Thursday, October 8, 2009

EXCUSED: 1 - Councilmember Miller

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

Council met, a quorum being present.

Bishop Audrey Bronson of Sancturary of the Open Church (President of the Black Clergy of Philadelphia) was introduced and offered an appropriate prayer.

COUNCILMEMBER TASCO MOVED TO APPROVE THE JOURNAL

of the meeting of October 1, 2009.

THE MOTION WAS DULY SECONDED AND AGREED TO.

Councilmember Miller requested leave of absence for

Councilmember Tasco.

THE REQUEST WAS GRANTED.

COMMUNICATIONS

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

- Transmitting a resolution approving certain agreements by the Department of Revenue, the Department of Commerce, or both, with various taxpayers, providing for payments to the City relating to the establishment or extension of certain Keystone Opportunity Zones, Keystone Opportunity Expansion Zones, or Keystone Opportunity Improvement Zones, all under certain terms and conditions. (File No. 090726)

THE COMMUNICATION WAS READ.

- Transmitting a bill authorizing the University of Pennsylvania Health System to own and maintain various sidewalk encroachments, under certain terms and conditions. (File No. 090727)

THE COMMUNICATION WAS READ.

- Transmitting a bill authorizing FRANK AND RITAMARIE OLIVIERI**,** owners of the property PAT'S KING OF STEAKS, 901-03 Wharton Street, to legalize various existing sidewalk encroachments located on an island parcel bounded by Wharton Street, 9th Street, and Passyunk Avenue, under certain terms and conditions. (File No. 090728)

THE COMMUNICATION WAS READ.

- Transmitting a bill authorizing John Kile to construct, own and maintain, an open-air sidewalk cafe at 2448 E. Huntingdon Street, under certain terms and conditions. (File No. 090729)

THE COMMUNICATION WAS READ.

- Transmitting a bill authorizing Mick Hally to construct, own and maintain, an open-air sidewalk cafe at 1148-1150 S. 11th Street, under certain terms and conditions. (File No. 090730)

THE COMMUNICATION WAS READ.

- Transmitting a bill authorizing the Water Commissioner, on behalf of the City, to enter into an agreement for a license from the Pennsylvania Department of Environmental Protection to occupy certain submerged lands of the Commonwealth in the Schuylkill River in the vicinity of Lock Street, under certain terms and conditions. (File No. 090731)

THE COMMUNICATION WAS READ.

- Transmitting a bill authorizing the Commissioner of the Department of Parks and Recreation to enter into a license agreement between PECO Energy Company as Licensor and the City of Philadelphia as Licensee for a certain strip of land located near the intersection of Nixon Street and Port Royal Avenue to be used as a connector for the Schuylkill River recreational trail, accompanied by an explanatory letter from the Commissioner of Parks and Recreation. (File No. 090732)

THE COMMUNICATION WAS READ.

- Amending Bill No. 090325 entitled "An Ordinance Approving the Fiscal Year 2010 Capital Budget providing for expenditures for the capital purposes of the Philadelphia Gas Works (including the supplying of funds in connection

therewith) subject to certain constraints and conditions, and acknowledging receipt of the Forecast of Capital Budgets for Fiscal Years 2011 through 2015" by approving a revised Capital Budget for Fiscal Year 2010. (File No. 090733)

THE COMMUNICATION WAS READ.

INTRODUCTION OF BILLS AND RESOLUTIONS

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

- **Bill No. 090702:** An Ordinance Granting permission to the Trustees of the University of Pennsylvania, University of Pennsylvania Health System, 3624 Market Street, Suite 575 West, Philadelphia, PA 19104, for the installation of information signs and planters on the public sidewalk located on the 3400 block of Civic Center Boulevard, under certain terms and conditions.

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

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

- **Resolution No. 090715:** Resolution Calling on the U.S. Congress and the Department of Agriculture to Investigate the Practice of Slaughterhouse Operators Prohibiting Ground Beef Manufacturers from Testing for E. coli Contamination Ingredients Supplied by Slaughterhouse Operators.

THE RESOLUTION WAS READ.

THE RESOLUTION WAS ADOPTED.

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

- **Resolution No. 090716:** Resolution Honoring Dietz and Watson on their 70th Anniversary.

THE RESOLUTION WAS READ.

THE RESOLUTION WAS ADOPTED.

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

- **Bill No. 090703:** An Ordinance Amending Section 9-213 of The Philadelphia Code, entitled "Farmers' Markets," by adding as a permissible location the West side of Wadsworth Avenue between Bayard Street and Pickering Street, all under

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

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

- **Bill No. 090704:** An Ordinance Establishing a neighborhood improvement district in an area that generally includes Cheltenham Avenue with boundaries of Wadsworth Avenue on the west and Broad Street on the east, Ogontz Avenue with boundaries of Cheltenham Avenue on the north and 67th Avenue on the south and Wadsworth Avenue with boundaries of Cheltenham Avenue on the northeast and Michener Avenue on the southwest; to be known as The Greater Cheltenham Avenue Business Improvement District; designating Greater Cheltenham Avenue Business Improvement District Inc., a Pennsylvania nonprofit corporation, as the Neighborhood Improvement District Management Association for the District; approving a plan for the District, including a list of proposed improvements and their estimated cost, and providing for assessment fees to be levied on property owners within the District; authorizing the Director of Commerce, on behalf of the City, to execute an agreement with Greater Cheltenham Avenue Business Improvement District Inc. relating to the District; and authorizing Greater Cheltenham Avenue Business Improvement District Inc., to assess property owners within the District a special property assessment fee to be used in accordance with the approved plan, all in accordance with the provisions of the Community and Economic Improvement Act and under certain terms and conditions.

THE BILL WAS REFERRED TO THE COMMITTEE ON RULES.

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

- **Bill No. 090705:** An Ordinance Amending Bill No. 090325 entitled "An Ordinance approving the Fiscal Year 2010 Capital Budget providing for expenditures for the capital purposes of the Philadelphia Gas Works (including the supplying of funds in connection therewith) subject to certain constraints and conditions, and acknowledging receipt of the Forecast of Capital Budgets for Fiscal Years 2011 through 2015" by approving a revised Capital Budget for Fiscal Year 2010.

THE BILL WAS REFERRED TO THE COMMITTEE ON FINANCE.

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

- **Resolution No. 090717:** Resolution Approving certain agreements by the Department of Revenue, the Department of Commerce, or both, with various

taxpayers, providing for payments to the City relating to the establishment or extension of certain Keystone Opportunity Zones, Keystone Opportunity Expansion Zones, or Keystone Opportunity Improvement Zones, all under certain terms and conditions.

THE RESOLUTION WAS READ.

THE RESOLUTION WAS ADOPTED.

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

- **Resolution No. 090718:** Resolution Recognizing and Honoring Rebuilding Together Philadelphia.

THE RESOLUTION WAS READ.

THE RESOLUTION WAS ADOPTED.

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

- **Resolution No. 090719:** Resolution Initiating action to establish a neighborhood improvement district in an area that generally includes Cheltenham Avenue with boundaries of Wadsworth Avenue on the west and Broad Street on the east, Ogontz Avenue with boundaries of Cheltenham Avenue on the north and 67th Avenue on the south and Wadsworth Avenue with boundaries of Cheltenham Avenue on the northeast and Michener Avenue on the southwest; to be known as The Greater Cheltenham Avenue Business Improvement District, and for which Greater Cheltenham Avenue Business Improvement District Inc., a Pennsylvania nonprofit corporation, would serve as the Neighborhood Improvement District Management Association; approving a preliminary plan for and report concerning the District; and authorizing and directing the Committee on Rules and the Clerk of Council to take all actions that are required by the Community and Economic Improvement Act prior to enactment of an ordinance that would formally establish the District.

THE RESOLUTION WAS READ.

THE RESOLUTION WAS ADOPTED.

Councilmember Tasco Introduced the following Resolution, Sponsored by Councilmembers Miller and Tasco:

- **Resolution No. 090720:** Resolution Recognizing, Honoring, And Celebrating The Business Center for Entrepreneurship & Social Enterprise - For Its for 10

THE RESOLUTION WAS READ.

THE RESOLUTION WAS ADOPTED.

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

- **Resolution No. 090721:** 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 Thirty-third 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.

DISCUSSION - COUNCILMEMBER GREEN - BILL NO. 090706 - (SEE NOTES OF TESTIMONY).

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

- **Bill No. 090706:** An Ordinance Amending Title 2 of The Philadelphia Code, entitled "City-County Consolidation," by abolishing the Board of Revision of Taxes, by creating an Office of Property Assessment which shall have the powers, functions and duties of the Board of Revision of Taxes with respect to the initial making of property assessments; by assigning certain duties to the Department of Records (as the successor to the Recorder of Deeds) with respect to filing certain information with the new Office of Property Assessment; by creating a new Board of Property Assessment Appeals ("Board"), which shall have the powers, functions and duties of the Board of Revision of Taxes with respect to appeals from property assessments; and by creating a Board of Property Assessment Appeals Nominating Panel to nominate candidates for appointment to the Board; and providing for submission of such amendment for the approval or disapproval of the qualified electors of the City of Philadelphia; 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; all under certain terms

THE BILL WAS REFERRED TO THE COMMITTEE OF THE WHOLE.

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

- **Resolution No. 090722:** Resolution Honoring the Pennsylvania National Guard members of the 56th Stryker Brigade Combat Team upon their safe return to their families from their deployment to Iraq.

THE RESOLUTION WAS READ.

THE RESOLUTION WAS ADOPTED.

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

- **Resolution No. 090723:** Resolution Authorizing City Council's Committees on Licenses and Inspections and Public Health and Human Services to hold public hearings to investigate the state of intergovernmental and intragovernmental cooperation between the Philadelphia Department of Licenses and Inspections, the Pennsylvania Game Commission, the Pennsylvania Society for the Prevention of Cruelty to Animals, Pennsylvania Department of Agriculture and the Philadelphia Department of Public Health relating the protection of its citizens from exposure to wild animals which take shelter in vacant buildings and deteriorating alleyways.

THE RESOLUTION WAS READ.

THE RESOLUTION WAS ADOPTED & REFERRED TO THE JOINT COMMITTEES ON LICENSES & INSPECTIONS AND PUBLIC HEALTH & HUMAN SERVICES.

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

- **Bill No. 090707:** An Ordinance Authorizing the Water Commissioner, on behalf of the City, to enter into an agreement for a license from the Pennsylvania Department of Environmental Protection to occupy certain submerged lands of the Commonwealth in the Schuylkill River in the vicinity of Lock Street, under certain terms and conditions.

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

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

- **Bill No. 090708:** An Ordinance Authorizing the Commissioner of the Department of Parks and Recreation to enter into a license agreement between

PECO Energy Company as Licensor and the City of Philadelphia as Licensee for a certain strip of land located near the intersection of Nixon Street and Port Royal Avenue to be used as a connector for the Schuylkill River recreational trail.

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

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

Resolution No. 090724: Resolution Calling on the School Reform Commission to adopt the principles of the Philadelphia 21st Century Minimum Wage and Benefits Standard.

THE RESOLUTION WAS READ.

THE RESOLUTION WAS ADOPTED.

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

Resolution No. 090725: 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 Thirty-first and Forty-fifth 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.

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

Bill No. 090709: An Ordinance Authorizing Frank and Ritamarie Olivieri**,** owners of the property Pat's King of Steaks, 901-03 Wharton Street, to legalize various existing sidewalk encroachments located on an island parcel bounded by Wharton Street, 9th Street, and Passyunk Avenue, under certain terms and conditions.

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

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

- **Bill No. 090710:** An Ordinance Authorizing John Kile to construct, own and maintain, an open-air sidewalk cafe at 2448 E. Huntingdon Street, under certain terms and conditions.

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

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

- **Bill No. 090711:** An Ordinance Authorizing Mick Hally to construct, own and maintain, an open-air sidewalk cafe at 1148-1150 S. 11th Street, under certain terms and conditions.

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

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

- **Bill No. 090712:** An Ordinance Amending Section 9-211 of The Philadelphia Code, entitled "Boxes for the Distribution of News and Printed Material," by amending certain specifications for publishers' boxes, increasing licensing fees, amending permissible locations and increasing fines, all under certain terms and conditions.

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

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

- **Bill No. 090713:** An Ordinance Granting permission to Bharat Patel, owner of the newsstand at the southwest corner of Broad Street and Arch Street, to construct, use and maintain an electrical conduit with an electrical service line and a telecommunications conduit with a telephone service line in and under the public rights-of-way for the purpose of supplying electrical service and telephone service to the newsstand, under certain terms and conditions.

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

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

- **Bill No. 090714:** An Ordinance Amending Section 9-605 of The Philadelphia Code, entitled "Towing," and Chapter 12-2400 of The Philadelphia Code, entitled "Towing

And Immobilizing of Parked or Abandoned Vehicles," by reducing the amount towing companies can charge owners of recovered stolen or illegally used vehicles.

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

REPORTS FROM COMMITTEES

COMMITTEE ON COMMERCE & ECONOMIC DEVELOPMENT

Bill No. 090579, as amended: An Ordinance Amending Chapter 17-1300 of The Philadelphia Code, entitled "Philadelphia 21st Century Minimum Wage And Benefits Standard," by providing that those who violate the Chapter may be suspended from receiving financial assistance from the City or from bidding on or participating in future City contracts for a period of time, and further providing that Council may by resolution determine that there are reasonable grounds to believe that a violation of that Chapter has occurred, that the violator should be subject to debarment, and that the appropriate City agency shall, after notice and hearing, make a final determination as to whether there has been a violation of the Chapter and whether debarment should be imposed, all under certain terms and conditions.

COUNCILMEMBER GOODE MOVED TO SUSPEND THE RULES OF THE COUNCIL SO AS TO PERMIT CONSIDERATION THIS DAY OF BILL NO. 090579.

THE MOTION WAS DULY SECONDED AND AGREED TO.

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

COMMITTEE ON PUBLIC SAFETY

Bill No. 090577: An Ordinance Authorizing the Mayor, on behalf of the City, to execute the "Southeastern Pennsylvania Mutual Aid and Intergovernmental Cooperation Agreement," by and between the City of Philadelphia and Bucks, Chester, Delaware and Montgomery Counties, under certain terms and conditions.

COUNCILMEMBER KRAJEWSKI MOVED TO SUSPEND THE RULES OF THE COUNCIL SO AS TO PERMIT CONSIDERATION THIS DAY OF BILL NO. 090577.

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. 090579, as amended: An Ordinance Amending Chapter 17-1300 of The Philadelphia Code, entitled "Philadelphia 21st Century Minimum Wage And Benefits Standard," by providing that those who violate the Chapter may be suspended from receiving financial assistance from the City or from bidding on or participating in future City contracts for a period of time, and further providing that Council may by resolution determine that there are reasonable grounds to believe that a violation of that Chapter has occurred, that the violator should be subject to debarment, and that the appropriate City agency shall, after notice and hearing, make a final determination as to whether there has been a violation of the Chapter and whether debarment should be imposed, all under certain terms and conditions.

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

Bill No. 090577: An Ordinance Authorizing the Mayor, on behalf of the City, to execute the "Southeastern Pennsylvania Mutual Aid and Intergovernmental Cooperation Agreement," by and between the City of Philadelphia and Bucks, Chester, Delaware and Montgomery Counties, under certain terms and conditions.

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

BILL ON FINAL PASSAGE

Bill No. 090123-AAA, as amended: An Ordinance Amending the provisions of The Philadelphia Code regulating dumpsters; in particular, repealing and reenacting the provisions of Section 10-722, entitled "Use of Dumpsters"; amending Section 9-604, entitled "Refuse Collection," to provide that persons licensed under that Section who own, rent or control dumpsters shall comply with all provisions of the new Section 10-722, and making compliance with such provisions a condition of the Garbage Collection License, the Waste Collection License, and the Recyclable Material Collection License, a condition that may be enforced by license revocation; amending the enforcement and penalty provision of Sections 10-718 and 10-719 relating to fines, penalties, and forfeitures for violations of the new Section 10-722; and amending Section 11-605, entitled "Construction Materials," to revise the provisions regulating construction dumpsters and Section 11-609, entitled "Administrative Provisions," to increase the fines for violations of Section 11-605; all under certain terms and conditions.

THE BILL WAS READ.

DISCUSSION - COUNCILMEMBERS O'NEILL, RIZZO AND GREEN - BILL NO. 090123-AAA - (SEE NOTES OF TESTIMONY).

Bill No. 090123-AAA, as amended: An Ordinance Amending the provisions of The Philadelphia Code regulating dumpsters; in particular, repealing and reenacting the provisions of Section 10-722, entitled "Use of Dumpsters"; amending Section 9-604, entitled "Refuse Collection," to provide that persons licensed under that Section who own, rent or control dumpsters shall comply with all provisions of the new Section 10-722, and making compliance with such provisions a condition of the Garbage Collection License, the Waste Collection License, and the Recyclable Material Collection License, a condition that may be enforced by license revocation; amending the enforcement and penalty provision of Sections 10-718 and 10-719 relating to fines, penalties, and forfeitures for violations of the new Section 10-722; and amending Section 11-605, entitled "Construction Materials," to revise the provisions regulating construction dumpsters and Section 11-609, entitled "Administrative Provisions," to increase the fines for violations of Section 11-605; all under certain terms and conditions.

THE BILL WAS PASSED.

The Ayes and Nays were as follows:

Ayes: *14 - Councilmembers Blackwell, Clarke, Council President Verna, DiCicco, Goode, Green, Greenlee, Jones, Kelly, Kenney, Krajewski, Reynolds Brown, Sanchez and Tasco*

Nays: *2 - Councilmembers O'Neill and Rizzo*

BILLS ON SECOND READING AND FINAL PASSAGE

Bill No. 090520, as amended: An Ordinance Amending Chapter 17-1600 of The Philadelphia Code, entitled "Economic Opportunity Plans," by providing that Council may by resolution determine that there are reasonable grounds to believe that a participant, contractor, project developer, or applicant for or recipient of financial assistance has failed to comply with the provisions of that Chapter and should be subject to debarment, and upon adoption of such a resolution, the Finance Director shall, after notice and hearing, make a final determination as to whether there has been a violation of the Chapter and whether debarment should be imposed, 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, Kenney, Krajewski, O'Neill, Reynolds Brown, Rizzo, Sanchez and Tasco*

Nays: *0*

SPEECHES

COUNCILMEMBERS JONES, DICICCO, GREEN, TASCO AND O'NEILL (SEE NOTES OF TESTIMONY).

COUNCILMEMBER CLARKE MOVED TO ADJOURN

THE MOTION WAS DULY SECONDED AND AGREED TO.