Thursday, February 3, 2011

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

Council met, a quorum being present.

Reverend Monsignor John Boland of St. Christopher's Roman Catholic Church was introduced and offered an appropriate prayer.

COUNCILMEMBER TASCO MOVED TO APPROVE THE JOURNAL

of the meeting of January 27, 2011.

THE MOTION WAS DULY SECONDED AND AGREED TO.

COMMUNICATIONS

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

- Transmitting a bill authorizing transfers in appropriations for Fiscal Year 2011 from the General Fund, certain or all City offices, departments, boards and commissions and from the Grants Revenue Fund, the Director of Finance - Provision for Other Grants to the General Fund, certain or all City offices, departments, boards and commissions, accompanied by an explanatory letter from the Budget Director. (File No. 110065)

THE COMMUNICATION WAS READ.

- Transmitting a bill authorizing transfers in appropriations for Fiscal Year 2011 from the Grants Revenue Fund, the Director of Finance - Provision for Other Grants to the Acute Care Hospital Assessment Fund, the Department of Public Health and the Department of Public Health - State Payment, accompanied by an explanatory letter from the Budget Director. (File No. 110066)

THE COMMUNICATION WAS READ.

- Transmitting a bill authorizing the Commissioner of Public Property, on behalf of the City of Philadelphia, to enter into a sublease agreement with the Philadelphia Authority for Industrial Development, for use of a premises by the City located at 1221 Bainbridge Street, Philadelphia, Pennsylvania, all under certain terms and conditions. (File No. 110067)

THE COMMUNICATION WAS READ.

- Transmitting a bill authorizing the Commissioner of Public Property and the Commissioner of Parks and Recreation, on behalf of the City of Philadelphia, to lease the land and improvements known as the Mann Center for Performing Arts, located on Parkside Avenue in West Fairmount Park, to the Philadelphia Authority for Industrial Development for sublease to the Mann Center for the Performing Arts and to enter into related agreements (File No. 110068)

THE COMMUNICATION WAS READ.

- Transmitting a bill amending Chapter 9-1100 of The Philadelphia Code, entitled "Fair Practices," by changing the title to "Fair Practices Ordinance: Protections Against Unlawful Discrimination," by replacing "handicap" with disability as a protected status, by adding domestic or sexual violence victim status, familial status, and genetic information to the prohibited bases for discrimination; by amending the definition of discrimination, employer, life partnership, public accommodation and other terms, and by adding or deleting other definitions; by narrowing certain exemptions with respect to employment preferences; by amending the prohibition against housing discrimination to include commercial property and real property; by reordering and clarifying the complaint, mediation and hearing procedures of the Commission; by amending and clarifying the remedies available to the Commission upon a finding of a violation; and by changing the order of sections and making other changes, all under certain terms and conditions, accompanied by an explanatory letter from the Chair of the Human Relations Commission. (File No. 110069)

THE COMMUNICATION WAS READ.

INTRODUCTION OF BILLS AND RESOLUTIONS

Councilmember Kenney Introduced and Referred the following Bill, Sponsored by Councilmember Kenney:

- **Bill No. 110049:** An Ordinance Amending Title 9 of The Philadelphia Code, entitled "Regulation of Businesses, Trades and Professions," by authorizing duly designated employees of the Philadelphia Parking Authority ("Authority") to enforce Section 9-102(3)(a), which requires a person licensed under Title 9 to

produce a copy of the license upon request; amending Subcode "A" of Title 4 of The Philadelphia Code, entitled "The Philadelphia Administrative Code," to require a person who is required under Title 4 to be licensed to conduct a trade or practice to produce such license upon the request of the code official, and defining "code official" for purposes of such provision, to include duly designated employees of the Authority; and by delegating to the Authority the power to carry out all functions authorized by this Ordinance; all under certain terms and conditions.

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

Councilmember Blackwell Introduced and Ordered Placed On Next Week's Final Passage Calendar the following Resolution, Sponsored by Councilmember Blackwell:

Resolution No. 110061: Resolution Calling for Public Hearings before the City Council Committee on Education to Discuss the Possibility of Using City Health and Social Service Agencies to Compliment School District Nurse and Guidance Counselor Resources in Public Schools.

Councilmember Greenlee Introduced and Referred the following Bill, Sponsored by Councilmembers Greenlee and Green:

Bill No. 110050: An Ordinance Amending Chapter 9-1100 of The Philadelphia Code, entitled "Fair Practices," by changing the title to "Fair Practices Ordinance: Protections Against Unlawful Discrimination," by replacing "handicap" with disability as a protected status, by adding domestic or sexual violence victim status, familial status, and genetic information to the prohibited bases for discrimination; by amending the definition of discrimination, employer, life partnership, public accommodation and other terms, and by adding or deleting other definitions; by narrowing certain exemptions with respect to employment preferences; by amending the prohibition against housing discrimination to include commercial property and real property; by reordering and clarifying the complaint, mediation and hearing procedures of the Commission; by amending and clarifying the remedies available to the Commission upon a finding of a violation; and by changing the order of sections and making other changes, all under certain terms and conditions.

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

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

Bill No. 110051: An Ordinance To amend the Philadelphia Zoning Maps to provide for changes to the zoning designations of certain areas of land located

within an area bounded by Tacony Street, Dark Horse Street, the Delaware River, Frankford Creek, and Bridge Street, under certain terms and conditions.

THE BILL WAS REFFERED TO THE COMMITTEE ON RULES.

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

- **Bill No. 110052:** An Ordinance Authorizing transfers in appropriations for Fiscal Year 2011 from the General Fund, certain or all City offices, departments, boards and commissions and from the Grants Revenue Fund, the Director of Finance - Provision for Other Grants to the General Fund, certain or all City offices, departments, boards and commissions.

THE BILL WAS REFFERED TO THE COMMITTEE ON APPROPRIATIONS.

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

- **Bill No. 110053:** An Ordinance Amending the Philadelphia Zoning Maps by changing the zoning designations of certain areas of land located within the area bounded by Milnor Street, Levick Street, the Delaware River, and Robbins Street, all under certain terms and conditions.

THE BILL WAS REFFERED TO THE COMMITTEE ON RULES.

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

- **Bill No. 110054:** An Ordinance Authorizing transfers in appropriations for Fiscal Year 2011 from the Grants Revenue Fund, the Director of Finance - Provision for Other Grants to the Acute Care Hospital Assessment Fund, the Department of Public Health and the Department of Public Health - State Payment.

THE BILL WAS REFFERED TO THE COMMITTEE ON APPROPRIATIONS.

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

- **Bill No. 110055:** An Ordinance Authorizing Gerald Rothstein and Frederick Mumenthaler, owners of the property located at 1921-23 South Bancroft Street, to legalize an existing encroachment in the right-of-way located on the east public footway of Bancroft Street, under certain terms and conditions.

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

Councilmember Green Introduced and Ordered Placed On Next Week's Final Passage Calendar the following Resolution, Sponsored by Councilmember Green:

- **Resolution No. 110062:** Resolution Declaring February 15 as "Electronic Numerical Integrator And Computer (ENIAC) Day" in Philadelphia and honoring the University of Pennsylvania School of Engineering and Applied Sciences.

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

- **Bill No. 110056:** An Ordinance Authorizing the Commissioner of Public Property and the Commissioner of Parks and Recreation, on behalf of the City of Philadelphia, to lease the land and improvements known as the Mann Center for Performing Arts, located on Parkside Avenue in West Fairmount Park, to the Philadelphia Authority for Industrial Development for sublease to the Mann Center for the Performing Arts and to enter into related agreements.

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

Councilmember DiCicco Introduced (By Request) and Referred the following Bill, Sponsored by Councilmember DiCicco:

- **Bill No. 110058:** An Ordinance Amending Section 14-1607 of The Philadelphia Code, entitled "Special District Controls for the Center City Commercial Area," and Section 14-1605 of The Philadelphia Code, entitled "Regulated Uses," by adding to both Sections special provisions relating to the area bounded by Chestnut Street, 12th Street, 13th Street, and Sansom Street, all under certain terms and conditions.

THE BILL WAS REFFERED TO THE COMMITTEE ON RULES.

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

- **Bill No. 110059:** An Ordinance Authorizing the Commissioner of Public Property, on behalf of the City of Philadelphia, to enter into a sublease agreement with the Philadelphia Authority for Industrial Development, for use of a premises by the City located at 1221 Bainbridge Street, Philadelphia, Pennsylvania, all under certain terms and conditions.

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

Councilmember Clarke Introduced and Referred the following Bill, Sponsored by Councilmembers Clarke, Jones, Goode, Sanchez, Rizzo, Green, Miller, Kenney, Tasco, O'Neill, DiCicco, Greenlee, Blackwell and Reynolds Brown:

- **Bill No. 110060:** An Ordinance Providing for the submission to the qualified electors of the City of Philadelphia of the proposal set forth in a Resolution approved by Council proposing an amendment of The Philadelphia Home Rule Charter relating to the creation, appointment, powers and duties of an independent Jobs Commission; and authorizing the appropriate officers to publish notice and to make arrangements for the special election.

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

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

- **Resolution No. 110063:** Resolution Proposing an amendment to The Philadelphia Home Rule Charter to provide for the creation, appointment, powers and duties of a Jobs Commission; and providing for the submission of the amendment to the electors of Philadelphia.

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

Councilmember Rizzo Introduced and Ordered Placed On Next Week's Final Passage Calendar the following Resolution, Sponsored by Councilmember Rizzo:

- **Resolution No. 110064:** Resolution Recognizing, Honoring, Celebrating, and Thanking Leonard Thomas on the Occasion of his Retirement as a United States postal worker and letter carrier for City Hall.

CONSIDERATION OF THE CALENDAR

Councilmember Tasco

moved that the rules of council be suspended to permit the use of a Consent Agenda to consider the following resolutions on the Final Passage Calendar: Resolution Nos. 110007, 110008, 110009, 110010, 110012, 110013, 110014, 110015, 110016, 110017, 110018, 110019, 110020, 110021, 110022, 110023, 110024, 110030 and 110031.

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*

PUBLIC COMMENT

The following persons provided public comment on February 3, 2011:

Name and Comment Subject
Joseph Parente (100536)
Fred Fisher (100128)

See Notes of Testimony for full comment.

Councilmember Reynolds Brown Introduced and Referred the following Bill, Sponsored by Councilmembers Reynolds Brown, DiCicco, Kenney, Sanchez, Tasco and Greenlee:

- **Bill No. 110057:** An Ordinance Amending Title 17 of The Philadelphia Code, entitled "Contracts and Procurement," to provide that certain City contractors must offer the same benefits to the life partners of their employees as are offered to the spouses of married employees, all under certain terms and conditions.

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

BILLS AND RESOLUTIONS ON FINAL PASSAGE

CONSENT AGENDA

- **Resolution No. 110007:** Resolution Honoring and Congratulating Scott M. Wilds.

THE RESOLUTION WAS ADOPTED.

- **Resolution No. 110008:** Resolution Calling on the Philadelphia City Council Committee on Education to Hold Hearings in Partnership with the State Board of Education and the Department of Education on the Lack of Library Facilities and Certified Librarians in Public Schools and to Hold a Public Roundtable Discussion of the State Study Investigating the Number and Quality of Public School Libraries.

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

- **Resolution No. 110009:** 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-fourth 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 ADOPTED.

Resolution No. 110010: Resolution Designating the month of February as "Teen Dating Violence Awareness Month in Philadelphia."

THE RESOLUTION WAS ADOPTED.

Resolution No. 110012: Resolution Approving the redevelopment contract and disposition supplement of the Redevelopment Authority of the City of Philadelphia for the redevelopment and urban renewal of a portion of the Point Breeze Urban Renewal Area, designated as Parcel No. 61 and also sometimes identified by house address and street address as 1533 Federal street; authorizing the Redevelopment Authority to execute the redevelopment contract with Henry M. Clinton and to take such action as may be necessary to effectuate the redevelopment contract and disposition supplement.

THE RESOLUTION WAS ADOPTED.

Resolution No. 110013: Resolution Recognizing and acknowledging Delta Sigma Theta Sorority on the occasion of its Fourth Annual Philadelphia City Council Delta Day.

THE RESOLUTION WAS ADOPTED.

Resolution No. 110014: Resolution Honoring Thomas E. Knudsen for his achievements in service to the City of Philadelphia and its citizens as President and Chief Executive Officer of the Philadelphia Gas Works.

THE RESOLUTION WAS ADOPTED.

Resolution No. 110015: Resolution Declaring February 17th, 2011, as PGW Day in the City of Philadelphia to commemorate the 175th Anniversary of the founding of the Philadelphia Gas Works.

THE RESOLUTION WAS ADOPTED.

Resolution No. 110016: Resolution Proclaiming January 2011, as "Poverty in America Awareness Month."

THE RESOLUTION WAS ADOPTED.

Resolution No. 110017: Resolution Proclaiming January 2011, as "National Mentoring Month."

THE RESOLUTION WAS ADOPTED.

Resolution No. 110018: Resolution Authorizing the Council Committee on Education to conduct hearings to examine the Philadelphia School District's discipline policy and the recent report "Zero Tolerance in Philadelphia" by the Advancement Project and Youth United for Change, which documents the negative and disproportionate effect of zero tolerance discipline policies on poor and minority students.

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

Resolution No. 110019: Resolution Authorizing the Committee on Labor and Civil Service to hold hearings investigating ways that targeting medical resources can help the City of Philadelphia improve the quality and reduce the cost of providing health care services to its employees and citizens.

THE RESOLUTION WAS ADOPTED & REFERRED TO THE COMMITTEE ON LABOR AND CIVIL SERVICE.

Resolution No. 110020: Resolution Authorizing the Committee on Commerce and Economic Development to hold hearings regarding a strategic assessment of the City's workforce agencies.

THE RESOLUTION WAS ADOPTED & REFERRED TO THE COMMITTEE ON COMMERCE & ECONOMIC DEVELOPMENT.

Resolution No. 110021: Resolution Honoring the African American Children's Book Project on the occasion of the 19th Annual African American Children's Book Fair.

THE RESOLUTION WAS ADOPTED.

Resolution No. 110022: Resolution Authorizing the Joint Committees on Law and Government and Public Safety to hold hearings to support the creation of a robust, active Family Justice Center in the City of Philadelphia.

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

Resolution No. 110023: 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 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 ADOPTED.

Resolution No. 110024: Resolution Celebrating Philadelphia's Asian Community at the start of the Lunar New Year.

THE RESOLUTION WAS ADOPTED.

Resolution No. 110030: Resolution Honoring Bernard Brunwasser on His Retirement.

THE RESOLUTION WAS ADOPTED.

Resolution No. 110031: Resolution Recognizing, Honoring, Celebrating, and Thanking Tom Muldoon on the Occasion of his Retirement as president of the Philadelphia Convention and Visitors Bureau.

THE RESOLUTION WAS ADOPTED.

Councilmember Tasco

moved for the adoption of each of the resolutions on the Resolution Consent Agenda.

THE MOTION WAS DULY SECONDED AND AGREED TO.

BILLS AND RESOLUTIONS ON SECOND READING AND FINAL PASSAGE

Bill No. 100536, as amended: An Ordinance Amending provisions of The Philadelphia Code relating to towing; in particular, amending Section 9-605, entitled "Towing," by revising the provisions for the licensing of towing companies; by revising the rotation system for towing certain vehicles; by providing for fines, penalties and license suspensions, and for administrative adjudication of certain violations; and by delegating the administration and enforcement of the Section to the Philadelphia Parking Authority; and amending Section 12-2406.1, relating to fees for towing and storage of immobilized or impounded vehicles; all under certain terms and conditions.

THE BILL WAS READ AND PASSED.

The Ayes and Nays were as follows:

Ayes: *10 - Councilmembers Council President Verna, DiCicco, Greenlee, Jones, Kelly, Kenney, Krajewski, O'Neill, Reynolds Brown and Tasco*

Nays: *7 - Councilmembers Blackwell, Clarke, Goode, Green, Miller, Rizzo and Sanchez*

Bill No. 100780: An Ordinance Amending Title 22 of The Philadelphia Code, entitled "Public Employees Retirement Code," by expanding the scope of "Plan '10" and "DC Plan" to cover additional employees, including Fire Department

employees; by revising the definition of "Fire employee"; and by making technical changes; all under certain terms and conditions.

THE BILL WAS READ AND PASSED.

The Ayes and Nays were as follows:

Nays: *0*

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*

Bill No. 100722-A: An Ordinance Amending Chapter 10-818 of The Philadelphia Code to provide that no person shall carry a firearm on public streets or public property unless the person is licensed to carry such firearm by a political subdivision of the Commonwealth of Pennsylvania, regardless of whether the person possesses a license issued in another state, under certain terms and conditions.

THE BILL WAS READ AND 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

COUNCILMEMBERS JONES, GREEN AND KENNEY (SEE NOTES OF TESTIMONY).

COUNCILMEMBER CLARKE MOVED TO ADJOURN

THE MOTION WAS DULY SECONDED AND AGREED TO.