with the Southeastern Pennsylvania Transportation Authority allowing SEPTA to use portions of 185 West Allens Lane and 7301-7321 Cresheim Road, under certain terms and conditions.

COUNCILMEMBER CLARKE MOVED TO SUSPEND THE RULES OF THE COUNCIL SO AS TO PERMIT CONSIDERATION THIS DAY OF BILL NO. 080403.

THE MOTION WAS DULY SECONDED AND AGREED TO.

THE BILL WAS ORDERED PLACED ON THIS DAY`S FIRST READING CALENDAR.

Bill No. 080435, as amended: An Ordinance Authorizing the Commissioner of Public Property on behalf of the City of Philadelphia to transfer to the Philadelphia Authority for Industrial Development, for nominal consideration, a certain parcel of land, with the buildings and improvements thereon, known as 3548 Germantown Avenue, for further conveyance.

PERMIT CONSIDERATION THIS DAY OF BILL NO. 080435.

THE MOTION WAS DULY SECONDED AND AGREED TO.

THE BILL WAS ORDERED PLACED ON THIS DAY`S FIRST READING CALENDAR.

- **Bill No. 080499:** An Ordinance Authorizing the Commissioner of Public Property, on behalf of the City of Philadelphia, to enter into a lease agreement with the Philadelphia Municipal Authority for further sublease to Philadelphia Biosolids Services, LLC., a certain portion of a parcel of ground located at 7800 Penrose Ferry Road; all under certain terms and conditions.

COUNCILMEMBER CLARKE MOVED TO SUSPEND THE RULES OF THE COUNCIL SO AS TO PERMIT CONSIDERATION THIS DAY OF BILL NO. 080499.

THE MOTION WAS DULY SECONDED AND AGREED TO.

THE BILL WAS ORDERED PLACED ON THIS DAY`S FIRST READING CALENDAR.

COMMITTEE ON LABOR AND CIVIL SERVICE

- **Bill No. 080148, as amended:** An Ordinance Amending Section 17-107 of The Philadelphia Code, entitled "Contractors: Labor-Management Relationships," to change the method by which the prevailing wage and prevailing working conditions are calculated for certain occupational classifications, all under certain terms and conditions.

COUNCILMEMBER GREEN MOVED TO SUSPEND THE RULES OF THE COUNCIL SO AS TO PERMIT CONSIDERATION THIS DAY OF BILL NO. 080148.

THE MOTION WAS DULY SECONDED AND AGREED TO.

THE BILL WAS ORDERED PLACED ON THIS DAY`S FIRST READING CALENDAR.

CONSIDERATION OF THE CALENDAR

BILLS ON FIRST READING

- **Bill No. 080495:** An Ordinance Authorizing the Philadelphia Municipal Authority, incorporated pursuant to the "Municipality Authorities Act of 1945," P.L. 382, as amended (the "Act"), to design, build, finance, own, operate, maintain, and lease facilities and equipment, and provide related services, for the management of the City's wastewater treatment solids; all under certain terms and conditions.

THE BILL WAS ORDERED PLACED ON NEXT WEEK`S SECOND READING CALENDAR.

- **Bill No. 080498-A, as amended:** An Ordinance Authorizing the Water Commissioner and the Procurement Commissioner, on behalf of the City of Philadelphia, to enter into a Service Contract with the Philadelphia Municipal Authority, pursuant to which the City will assume certain obligations under an agreement that the Authority will enter into with Philadelphia Biosolids Services, LLC to design, finance, build, own and maintain facilities and equipment, and provide operating services, for the management of the City's wastewater treatment solids; all under certain terms and conditions.

THE BILL WAS ORDERED PLACED ON NEXT WEEK`S SECOND READING CALENDAR.

- **Bill No. 080402:** An Ordinance Authorizing the Commissioner of Public Property, on behalf of the City, to enter into an amendment to an existing sublease between the Philadelphia Municipal Authority and the City for the City's use of certain office space located at 100 South Broad Street, under certain terms and conditions.

THE BILL WAS ORDERED PLACED ON NEXT WEEK`S SECOND READING CALENDAR.

- **Bill No. 080403:** An Ordinance Authorizing the Commissioner of Public Property and the Executive Director of Fairmount Park to enter into a temporary easement agreement with the Southeastern Pennsylvania Transportation Authority allowing SEPTA to use portions of 185 West Allens Lane and 7301-7321 Cresheim Road, under certain terms and conditions.

THE BILL WAS ORDERED PLACED ON NEXT WEEK`S SECOND READING CALENDAR.

- **Bill No. 080435, as amended:** An Ordinance Authorizing the Commissioner of Public Property on behalf of the City of Philadelphia to transfer to the Philadelphia Authority for Industrial Development, for nominal consideration, a certain parcel of land, with the buildings and improvements thereon, known as 3548 Germantown Avenue, for further conveyance.

THE BILL WAS ORDERED PLACED ON NEXT WEEK`S SECOND READING CALENDAR.

- **Bill No. 080499:** An Ordinance Authorizing the Commissioner of Public Property, on behalf of the City of Philadelphia, to enter into a lease agreement with the Philadelphia Municipal Authority for further sublease to Philadelphia Biosolids Services, LLC., a certain portion of a parcel of ground located at 7800 Penrose Ferry Road; all under certain terms and conditions.

THE BILL WAS ORDERED PLACED ON NEXT WEEK`S SECOND READING CALENDAR.

- **Bill No. 080148, as amended:** An Ordinance Amending Section 17-107 of The Philadelphia Code, entitled "Contractors: Labor-Management Relationships," to change the method by which the prevailing wage and prevailing working conditions are calculated for certain occupational classifications, all under

certain terms and conditions.

THE BILL WAS ORDERED PLACED ON NEXT WEEK`S SECOND READING CALENDAR.

BILLS ON SECOND READING AND FINAL PASSAGE

Bill No. 080030: An Ordinance Authorizing the paving of St. Thomas Drive, under certain terms and conditions.

THE BILL WAS READ.

THE BILL WAS PASSED.

The Ayes and Nays were as follows:

Ayes: *16 - Councilmembers Blackwell, Clarke, Council President Verna, DiCicco, Goode, Green, Greenlee, Jones, Kelly, Krajewski, Miller, O'Neill, Reynolds Brown, Rizzo, Sanchez and Tasco*

Nays: *0*

Bill No. 080129: An Ordinance Granting permission to Sunil Shroff, owner and operator of the newsstand located on the northwest corner of Fortieth Street and Spruce Street, to construct, use and maintain conduits for fiber optic facilities in, under and across the northwest corner of Fortieth Street and Spruce Street, for the purpose of supplying electrical service and telephone service to said newsstand.

THE BILL WAS READ.

THE BILL WAS PASSED.

The Ayes and Nays were as follows:

Nays: *0*

Ayes: *16 - Councilmembers Blackwell, Clarke, Council President Verna, DiCicco, Goode, Green, Greenlee, Jones, Kelly, Krajewski, Miller, O'Neill, Reynolds Brown, Rizzo, Sanchez and Tasco*

Bill No. 080383, as amended: An Ordinance Authorizing Arch Street Hotel Partners, LLC to construct, own and maintain various encroachments at 1421 Arch Street, all under certain terms and conditions.

THE BILL WAS READ.

THE BILL WAS PASSED.

The Ayes and Nays were as follows:

Ayes: *16 - Councilmembers Blackwell, Clarke, Council President Verna, DiCicco, Goode, Green, Greenlee, Jones, Kelly, Krajewski, Miller, O'Neill, Reynolds Brown, Rizzo, Sanchez and Tasco*

Nays: *0*

Bill No. 080384, as amended: An Ordinance Authorizing Grasso Holdings, Inc. the owner and developer of 1601 Vine Street to construct, own and maintain various encroachments to be installed in conjunction with a mixed-use development, all under certain terms and conditions.

THE BILL WAS READ.

THE BILL WAS PASSED.

The Ayes and Nays were as follows:

Ayes: *16 - Councilmembers Blackwell, Clarke, Council President Verna, DiCicco, Goode, Green, Greenlee, Jones, Kelly, Krajewski, Miller, O'Neill, Reynolds Brown, Rizzo, Sanchez and Tasco*

Nays: *0*

Bill No. 080406, as amended: An Ordinance Amending Chapter 12-2400 of The Philadelphia Code, entitled "Towing And Immobilizing Of Parked Or Abandoned Vehicles," by the addition and changing of towing zone locations, all under certain terms and conditions.

THE BILL WAS READ.

THE BILL WAS PASSED.

The Ayes and Nays were as follows:

Nays: *0*

Ayes: *16 - Councilmembers Blackwell, Clarke, Council President Verna, DiCicco, Goode, Green, Greenlee, Jones, Kelly, Krajewski, Miller, O'Neill, Reynolds Brown, Rizzo, Sanchez and Tasco*

Bill No. 080401, as amended: An Ordinance To amend the Philadelphia Zoning Maps by changing the zoning designations of certain areas of land located within an area bounded by Grays Ferry Avenue, 30th Street, Titan Street and 31st Street.

THE BILL WAS READ.

THE BILL WAS PASSED.

The Ayes and Nays were as follows:

Nays: *0*

Ayes: *16 - Councilmembers Blackwell, Clarke, Council President Verna, DiCicco, Goode, Green, Greenlee, Jones, Kelly, Krajewski, Miller, O'Neill, Reynolds Brown, Rizzo, Sanchez and Tasco*

Bill No. 080470: An Ordinance Authorizing transfers in appropriations for Fiscal Year 2008 from the General Fund, the City Representative and the Director of Commerce and from the Community Development Fund, the Director of Finance - Community Development Block Grant - to be Allocated to the f0General Fund, the Mayor, the Department of Recreation, the Director of Finance - Fringe

Benefits, and the City Commissioners.

THE BILL WAS READ.

THE BILL WAS PASSED.

The Ayes and Nays were as follows:

Ayes: *16 - Councilmembers Blackwell, Clarke, Council President Verna, DiCicco, Goode, Green, Greenlee, Jones, Kelly, Krajewski, Miller, O'Neill, Reynolds Brown, Rizzo, Sanchez and Tasco*

Nays: *0*

Bill No. 080471: An Ordinance Authorizing transfers in appropriations for Fiscal Year 2008 within the General Fund from the Managing Director to the Police Department, the District Attorney, and the First Judicial District of Pennsylvania.

THE BILL WAS READ.

THE BILL WAS PASSED.

The Ayes and Nays were as follows:

Ayes: *16 - Councilmembers Blackwell, Clarke, Council President Verna, DiCicco, Goode, Green, Greenlee, Jones, Kelly, Krajewski, Miller, O'Neill, Reynolds Brown, Rizzo, Sanchez and Tasco*

Nays: *0*

Bill No. 080472: An Ordinance Authorizing transfers in appropriations for Fiscal Year 2008 within the General Fund from the Managing Director to the Mayor's Office of Community Services.

THE BILL WAS READ.

THE BILL WAS PASSED.

The Ayes and Nays were as follows:

Nays: *0*

Ayes: *16 - Councilmembers Blackwell, Clarke, Council President Verna, DiCicco, Goode, Green, Greenlee, Jones, Kelly, Krajewski, Miller, O'Neill, Reynolds Brown, Rizzo, Sanchez and Tasco*

Bill No. 080004, as amended: An Ordinance Amending Section 9-605 of The Philadelphia Code, entitled "Towing," by requiring every person licensed to engage in the business of towing vehicles to accept credit cards and debit cards in payment of towing and other charges, under certain terms and conditions.

THE BILL WAS READ.

THE BILL WAS PASSED.

The Ayes and Nays were as follows:

Ayes: *16 - Councilmembers Blackwell, Clarke, Council President Verna, DiCicco, Goode, Green, Greenlee, Jones, Kelly, Krajewski, Miller, O'Neill, Reynolds Brown, Rizzo, Sanchez and Tasco*

Nays: *0*

Bill No. 080085-A, as amended: An Ordinance Amending Title 9 of The Philadelphia Code, entitled "Regulation of Businesses, Trades and Professions," by adding a new Section 9-630, entitled "Sale of Used Cars," providing for protections against sale of cars in need of substantial repairs, commonly known as a "lemon law"; all under certain terms and conditions.

THE BILL WAS READ.

COUNCILMEMBER CLARKE MOVED TO AMEND BILL NO. 080085 AS FOLLOWS:

PROPOSED AMENDMENT TO BILL NO. 080085

* * *

PROPOSED AMENDMENTS TO BILL NO. 080085

Matter added by amendment is in **bold**
Matter deleted by amendment is in ~~strikeout~~

AN ORDINANCE

Amending Title 9 of The Philadelphia Code, entitled "Regulation of Businesses, Trades and Professions," by adding a new Section 9-630, entitled "Sale of Used Cars," providing for protections against sale of cars in need of substantial repairs, commonly known as a "lemon law"; all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Title 9 of The Philadelphia Code is amended to read as follows:

TITLE 9. REGULATION OF BUSINESSES, TRADES AND PROFESSIONS.

* * *

CHAPTER 9-600. SERVICE AND OTHER BUSINESSES.

* * *

§ 9-630. Sale of Used Cars.

(1) For purposes of this Section,

(a) A "Certified Inspection Mechanic" shall be any person authorized by the Pennsylvania Department of Transportation to perform an inspection under 75 Pa. C.S. § 4702 or any regulations promulgated thereunder.

(b) An "Undisclosed Major Structural Defect" shall be one of the following defects in a motor vehicle which is offered for sale and represented to be roadworthy, when the seller fails to disclose the condition:

1.) frame is bent, cracked, or twisted;

2.) engine block or head cracked;

3.) transmission damaged, defective, or so deteriorated as to require replacement;

4.) vehicle is flood damaged;

5.) differential is damaged, defective, or so deteriorated as to require replacement;

6.) vehicle is unable to pass state inspection.

(c) A "dealer" shall be a person in the business of buying, selling, leasing or exchanging vehicles.

(2) Any person who purchases a used motor vehicle from a dealer in used or new motor vehicles shall have the right to return such vehicle to the dealer up to seventy-two (72) hours after taking delivery of the vehicle if the vehicle is found by a Certified Inspection Mechanic to have an Undisclosed Major Structural Defect and the Certified Inspection Mechanic identifies the defect in writing.

(3) Upon return of any such vehicle, the dealer shall have the option of repairing the Undisclosed Major Structural Defect, ***at the dealer's sole expense****, within ~~seven (7)~~****ten (10)*** *business days of return, or refunding all moneys paid for such vehicle, including any tax, delivery fees or other incidental charges.*

(4) No sale shall be exempt from the provisions of this Section merely because the purchaser agreed to buy the vehicle "as is" or "without warranty," unless the purchaser agrees, in writing, that the purchase is for an " unroadworthy" vehicle.

(5) A dealer in used or new motor vehicles who, in connection with the sale of a used motor vehicle, sells a warranty to the purchaser of the vehicle purporting to cover the cost of parts and/or labor for repairs to the vehicle, shall provide a copy of the written warranty to the purchaser within fifteen (15) days of payment for the warranty, and shall perform the undertakings set forth in the warranty promptly upon presentation of the warrantied vehicle for repair. At the time of purchase, the dealer shall disclose to the purchaser, in writing in large capital letters, whether the warranty is provided by the dealer, the manufacturer or a third party.

(6) No dealer in used or new motor vehicles shall sell any used motor vehicle unless

such dealer informs the purchaser, in writing, at the time of sale, (a) whether any one of the six (6) delineated Undisclosed Major Structural Defects exists; and (b) that the purchaser has the right to return such vehicle and the timeframe required for any such return, as set forth in this Section.

(7) Administration and Enforcement.

(a) Any person aggrieved by a violation of this Section may report such violation to the Mayor's Office of Consumer Affairs, or such other office as the Mayor shall designate. Said Office shall perform such investigation as it deems appropriate, and refer the matter to the Department for enforcement.

(b) In addition to the penalties set forth in Section 9-105, any dealer found to be in violation of this Section shall be subject to reprimand, suspension or revocation of his or her ***automobile seller's license in accordance with section 9-601(4) and (5) and/or*** *business privilege license. The Department shall revoke or suspend a license pursuant to this subsection if, after due process, it determines that the violation was willful or repetitive. Upon good cause shown, the Department shall reinstate any such license.*

Explanation:
Bold Italics indicates new matter added

* * *

THE AMENDMENT WAS READ

COUNCILMEMBER CLARKE MOVED FOR THE ADOPTION OF THE AMENDMENT

THE MOTION WAS DULY SECONDED AND AGREED TO

THE AMENDMENT TO BILL NO. 080085 WAS ADOPTED

Bill No. 080085-A, as amended: An Ordinance Amending Title 9 of The Philadelphia Code, entitled "Regulation of Businesses, Trades and Professions," by adding a new Section 9-630, entitled "Sale of Used Cars," providing for protections against sale of cars in need of substantial repairs, commonly known as a "lemon law"; all under certain terms and conditions.

THE BILL WAS AMENDED.

THE BILL WAS ORDERED PLACED ON FINAL PASSAGE CALENDAR FOR NEXT MEETING..

Bill No. 080165: An Ordinance Amending Subcode "A" (The Philadelphia Administrative Code) of Title 4 of The Philadelphia Code, entitled "The Philadelphia Building Construction and Occupancy Code," by amending the fee schedule for various construction related activities; and amending Section 14-1706 of The Philadelphia Code, entitled "Schedule of Fees," by amending the fees for the issuance of real estate certifications; all under certain terms and conditions.

THE BILL WAS READ.

THE BILL WAS PASSED.

The Ayes and Nays were as follows:

Nays: *0*

Ayes: *16 - Councilmembers Blackwell, Clarke, Council President Verna, DiCicco, Goode, Green, Greenlee, Jones, Kelly, Krajewski, Miller, O'Neill, Reynolds Brown, Rizzo, Sanchez and Tasco*

Bill No. 080301: An Ordinance Amending Section 9-613 of The Philadelphia Code, entitled "Junk Dealers," by prohibiting junk dealers from transacting business with respect to certain items, making certain technical changes and providing for penalties, all under certain terms and conditions.

THE BILL WAS READ.

THE BILL WAS PASSED.

The Ayes and Nays were as follows:

Ayes: *16 - Councilmembers Blackwell, Clarke, Council President Verna, DiCicco, Goode, Green, Greenlee, Jones, Kelly, Krajewski, Miller, O'Neill, Reynolds Brown, Rizzo, Sanchez and Tasco*

Nays: *0*

Bill No. 080373: An Ordinance Amending Section 12-1120 of The Philadelphia Code, entitled "Abandoned Vehicles," by providing that towing and storage fees, charged by authorized salvors for the towing and storage of abandoned vehicles, be assessed in accordance with the provisions of Section 12-2406.1, under certain terms and conditions.

THE BILL WAS READ.

THE BILL WAS PASSED.

The Ayes and Nays were as follows:

Ayes: *16 - Councilmembers Blackwell, Clarke, Council President Verna, DiCicco, Goode, Green, Greenlee, Jones, Kelly, Krajewski, Miller, O'Neill, Reynolds Brown, Rizzo, Sanchez and Tasco*

Nays: *0*

COUNCILMEMBER CLARKE MOVED TO ADJOURN

THE MOTION WAS DULY SECONDED AND AGREED TO.