

JOURNAL OF THE CITY COUNCIL OF PHILADELPHIA



**Thursday, April 16, 2009**

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 Lorraine Jenkins Gilmore of Church of God Prophecy was introduced and offered an appropriate prayer.

COUNCILMEMBER TASCO MOVED TO APPROVE THE JOURNAL

of the meeting of April 2, 2009

THE MOTION WAS DULY SECONDED AND AGREED TO.

**COMMUNICATIONS**

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

- Transmitting a message advising Council that Bill Nos. 080954, 090001 090002, 090009, 090010, 090011, 090013, 090014, 090017, 090018, 090019, 090020, 090021, 090022, 090023, 090024, 090025, 090026, 090070, 090076, 090120, 090126 and 090129, which were passed by Council on April 2, 2009, were signed by the Mayor on April 15, 2009. (File No. 090315)

THE COMMUNICATION WAS READ.

- April 15, 2009

To the President and Members of the Council  
of the City of Philadelphia:

Pursuant to Section 2-307 of the Home Rule Charter, I am today transmitting to the Council the recommendation of the City Planning Commission on the following bills:

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Bill No. 090127  
Bill No. 090071  
Bill No. 090120

Sincerely,  
Michael A. Nutter  
Mayor (File No. 090316)

THE COMMUNICATION WAS READ.

- Transmitting a message advising Council that Bill No. 080748 which was passed by Council on April 2, 2009, was signed by the Mayor on April 3, 2009. (File No. 090317)

THE COMMUNICATION WAS READ.

- Transmitting a bill authorizing the Commissioner of Public Property, on behalf of the City, to acquire fee simple title, or a lesser interest in real estate, in parcels of land along the Delaware River and the K & T Trail, under certain terms and conditions. (File No. 090318)

THE COMMUNICATION WAS READ.

- Transmitting a bill authorizing the Commerce Director to file an application with the Commonwealth's Department of Community and Economic Development under the Main Street Program in an aggregate amount not to exceed One Million Dollars (\$1,000,000) to assist in the revitalization of the Lancaster Avenue Commercial Corridor; and authorizing the City to enter into one or more agreements with DCED in furtherance of grant requirements; all under certain terms and conditions. (File No. 090319)

THE COMMUNICATION WAS READ.

**INTRODUCTION OF BILLS AND RESOLUTIONS**

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

- Bill No. 090288:** An Ordinance Authorizing the Commerce Director to file an application with the Commonwealth's Department of Community and Economic Development under the Main Street Program in an aggregate amount not to exceed One Million Dollars (\$1,000,000) to assist in the revitalization of the Lancaster Avenue Commercial Corridor; and authorizing the City to enter into one or more agreements with DCED in furtherance of grant requirements; all

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THE BILL WAS REFERRED TO THE COMMITTEE ON FINANCE.

Councilmember Blackwell Introduced the following Resolution, Sponsored by Councilmembers Blackwell, DiCicco, Rizzo, Goode, Reynolds Brown, Greenlee, Miller and Sanchez:

- 📄 **Resolution No. 090300:** Resolution Congratulating Robert L. Archie, Johnny Irizarry and Joseph A. Dworetzky on their Appointment to the Philadelphia School Reform Commission and Recognizing Commission Members Heidi Ramirez and Denise McGregor Armbrister for their Continued Service.

THE RESOLUTION WAS READ.

THE RESOLUTION WAS ADOPTED.

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

- 📄 **Resolution No. 090301:** Resolution Honoring the life and mourning the loss of Harry Kalas (1936-2009).

THE RESOLUTION WAS READ.

THE RESOLUTION WAS ADOPTED BY STANDING VOTE.

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

- 📄 **Bill No. 090289:** An Ordinance Authorizing the Commissioner of Public Property, on behalf of the City, to acquire fee simple title, or a lesser interest in real estate, in parcels of land along the Delaware River and the K & T Trail, under certain terms and conditions.

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

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

- 📄 **Bill No. 090290:** An Ordinance Authorizing the revision of lines and grades on a portion of City Plan No. 46-S within an area bounded by Twenty-Sixth Street, the Schuylkill Expressway, and Penrose Avenue by placing on the City Plan three rights-of-way for drainage purposes; striking from the City Plan and vacating a portion of Hartranft Street between Twenty-Second Street and Penrose Avenue; authorizing the acquisition from the DRPA and subsequent conveyance to the abutting property owner of the bed of the portion of Hartranft

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Street being stricken; reserving and placing on the City Plan a right-of-way for various purposes within the lines of the portion of Hartranft Street being stricken; authorizing acceptance of the grant to the City of the rights-of-way placed on the City Plan by authority of this Ordinance; and relocating the curblines of the existing traffic island at the intersection of Hartranft Street, Penrose Avenue, and Twenty-Second Street; all under certain terms and conditions.

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

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

- **Bill No. 090291:** An Ordinance Establishing a no parking regulation on the 5200 block of Marshall street, from Fisher avenue to Duncannon avenue, on the eastern side.

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

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

- **Resolution No. 090302:** Resolution Requesting the Finance Director to attest to Council and the Pennsylvania Intergovernmental Cooperation Authority ("PICA") that there has been a greater than 2% reduction in total City tax collections, which attestation is required by the Pennsylvania Taxpayer Relief Act ("Act") before the City may enact an increase to the rates of the wage and net profits tax above the rates specified in that Act, and, if the Finance Director provides such attestation, calling on PICA to provide the certification the Act also requires before wage and net profits tax rates may be increased; and further requesting the Finance Director to advise Council and PICA as to the applicability of any of the other exceptions in the Act that permit wage and net profits tax rates to be increased, and, if any other exception is applicable, calling upon PICA to provide a certification to that effect.

THE RESOLUTION WAS READ.

THE RESOLUTION WAS ADOPTED.

*The Ayes and Nays were as follows:*

*Nays: 2 - Councilmembers DiCicco and Kenney*

*Ayes: 15 - Councilmembers Blackwell, Clarke, Council President Verna, Goode, Green, Greenlee, Jones, Kelly, Krajewski, Miller, O'Neill, Reynolds Brown, Rizzo, Sanchez and Tasco*

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Councilmember Sanchez Introduced the following Bill, Sponsored by Councilmembers Sanchez, Goode, Greenlee, Green and Jones:

📄 **Bill No. 090292:** An Ordinance Amending Section 17-107 of The Philadelphia Code, entitled “Contractors: Labor-Management Relationships,” by amending the definitions of “City Work” and “Service Contracts” to include certain subcontracts for non-professional services, all under certain terms and conditions.

THE BILL WAS REFERRED TO THE COMMITTEE ON LABOR AND CIVIL SERVICE.

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

📄 **Resolution No. 090304:** Resolution Honoring and commending Gift of Life on the occasion of its 35th Anniversary.

THE RESOLUTION WAS READ.

THE RESOLUTION WAS ADOPTED.

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

📄 **Resolution No. 090305:** Resolution Honoring and acknowledging the Student Welfare Council for their ongoing efforts to overcome the high school dropout rate and to help minority students remain in college by providing supplementary aid and guidance to minority students interested in higher education.

THE RESOLUTION WAS READ.

THE RESOLUTION WAS ADOPTED.

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

📄 **Resolution No. 090306:** Resolution Authorizing Council's Committee on Licenses and Inspection to hold hearings on the impact of L & I Inspections on tenant evictions.

THE RESOLUTION WAS READ.

THE RESOLUTION WAS ADOPTED & REFERRED TO THE COMMITTEE ON LICENSES AND INSPECTIONS.

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

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☐ **Resolution No. 090307:** Resolution Authorizing Council's Committee on Housing, Neighborhood Development and the Homeless to hold hearings on the impact of mortgage foreclosures on renters in foreclosed properties.

THE RESOLUTION WAS READ.

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

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

☐ **Resolution No. 090308:** 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 Fifty-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 Reynolds Brown Introduced the following Resolution, Sponsored by Councilmembers Reynolds Brown and Tasco:

☐ **Resolution No. 090309:** Resolution Authorizing Council's Committee on Public Health and Human Services to hold public hearings to examine the record of Public Health Management Corporation regarding the participation levels of minorities and women in its subcontracts for the provision of services to the City and to explore measures that can be taken to achieve more representative participation.

THE RESOLUTION WAS READ.

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

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

☐ **Resolution No. 090310:** Resolution Honoring and Congratulating the Philadelphia Police Department Employee Assistance Unit on its 40th

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Anniversary.

THE RESOLUTION WAS READ.

THE RESOLUTION WAS ADOPTED.

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

- 📄 **Bill No. 090293:** An Ordinance Amending Chapter 19-2600 of The Philadelphia Code, entitled “Business Privilege Taxes,” by providing tax relief for taxpayers whose businesses have been affected by public works projects, under certain terms and conditions.

THE BILL WAS REFERRED TO THE COMMITTEE ON FINANCE.

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

- 📄 **Bill No. 090294:** An Ordinance Amending Chapter 14-400 of The Philadelphia Code, entitled “Commercial Entertainment District,” by amending Section 14-403 of The Philadelphia Code, entitled “Procedures for the Establishment of a Commercial Entertainment District,” by amending the procedure by which a Plan of Development is approved or amended; and amending Section 14-409, entitled “Off-Street Loading,” by adding provision relating to proposed projects in the Center City area, all under certain terms and conditions.

THE BILL WAS REFERRED TO THE COMMITTEE ON RULES.

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

- 📄 **Bill No. 090295:** An Ordinance To amend the Philadelphia Zoning Maps by changing the zoning designations of certain areas of land located within an area bounded by 11th Street, Filbert Street, 8th Street and Market Street.

THE BILL WAS REFERRED TO THE COMMITTEE ON RULES.

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

- 📄 **Bill No. 090296:** An Ordinance To amend the Philadelphia Zoning Maps by changing the zoning designations of certain areas of land located within an area bounded by Front Street, Lombard Street, 2nd Street, and Pine Street, under certain terms and conditions.

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THE BILL WAS REFERRED TO THE COMMITTEE ON RULES.

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

- 📄 **Resolution No. 090311:** Resolution Recognizing the Honorable Louis J. Presentza, President Judge Emeritus, on the occasion of his retirement following twenty-seven years of great intellect, compassion, and devotion to our justice system.

THE RESOLUTION WAS READ.

THE RESOLUTION WAS ADOPTED.

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

- 📄 **Resolution No. 090312:** Resolution Approving a final plan for the continuation of the East Passyunk Avenue Business Improvement District (“District”) beyond its termination date, and authorizing and directing the Committee on Rules to take all further actions required by the Community and Economic Improvement Act prior to enactment of an ordinance that would formally continue the term of the District.

THE RESOLUTION WAS READ.

THE RESOLUTION WAS ADOPTED.

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

- 📄 **Bill No. 090297:** An Ordinance Amending Subcode “P” (The Philadelphia Plumbing Code) of Title 4 of The Philadelphia Code (“The Philadelphia Building Construction And Occupancy Code”) by providing for the underground use of ABS plastic pipe and PVC plastic pipe, under certain terms and conditions.

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

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

- 📄 **Bill No. 090298:** An Ordinance Amending Chapter 19-1300 of The Philadelphia Code, entitled “Real Estate Taxes,” by reducing the amount of real estate taxes to be exempted for certain improvements to, or construction of, certain residential, commercial, industrial or other business properties, under certain terms and

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THE BILL WAS REFERRED TO THE COMMITTEE ON FINANCE.

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

- 📄 **Bill No. 090299:** An Ordinance Amending Chapter 19-1300 of The Philadelphia Code, entitled “Real Estate Taxes,” by reducing the amount of real estate taxes to be exempted for certain improvements to, or construction of, certain residential, commercial, industrial or other business properties, under certain terms and conditions.

THE BILL WAS REFERRED TO THE COMMITTEE ON FINANCE.

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

- 📄 **Resolution No. 090313:** 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-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.

**REPORTS FROM COMMITTEES**

**COMMITTEE ON RULES**

- 📄 **Bill No. 080901:** An Ordinance Continuing the Chestnut Hill Business Improvement District beyond the date of termination of the district in the area that generally includes both sides of Germantown Avenue from 7640 to 8705, both sides of Bethlehem Pike from 10 to 105 and certain blocks of streets that intersect that portion of Germantown Avenue, and for which Chestnut Hill Business Improvement District, Inc., a Pennsylvania nonprofit corporation, serves 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

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Commerce, on behalf of the City, to execute an agreement with Chestnut Hill Business Improvement District, Inc. relating to the District; and authorizing Chestnut Hill 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.

COUNCILMEMBER KENNEY MOVED TO SUSPEND THE RULES OF THE COUNCIL SO AS TO PERMIT CONSIDERATION THIS DAY OF BILL NO. 080901.

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. 080930:** An Ordinance Amending Title 22 of The Philadelphia Code, entitled "Public Employees Retirement Code," by amending Section 22-202, entitled "Membership after Transfer of Employment," by allowing any police or fire employee, appointed to the position of Commissioner or Deputy Commissioner of the Police or Fire Departments, to retain membership in the retirement plan covering such member's prior employment, 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. 080930.

THE MOTION WAS DULY SECONDED AND AGREED TO.

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

**SPECIAL BUSINESS**

Councilmember Tasco

moved that because Resolution 090303 was not circulated yesterday that the rules of Council be suspended to permit consideration of the Resolution today.

THE MOTION WAS DULY SECONDED AND AGREED TO.

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

 **Resolution No. 090303:** Resolution Requesting the Mayor to return to Council Bill No. 090121, entitled "An Ordinance Establishing a no truck parking regulation on the 5200 block of Marshall street, from Fisher avenue to Duncannon avenue, on the eastern side," for the purpose of reconsideration by

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THE RESOLUTION WAS READ.

Councilmember Tasco

moved for the adoption of Resolution No. 090303

THE MOTION WAS DULY SECONDED AND AGREED TO.

☐ **Resolution No. 090303:** Resolution Requesting the Mayor to return to Council Bill No. 090121, entitled "An Ordinance Establishing a no truck parking regulation on the 5200 block of Marshall street, from Fisher avenue to Duncannon avenue, on the eastern side," for the purpose of reconsideration by the Council of the vote by which said bill passed Council.

THE RESOLUTION WAS ADOPTED.

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

☐ April 16, 2009

To the President and the Members of  
the Council of the City of Philadelphia:

I am returning herewith as requested by your Resolution adopted April 16, 2009, Bill No. 090121, entitled "An Ordinance Establishing a no truck parking regulation on the 5200 block of Marshall street, from Fisher avenue to Duncannon avenue, on the eastern side," for the purpose of reconsideration by the Council of the vote by which said bill passed Council.

Respectfully submitted,  
Michael A. Nutter (File No. 090314)

THE COMMUNICATION WAS READ.

Councilmember Tasco

moved that the vote by which Bill No. 090121 passed Council be reconsidered.

THE MOTION WAS DULY SECONDED AND AGREED TO.

☐ **Bill No. 090121:** An Ordinance Establishing a no truck parking regulation on the 5200 block of Marshall street, from Fisher avenue to Duncannon avenue, on the eastern side.

THE BILL WAS RECONSIDERED.

*The Ayes and Nays were as follows:*

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*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*

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

**CONSIDERATION OF THE CALENDAR**

**BILLS ON FIRST READING**

 **Bill No. 080901:** An Ordinance Continuing the Chestnut Hill Business Improvement District beyond the date of termination of the district in the area that generally includes both sides of Germantown Avenue from 7640 to 8705, both sides of Bethlehem Pike from 10 to 105 and certain blocks of streets that intersect that portion of Germantown Avenue, and for which Chestnut Hill Business Improvement District, Inc., a Pennsylvania nonprofit corporation, serves 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 Chestnut Hill Business Improvement District, Inc. relating to the District; and authorizing Chestnut Hill 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 ORDERED PLACED ON NEXT WEEK'S SECOND READING CALENDAR.

 **Bill No. 080930:** An Ordinance Amending Title 22 of The Philadelphia Code, entitled "Public Employees Retirement Code," by amending Section 22-202, entitled "Membership after Transfer of Employment," by allowing any police or fire employee, appointed to the position of Commissioner or Deputy Commissioner of the Police or Fire Departments, to retain membership in the retirement plan covering such member's prior employment, all under certain terms and conditions.

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

**BILL ON FINAL PASSAGE**

 **Bill No. 080645-A:** An Ordinance Amending Chapter 12-1100 of The Philadelphia Code, entitled "Miscellaneous Regulations and Penalties," by

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adding a new section prohibiting the use of a hand-held mobile telephone by a person operating a motor vehicle or other vehicle on a City street, 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*

**BILLS ON SECOND READING AND FINAL PASSAGE**

 **Bill No. 090211:** An Ordinance Authorizing transfers in appropriations for Fiscal Year 2009 within the General Fund from certain or all City offices, departments, boards and commissions to certain or all City offices, departments, boards and commissions.

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**

COUNCILMEMBERS TASCO AND GREEN - (SEE NOTES OF TESTIMONY).

COUNCILMEMBER CLARKE MOVED TO ADJOURN

THE MOTION WAS DULY SECONDED AND AGREED TO.