

JOURNAL OF THE CITY COUNCIL OF PHILADELPHIA



**Thursday, April 15, 2010**

PRESENT: 17 - Councilmembers Blackwell, Clarke, Council President Verna, DiCiccio, Goode, Green, Greenlee, Jones, Kelly, Kenney, Krajewski, Miller, O'Neill, Reynolds Brown, Rizzo, Sanchez and Tasco

Council met, a quorum being present.

Reverend Doctor Leslie Callahan of St Paul Baptist Church was introduced and offered an appropriate prayer.

COUNCILMEMBER TASCO MOVED TO APPROVE THE JOURNAL  
of the meeting of April 8, 2010.

THE MOTION WAS DULY SECONDED AND AGREED TO.

**COMMUNICATIONS**

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

- Transmitting a bill authorizing the Commissioner of Public Property, on behalf of the City of Philadelphia, as lessee, to enter into a ground lease agreement with the City of Philadelphia Board of Directors of City Trusts, as lessor, for a parcel of land located at the northeast corner of South 20th and Shunk Streets, for continued use of the parcel for a branch library of the Free Library of Philadelphia, all under certain terms and conditions. (File No. 100264)

THE COMMUNICATION WAS READ.

- Transmitting a bill authorizing MARIANOS CHRIS FETFATZES, owner of 738 MOC Inc. (aka HAWTHORNES), 1108 Fitzwater Street, Philadelphia, Pennsylvania, to construct, own and maintain an encroachment in the form of an open-air café on the sidewalk located at 738-742 South 11th Street, under certain terms and conditions, accompanied by an explanatory letter from the Streets Commissioner. (File No. 100265)

THE COMMUNICATION WAS READ.

## INTRODUCTION OF BILLS AND RESOLUTIONS

Councilmember Kenney Introduced the following Resolution, Sponsored by Councilmembers Kenney, Council President Verna and DiCicco:

- ☐ **Resolution No. 100255:** Resolution Congratulating the Saints John Neumann Maria Goretti Boy's Basketball Team on winning the Philadelphia Catholics League Championship, City of Philadelphia Championship, and the PIAA AAA State Championship.

THE RESOLUTION WAS READ.

THE RESOLUTION WAS ADOPTED.

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

- ☐ **Resolution No. 100256:** Resolution Honoring and Congratulating the Boys Varsity Basketball Team at Our Mother of Sorrows/ St. Ignatius of Loyola School for Winning the Pennsylvania State Grade School Boys Catholic Youth Organization (CYO) Basketball Tournament.

THE RESOLUTION WAS READ.

THE RESOLUTION WAS ADOPTED.

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

- ☐ **Bill No. 100248:** An Ordinance Establishing a no parking anytime regulation on McMenamy Street, between Cottage Street and Jackson Street, both sides.

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

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

- ☐ **Bill No. 100249:** An Ordinance Authorizing the Commissioner of Public Property, on behalf of the City of Philadelphia, as lessee, to enter into a ground lease agreement with the City of Philadelphia Board of Directors of City Trusts, as lessor, for a parcel of land located at the northeast corner of South 20th and Shunk Streets, for continued use of the parcel for a branch library of the Free Library of Philadelphia, all under certain terms and conditions.

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

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

-  **Resolution No. 100257:** 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 Forty-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.

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

-  **Resolution No. 100258:** Resolution Recognizing and Celebrating Telemundo Philadelphia's and the Please Touch Museum's Second Annual *Día del Niño*, and Declaring May 1st, 2010 as *Día del Niño* in The City of Philadelphia.

THE RESOLUTION WAS READ.

THE RESOLUTION WAS ADOPTED.

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

-  **Bill No. 100250:** An Ordinance Authorizing HACE Community Development Corporation, 167 West Allegheny Avenue, Philadelphia, PA 19140, to construct, own and maintain eight trash receptacles and twelve artificial metal palm trees, on the east and west footway of 5th Street, from Lehigh Avenue to Indiana Avenue, all under certain terms and conditions.

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

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

-  **Resolution No. 100259:** Resolution Recognizing the Saturday during Penn Relay

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weekend as Coach Fred Rosenfeld Day in appreciation of his outstanding leadership and commitment to today's youth in fostering sportsmanship, excellence and discipline through the sport of Track and Field.

THE RESOLUTION WAS READ.

THE RESOLUTION WAS ADOPTED.

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

- 📄 **Resolution No. 100260:** Resolution Authorizing the Committee on Public Health and Human Services to hold hearings to investigate the emergence of infant mortality as an epidemic in Philadelphia, the causes of infant mortality; the racial and ethnic disparities in the prevalence of infant mortality; and to evaluate infant mortality prevention and reduction initiatives in order to reduce the rates of infant mortality.

THE RESOLUTION WAS READ.

THE RESOLUTION WAS ADOPTED & REFERRED TO THE COMMITTEE ON PUBLIC HEALTH AND HUMAN SERVICES.

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

- 📄 **Bill No. 100251:** An Ordinance Amending Title 4 of The Philadelphia Code, entitled “The Philadelphia Building Construction and Occupancy Code,” by amending Subcode “PM” (The Philadelphia Property Maintenance Code), by amending Section PM-704.0, entitled “Building Standards Applicable to Designated Areas,” by adding portions of the First Councilmanic District to the list of areas covered, 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. 100252:** An Ordinance Authorizing Marianos Chris Fetfatzes, owner of 738 MOC Inc. (aka Hawthornes), 1108 Fitzwater Street, Philadelphia, Pennsylvania, to construct, own and maintain an encroachment in the form of an open-air café on the sidewalk located at 738-742 South 11th Street, under certain terms and conditions.

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

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

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

- Bill No. 100253:** An Ordinance Amending Title 14 of The Philadelphia Code, relating to "Zoning and Planning," by amending Chapter 14-1600, entitled "Miscellaneous," by amending Section 14-1611, entitled "Benjamin Franklin Parkway Controls," by exempting certain building features from being considered as part of the height of a building within a specified area subject to the Benjamin Franklin Parkway Controls, under certain terms and conditions.

THE BILL WAS REFERRED TO THE COMMITTEE ON RULES.

Councilmember Clarke Introduced the following Bill, Sponsored by Councilmembers Clarke, Green, Jones, Reynolds Brown, DiCicco, Blackwell, Krajewski, Greenlee, Miller, Tasco, Kelly and Rizzo:

- Bill No. 100254:** An Ordinance Amending Title 19 of The Philadelphia Code, entitled "Finance, Taxes and Collections," by adding a new Chapter entitled "Tobacco and Tobacco-Related Products Tax," under certain terms and conditions.

THE BILL WAS REFERRED TO THE COMMITTEE OF THE WHOLE.

Councilmember Clarke Introduced the following Resolution, Sponsored by Councilmembers Clarke, Sanchez, Miller and Greenlee:

- Resolution No. 100262:** Resolution Recognizing the importance of both the Pennsylvania Association of Staff Nurses and Allied Health Professionals (PASNAP) and Temple University Hospital, and urging both parties to achieve an agreement that is fair to all parties and that ensures the continuing delivery of quality care for patients.

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THE RESOLUTION WAS READ.

DISCUSSION - COUNCILMEMBER CLARKE - RESOLUTION NO. 100262 - (SEE NOTES OF TESTIMONY).

- 📄 **Resolution No. 100262:** Resolution Recognizing the importance of both the Pennsylvania Association of Staff Nurses and Allied Health Professionals (PASNAP) and Temple University Hospital, and urging both parties to achieve an agreement that is fair to all parties and that ensures the continuing delivery of quality care for patients.

THE RESOLUTION WAS ADOPTED.

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

- 📄 **Resolution No. 100263:** Resolution Authorizing City Council's Committee on Public Safety to hold a public hearing to investigate and determine the cause of the repeated failures of the City of Philadelphia's Police Department Radio System.

THE RESOLUTION WAS READ.

THE RESOLUTION WAS ADOPTED & REFERRED TO THE COMMITTEE ON PUBLIC SAFETY.

**REPORTS FROM COMMITTEES**

**COMMITTEE OF THE WHOLE**

- 📄 **Bill No. 100212, as amended:** An Ordinance Amending Section 20-304, entitled "Compensation for Members of Boards, Commissions, Committees and Councils," by revising the compensation for members of the Board of Revision of Taxes, 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. 100212.

THE MOTION WAS DULY SECONDED AND AGREED TO.

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

**COMMITTEE ON RULES**

- 📄 **Bill No. 090837:** An Ordinance To amend the Philadelphia Zoning Maps by changing the zoning designations of certain areas of land located within an area bounded by Wayne Avenue, Walnut Lane and Penn Central Rail Road

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Right-of-Way.

COUNCILMEMBER KENNEY MOVED TO SUSPEND THE RULES OF THE COUNCIL SO AS TO PERMIT CONSIDERATION THIS DAY OF BILL NO. 090837.

THE MOTION WAS DULY SECONDED AND AGREED TO.

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

**Bill No. 100096, 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 59th Street, Lancaster Avenue, 62nd Street, Woodbine Avenue, and Upland Way.

COUNCILMEMBER KENNEY MOVED TO SUSPEND THE RULES OF THE COUNCIL SO AS TO PERMIT CONSIDERATION THIS DAY OF BILL NO. 100096.

THE MOTION WAS DULY SECONDED AND AGREED TO.

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

**Bill No. 100133:** An Ordinance To amend the Institutional Development District Master Plan of Temple University, by allowing for the construction of additions to Pearson and McGonigle Halls which are located at 1800 N. Broad Street.

COUNCILMEMBER KENNEY MOVED TO SUSPEND THE RULES OF THE COUNCIL SO AS TO PERMIT CONSIDERATION THIS DAY OF BILL NO. 100133.

THE MOTION WAS DULY SECONDED AND AGREED TO.

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

**Bill No. 100161:** An Ordinance Amending Title 14 of The Philadelphia Code, entitled "Zoning and Planning," by amending Section 14-703.2, entitled "Passive Recreation District (REC-P)," by revising the rules and regulations that apply within passive recreation districts, under certain terms and conditions.

COUNCILMEMBER KENNEY MOVED TO SUSPEND THE RULES OF THE COUNCIL SO AS TO PERMIT CONSIDERATION THIS DAY OF BILL NO. 100161.

THE MOTION WAS DULY SECONDED AND AGREED TO.

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

**Bill No. 100195, 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 Logan Street, 20th Street, Rockland Street, 18th Street, Windrim Avenue, Germantown Avenue, Roberts Avenue, Wayne Avenue, Windrim Avenue, Roosevelt Boulevard, Roberts Avenue, Pulaski Avenue, Apsley Street, Stenton Avenue, Abbotsford Avenue and Germantown Avenue.

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COUNCILMEMBER KENNEY MOVED TO SUSPEND THE RULES OF THE COUNCIL SO AS TO PERMIT CONSIDERATION THIS DAY OF BILL NO. 100195.

THE MOTION WAS DULY SECONDED AND AGREED TO.

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

 **Bill No. 100196, 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 Germantown Avenue, Cheltenham Avenue, Kenyon Street, Schoolhouse Lane, Wissahickon Avenue, and Rittenhouse Street.

COUNCILMEMBER KENNEY MOVED TO SUSPEND THE RULES OF THE COUNCIL SO AS TO PERMIT CONSIDERATION THIS DAY OF BILL NO. 100196.

THE MOTION WAS DULY SECONDED AND AGREED TO.

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

 **Bill No. 100197, 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 Knox Street, Wyneva Street, Wayne Avenue, Logan Street, Pulaski Avenue, and Manheim Street.

COUNCILMEMBER KENNEY MOVED TO SUSPEND THE RULES OF THE COUNCIL SO AS TO PERMIT CONSIDERATION THIS DAY OF BILL NO. 100197.

THE MOTION WAS DULY SECONDED AND AGREED TO.

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

**COMMITTEE ON FINANCE**

 **Bill No. 100184:** An Ordinance Amending Section 19-513 of The Philadelphia Code, entitled "Tax Amnesty Program," by providing for treatment of additions to tax, and making technical amendments, under certain terms and conditions.

COUNCILMEMBER TASCIO MOVED TO SUSPEND THE RULES OF THE COUNCIL SO AS TO PERMIT CONSIDERATION THIS DAY OF BILL NO. 100184.

THE MOTION WAS DULY SECONDED AND AGREED TO.

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

 **Bill No. 100186:** An Ordinance Further 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

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Fiscal Years 2011 through 2015,” as previously amended by Bill No. 090705, by approving a further amended Capital Budget for Fiscal Year 2010.

COUNCILMEMBER TASCO MOVED TO SUSPEND THE RULES OF THE COUNCIL SO AS TO PERMIT CONSIDERATION THIS DAY OF BILL NO. 100186.

THE MOTION WAS DULY SECONDED AND AGREED TO.

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

**COMMITTEE ON THE ENVIRONMENT**

 **Bill No. 090923, as amended:** An Ordinance Amending Title 4 of The Philadelphia Code, entitled “The Philadelphia Building Construction and Occupancy Code,” by amending Subcode “B” (“The Philadelphia Building Code”), by adding a provision requiring that certain buildings have roof coverings that are white in color or Energy Star rated as highly reflective; and by making conforming amendments to Subcode “R” (“The Philadelphia Residential Code”); all under certain terms and conditions.

COUNCILMEMBER KENNEY MOVED TO SUSPEND THE RULES OF THE COUNCIL SO AS TO PERMIT CONSIDERATION THIS DAY OF BILL NO. 090923.

THE MOTION WAS DULY SECONDED AND AGREED TO.

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

**SPECIAL BUSINESS**

Councilmember Clarke

moved to reconsider the vote adopting Resolution 100235, also known as the NTI Program Statement, approving the Annual Program Statement and Budget for expenditures of FY 2010 bond proceeds.

THE MOTION WAS DULY SECONDED AND AGREED TO.

*The Ayes and Nays were as follows:*

*Ayes: 17 - Councilmembers Blackwell, Clarke, Council President Verna, DiCicco, Goode, Green, Greenlee, Jones, Kelly, Kenney, Krajewski, Miller, O'Neill, Reynolds Brown, Rizzo, Sanchez and Tasco*

*Nays: 0*

Councilmember Clarke

moved that the vote by which Resolution No. 100235 passed Council be reconsidered.

THE MOTION WAS DULY SECONDED AND AGREED TO.

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- ☐ **Resolution No. 100235:** Resolution Approving the annual Program Statement and Budget for the expenditure of the Neighborhood Transformation Initiative (NTI) Bond Proceeds for Fiscal Year 2010.

THE RESOLUTION WAS RECONSIDERED.

THE RESOLUTION WAS REFERRED TO THE COMMITTEE ON HOUSING, NEIGHBORHOOD DEVELOPMENT AND THE HOMELESS.

**CONSIDERATION OF THE CALENDAR**

**BILLS ON FIRST READING**

- ☐ **Bill No. 100212, as amended:** An Ordinance Amending Section 20-304, entitled “Compensation for Members of Boards, Commissions, Committees and Councils,” by revising the compensation for members of the Board of Revision of Taxes, under certain terms and conditions.

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

- ☐ **Bill No. 090837:** An Ordinance To amend the Philadelphia Zoning Maps by changing the zoning designations of certain areas of land located within an area bounded by Wayne Avenue, Walnut Lane and Penn Central Rail Road Right-of-Way.

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

- ☐ **Bill No. 100096, 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 59th Street, Lancaster Avenue, 62nd Street, Woodbine Avenue, and Upland Way.

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

- ☐ **Bill No. 100133:** An Ordinance To amend the Institutional Development District Master Plan of Temple University, by allowing for the construction of additions to Pearson and McGonigle Halls which are located at 1800 N. Broad Street.

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

- ☐ **Bill No. 100161:** An Ordinance Amending Title 14 of The Philadelphia Code, entitled “Zoning and Planning,” by amending Section 14-703.2, entitled “Passive Recreation District (REC-P),” by revising the rules and regulations that apply within passive recreation districts, under certain terms and conditions.

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

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

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

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

📄 **Bill No. 100184:** An Ordinance Amending Section 19-513 of The Philadelphia Code, entitled "Tax Amnesty Program," by providing for treatment of additions to tax, and making technical amendments, under certain terms and conditions.

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

📄 **Bill No. 100186:** An Ordinance Further 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," as previously amended by Bill No. 090705, by approving a further amended Capital Budget for Fiscal Year 2010.

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

📄 **Bill No. 090923, as amended:** An Ordinance Amending Title 4 of The Philadelphia Code, entitled "The Philadelphia Building Construction and Occupancy Code," by amending Subcode "B" ("The Philadelphia Building Code"), by adding a provision requiring that certain buildings have roof coverings that are white in color or Energy Star rated as highly reflective; and by making conforming amendments to Subcode "R" ("The Philadelphia Residential Code"); all under certain terms and conditions.

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

**BILLS ON SECOND READING AND FINAL PASSAGE**

 **Bill No. 090834, as amended:** An Ordinance Amending Title 4 of The Philadelphia Code, entitled "The Philadelphia Building Construction And Occupancy Code," by amending subcode "A," entitled "The Philadelphia Administrative Code," by amending Chapter 5, entitled "Violations," and by amending subcode "PM," entitled "The Philadelphia Property Maintenance Code," by amending Chapter 1, entitled "Administration," and Chapter 2, entitled "Definitions," to require owners of certain properties to designate agents for service, managing agents, and property managers, all under certain terms and conditions.

THE BILL WAS READ.

THE BILL WAS PASSED.

*The Ayes and Nays were as follows:*

*Ayes: 17 - Councilmembers Blackwell, Clarke, Council President Verna, DiCicco, Goode, Green, Greenlee, Jones, Kelly, Kenney, Krajewski, Miller, O'Neill, Reynolds Brown, Rizzo, Sanchez and Tasco*

*Nays: 0*

**SPEECHES**

COUNCILMEBERS KENNEY, BLACKWELL, DICICCO, KRAJEWSKI, CLARKE AND TASCO - (SEE NOTES OF TESTIMONY).

COUNCILMEMBER CLARKE MOVED TO ADJOURN

THE MOTION WAS DULY SECONDED AND AGREED TO.