

JOURNAL OF THE CITY COUNCIL OF PHILADELPHIA



Thursday, February 10, 2005

EXCUSED: 1 - Councilmember Krajewski

PRESENT: 16 - Councilmembers Reynolds Brown, Cohen, Goode, Kelly, Kenney, Ramos, Rizzo, DiCicco, Council President Verna, Blackwell, Nutter, Clarke, Mariano, Miller, Tasco and O'Neill

Council met, a quorum being present.

Rabi Albert Gabai of Mikveh Israel Congregation was introduced and offered an appropriate prayer.

COUNCILMEMBER BLACKWELL MOVED TO APPROVE THE JOURNAL OF THE MEETING OF FEBRUARY 3, 2005.

THE MOTION WAS DULY SECONDED AND AGREED TO.

Councilmember Blackwell requested leave of absence for Councilmember Krajewski.

THE REQUEST WAS GRANTED.

COMMUNICATIONS

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

- Transmitting a message advising Council that Bill Nos. 040701, 041004, 041045 and 041005, which were passed by Council on January 25, 2005, was signed by the Mayor on February 10, 2005. (File No. 050121)

THE COMMUNICATION WAS READ.

- February 10, 2005

TO THE PRESIDENT AND MEMBERS OF THE
COUNCIL OF THE CITY OF PHILADELPHIA:

I am returning without signature Bill No. 040755, passed by the Council on January 25, 2005. Bill No. 040755 would continue health care coverage for children survivors of certain police or fire employees killed in the line of duty,

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where those children remain dependent after turning 18 by reason of physical or mental infirmity.

Bill No. 040755 - which amends the Pension Code to grant rights to current and former City employees more generous than that previously bargained - is lawful to the extent any increase in benefits is prospective. However, the bill mandates an increase in benefits for employees who already have separated from City service and for employees who are currently employed by the City under existing collective bargaining agreements. To the extent the bill mandates increases in benefits for employees who no longer work for the City; or for current City employees during the life of their current collective bargaining agreements, it is unlawful, and I am returning it without my signature.

Sections 22-502(5) of The Philadelphia Code currently provides for continued health care coverage for the survivors of certain police or fire employees killed in the line of duty. For dependent children, this survivorship benefit currently ceases at age 18. Bill No. 040755 would continue the benefit for children who remain dependent after becoming 18 by reason of physical or mental infirmity. The bill is made retroactive to January 23, 1986, the date the benefit was first established.

This added benefit, while worthy in its motivation, occurs outside of the normal "give-and-take" of the City's collective bargaining process with its municipal workforce. Based on extensive research by the Law Department and an Opinion from City Solicitor Pedro A. Ramos, I conclude that Pennsylvania law prohibits City Council's interference in the collective bargaining process to the extent that Council's unilateral increase in benefits would apply during the life of current collective bargaining agreements.

A second problem raised by Bill No. 040755 is its retroactivity. Council lacks the authority under Pennsylvania law to award such retroactive benefits.

Lastly, the fundamental idea of the collective bargaining process is a give and take between the City and its workforce. Issues such as this benefit must be - and indeed, have been - fairly bargained. Unilaterally awarding this benefit - after the collective bargaining process has been completed - undermines basic issues of equity and fiscal responsibility that I must uphold.


For all these stated reasons, I am returning Bill No. 040755 to City Council without signature.

Respectfully submitted.

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John F. Street
Mayor (File No. 050122)

THE COMMUNICATION WAS READ.

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TO THE PRESIDENT AND MEMBERS OF THE
COUNCIL OF THE CITY OF PHILADELPHIA:

I am returning as disapproved Bill No. 040326, passed by the Council on January 25, 2005.

This bill amends the Pension Code to grants rights to current and former City employees outside the collective bargaining process. I have been advised that certain provisions of the bill are illegal, others are simply too costly or reflect poor policy. I, therefore, return Bill No 040326 as disapproved.

Sections 22-401 and 22-402 of The Philadelphia Code currently provide for an offset against disability benefits as a result of any subsequent non-City employment by the disabled member. Where the disability is service-connected; disability pay is reduced by one dollar for every three dollars of outside income. Where disability is not service-connected, the offset is one dollar for every two dollars earned. This offset was agreed to as a result of the collective bargaining process between the City and its municipal unions, and has been in effect since 1993.

While there are several exemptions from the disability benefit offset - for example, police officers who incur a disability as a result of heroic action are exempt - each of these exemptions, like the offset itself, exists as a result of the normal "give-and-take" of the City's collective bargaining process with its municipal workforce. Bill No. 040326 would eliminate this offset entirely, for all City employees, retroactive to July 12, 1993, the date the offset took effect. Based on extensive research the City Solicitor has advised that Pennsylvania law prohibits City Council's interference in the collective bargaining process to the extent that Council's unilateral increase in benefits would apply during the life of current collective bargaining agreements.

A second problem raised by Bill No. 040326 is its retroactivity. While Solicitor Ramos' Opinion concludes that the bill can be lawfully applied, at least in part, with respect to current City workers who, sometime after the bill's enactment and after the expiration of their current employment agreements, become separated and entitled to a disability pension, this bill also reaches backwards and awards benefits retroactively to former employees. Not only does Council lack the

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authority under Pennsylvania law to award such retroactive benefits, this problem raises issues of fundamental fairness as well. For former employees who worked under collective bargaining agreements that were freely and fairly reached between the City and its municipal workforce, those agreements should be upheld - and not changed - after the employee's work for the City has concluded.

The fundamental idea of the collective bargaining process is a give and take between the City and its workforce. Issues such as these benefits must be - and indeed, have been - fairly bargained. The balance struck through collective bargaining should not be disrupted through the legislative process. Unilaterally awarding these benefits - after the collective bargaining process has been completed - violates Pennsylvania law, unbalances our Five-Year Financial Plan, and undermines basic, core issues of equity and fiscal responsibility that I must uphold.

Moreover, this particular benefit undermines a key reform in our disability system, adopted by the prior Administration through collective bargaining. The disability offset specifically, or a reversion to the J Plan more generally, has been an ongoing issue in bargaining between the City and the represented workforce. Management won the offset through fair negotiations and with contract concessions. Disability pensions are appropriately paid to former City workers who no longer are able to work; we provide these former employees with this benefit to compensate them for their loss of income. Disabled former employees who are able to acquire outside income through new jobs, however, no longer have the same need, and thus the equitable reasons for the City's appropriate generosity no longer exist. Since 1993, the City has been offsetting disability pension payments to account for this new source of income for the former employee. There is no sound reason why the City's pension system should pay former employees to make up for lost income as if they are unable to work, when they are capable of working and in fact are earning income. Repeal of this reform would be a large step backward for the City and its Pension Fund.

The elimination of this offset entirely, for all City employees, retroactive to 1993, is projected to cost the General Fund \$722,500 annually, according to financial analysis performed for the Pension Board. At a time when City government must contend with an austere FY2006 Budget with a minimal General Fund balance, and with deep federal budget cuts to a wide range of programs that support and sustain our City, we cannot

afford the proposed in benefits over the life of the next Five-Year Financial Plan. The City simply cannot afford the added financial burden imposed by this legislation.

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For these reasons, I am returning Bill No. 040326 to City Council as disapproved.

Respectfully submitted,
John F. Street
Mayor (File No. 050123)

THE COMMUNICATION WAS READ.

- ☐ Transmitting a resolution approving the authorization for the Philadelphia Redevelopment Authority to use NTI bond proceeds to acquire certain properties, under certain terms and conditions, accompanied by an explanatory letter from the Executive Director of the Redevelopment Authority. (File No. 050124)

THE COMMUNICATION WAS READ.

- ☐ Transmitting a 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 South Central Urban Renewal Area, designated as Parcel No. 116 and also sometimes identified by house number and street address as 2104 Saint Albans street, and authorizing the Redevelopment Authority to execute the redevelopment contract with 2104 Saint Albans Street LLC, and to take such action as may be necessary to effectuate the redevelopment contract and disposition supplement, accompanied by an explanatory letter from the Executive Director of the Redevelopment Authority. (File No. 050125)

THE COMMUNICATION WAS READ.

- ☐ Transmitting a 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 South Central Urban Renewal Area, designated as Parcel No. 266 also sometimes identified by house number and street address as 1810 Christian street and authorizing the Redevelopment Authority to execute the redevelopment contract with Quincy Court, LP and to take such action as may be necessary to effectuate the redevelopment contract and disposition supplement, accompanied by an explanatory letter from the Executive Director of the Redevelopment Authority. (File No. 050126)

THE COMMUNICATION WAS READ.

- ☐ Transmitting a bill to City Council for consideration for revision of Ordinance (Bill No. 1796) dated April 22, 1975, and amended March 16, 1976 (Bill No. 5), which established the Prison Industries Revolving fund. (File No. 050127)

THE COMMUNICATION WAS READ.

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- Transmitting a bill authorizing the Managing Director or his Designee, on behalf of the City of Philadelphia, to enter into a Lease Agreement to lease vehicles from the Philadelphia Municipal Authority, with an option to purchase, under certain terms and conditions. (File No. 050128)

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 to lease from the Philadelphia Municipal Authority portions of the building located at 701 Market Street, for use by the City and affiliated agencies as office space, under certain terms and conditions. (File No. 050129)

THE COMMUNICATION WAS READ.

- Transmitting a bill approving a Lease Agreement between Philadelphia Gas Works by Philadelphia Facilities Management Corporation, solely in its capacity as operator and manager of the City-owned Philadelphia Gas Works, and Greater Germantown Housing Development Corporation for certain premises located at 212-14 W. Cheltenham Avenue. (File No. 050130)

THE COMMUNICATION WAS READ.

INTRODUCTION OF BILLS AND RESOLUTIONS

COUNCILMEMBER BLACKWELL MOVED TO SUSPEND THE RULES OF COUNCIL SO AS TO PERMIT THE IMMEDIATE CONSIDERATION OF ALL RESOLUTIONS.

THE MOTION WAS DULY SECONDED AND AGREED TO.

Councilmember Kenney Introduced the following Bill, Sponsored by Councilmembers Kenney and Ramos:

- Bill No. 050104:**An Ordinance providing for the submission to the qualified electors of the City of Philadelphia of an amendment to the Philadelphia Home Rule Charter creating the Office of the Director of Immigrant Affairs, as approved by Resolution of the City Council; fixing the date of a special election for such purpose; prescribing the form of ballot questions to be voted on; and authorizing the appropriate officers to publish notice and to make arrangements for the special election.

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

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

- Bill No. 050105:**An Ordinance approving a Lease Agreement between

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Philadelphia Gas Works by Philadelphia Facilities Management Corporation, solely in its capacity as operator and manager of the City-owned Philadelphia Gas Works, and Greater Germantown Housing Development Corporation for certain premises located at 212-14 W. Cheltenham Avenue.

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

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

- 📄 **Bill No. 050106:**An Ordinance authorizing the Commissioner of Public Property, on behalf of the City of Philadelphia, to enter into a Sublease Agreement to lease from the Philadelphia Municipal Authority portions of the building located at 701 Market Street, for use by the City and affiliated agencies as office space, under certain terms and conditions.

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

Councilmember Clarke Introduced the following Bill, Sponsored by Councilmembers Clarke, Miller, Ramos, Goode, Reynolds Brown, Nutter and Mariano:

- 📄 **Bill No. 050107:**An Ordinance providing for the submission to the qualified electors of the City of Philadelphia of an amendment to the Philadelphia Home Rule Charter creating a new Chapter 5 entitled "Referenda Approved By The Voters" in Article VIII, Provisions of General Application, and creating a new Section 8-500 entitled "Home Rule Power to Prevent and Reduce Gun Violence" calling on the Pennsylvania General Assembly and the Governor to pass legislation that will permit Philadelphia to enact constitutionally lawful legislation to prevent and reduce gun violence; fixing the date of a special election for such purpose; prescribing the form of ballot questions to be voted on; and authorizing the appropriate officers to publish notice and to make arrangements for the special election.

DISCUSSION - COUNCILMEMBER CLARKE - SPEAKS BEFORE HE INTRODUCES BILL NO. 050107 - GUN LEGISLATION AND THE HOME RULE CHARTER - (SEE NOTES OF TESTIMONY)

- 📄 **Bill No. 050107:**An Ordinance providing for the submission to the qualified electors of the City of Philadelphia of an amendment to the Philadelphia Home Rule Charter creating a new Chapter 5 entitled "Referenda Approved By The Voters" in Article VIII, Provisions of General Application, and creating a new Section 8-500 entitled "Home Rule Power to Prevent and Reduce Gun Violence" calling on the Pennsylvania General Assembly and the Governor to pass legislation that will permit Philadelphia to enact constitutionally lawful legislation to prevent and reduce gun violence; fixing the date of a special election for such

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purpose; prescribing the form of ballot questions to be voted on; and authorizing the appropriate officers to publish notice and to make arrangements for the special election.

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

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

- ☐ **Bill No. 050108:**An Ordinance authorizing the Legendary Blue Horizon ("Blue Horizon"), the owner of the property 1314 North Broad Street, Philadelphia, PA 19121 to maintain one statue, the "Spirit of Philadelphia Boxing" statue, which is currently located on the façade of 1314 North Broad Street, all under certain terms and conditions.

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

RESOLUTIONS

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

- ☐ **Resolution No. 050109:**Resolution proposing an amendment to the Philadelphia Home Rule Charter to create the Office of the Director of Immigrant Affairs, and providing for the submission of the amendment to the electors of Philadelphia.

WHEREAS, Under Section 6 of the First Class City Home Rule Act (53 P.S. §13106), an amendment to the Philadelphia Home Rule Charter may be proposed by a resolution of the Council of the City of Philadelphia adopted with the concurrence of two-thirds of its elected members; now therefore

RESOLVED, BY THE COUNCIL OF THE CITY OF PHILADELPHIA,

THAT the following amendment to the Philadelphia Home Rule Charter is hereby proposed and shall be submitted to the electors of the City on an election date designated by ordinance:

ARTICLE III - EXECUTIVE AND ADMINISTRATIVE BRANCH - ORGANIZATION

CHAPTER 1
OFFICERS, DEPARTMENTS, BOARDS,
COMMISSIONS AND OTHER AGENCIES

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Section 3-100. Executive and Administrative Officers, Departments, Boards, Commissions and Agencies Designated. The executive and administrative work of the City shall be performed by:

(a) The following elected or appointed officers:

* * *

Director of Immigrant Affairs.

* * *

CHAPTER 2
ELECTION OR APPOINTMENT

* * *

Section 3-210. Director of Immigrant Affairs. The Mayor, with the advice and consent of a majority of all the members of the Council, shall appoint the Director of Immigrant Affairs.

* * *

CHAPTER 6
COMPENSATION

Section 3-600. The Mayor and Other Officers. Until the Council shall otherwise ordain, annual salaries shall be payable in equal semi-monthly installments as follows:

* * *

Director of Immigrant Affairs, \$100,000.

* * *

ARTICLE IV
EXECUTIVE AND ADMINISTRATIVE
BRANCH POWERS AND DUTIES

The Mayor, The City Representative and
Departments, Boards and Commissions under the Mayor

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CHAPTER 11

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DIRECTOR OF IMMIGRANT AFFAIRS

Section 4-1100. Powers and Duties. The Director of Immigrant Affairs shall have the following powers and duties:

(a) Promote the interests and needs of Philadelphia's immigrants and foreign-born community.

(b) Assist immigrants with access to and delivery of all City services, including housing, health services, education and law enforcement; act as a liaison between City agencies and immigrant communities throughout the City; provide language services for immigrants when interacting with City agencies; and advise the Mayor on immigration-related issues.

(c) Work with community-based organizations to insure that new immigrants receive the services they need and make referrals as necessary.

(d) Assist immigrants with all state and federal agencies, including applying for and obtaining citizenship.

(e) Inform and provide education to the public on immigration policies, and coordinate efforts to institutionalize annual City-wide public events to promote the contributions made by immigrants to the City.

(f) Develop a marketing plan to promote and publicize Philadelphia as an immigration destination throughout the world; work with local colleges and universities to increase recruitment of foreign students; and work with the Philadelphia International Airport to ensure that access is available to Philadelphia from all corners of the globe.

(g) Appoint and fix the compensation of such employees as may be required for the proper conduct of the work of the Office of the Director of Immigrant Affairs. The number and compensation of such employees shall not be subject to the approval of any other officer.

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ARTICLE VIII
PROVISIONS OF GENERAL APPLICATION

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CHAPTER 4
EXECUTIVE AND
ADMINISTRATIVE BRANCH

Section 8-400. Certain General Provisions to Apply to Certain Officers. All of the provisions of this charter which apply generally to department heads or departments, boards and commissions shall apply to the Mayor, the Managing Director, the Director of Finance, the City Treasurer, the City Representative, the Insurance Public Advocate, the Director of Immigrant Affairs, and the Personnel Director and to their offices.


* * *

Explanation:
Italics indicate new matter added.

THE RESOLUTION WAS READ.

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

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

 **Resolution No. 050110:**Resolution authorizing City Council's Committee on Legislative Oversight to hold hearings on whether the City should establish a 311 Constituent Contact Center to unburden the current 911 emergency call center and make Philadelphia more responsive to it citizens' concerns; and further authorizing the Committee in furtherance of such investigation to issue subpoenas as may be necessary to compel the attendance of witnesses and the production of documents to the full extent authorized under Section 2-401 of the Home Rule Charter.

WHEREAS, In January of 2002 this Administration first introduced the "311 Constituent Contact Center" in the Five Year Plan as a means to "provide a single point of contact for residents requesting information or services"; and

WHEREAS, In subsequent Five Year Plans the Administration again restated its commitment to a 311 Constituent Contact Center to make the City more responsive to citizen concerns and also predicted a savings of \$4.8 million over the next five years as a direct result of the call center; and

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WHEREAS, In December of 2004 the Administration abandoned the proposed 311 Constituent Contact Center citing budgetary constraints; and

WHEREAS, Many cities throughout the United States, including New York, Chicago and Baltimore, have instituted enormously successful 311 contact centers and have realized more efficient city services to both emergency and non-emergency complaints; and

WHEREAS, Other cities have successfully used the 311 call centers as a way of addressing the collective needs of the entire city and have also seen greater cooperation among various city departments where it had never existed in the past; and

WHEREAS, Of the 3.28 million calls received by 911 operators in 2003, 1.3 million were considered to be non-emergency and could have been handled by a 311 Constituent Contact Center, thus taking pressure of the 911 emergency call center; and

WHEREAS, The proposed 311 call center would have consolidated eight existing phone banks into a centralized, citywide system where calls could be tracked by a single computer system, thereby eliminating redundancies which currently exist and slow down the response time of City agencies; and

WHEREAS, Our citizens may be better served by a 311 Constituent Contact Center and realize better City services in both emergency and non-emergency situations and should have both options available to them within the near future; now therefore

RESOLVED, BY THE COUNCIL OF THE CITY OF PHILADELPHIA, That authority be given to the Committee on Legislative Oversight to hold hearings on whether the City should establish a 311 Constituent Contact Center to unburden the current 911 emergency call center and make Philadelphia more responsive to it citizens' concerns.

FURTHER RESOLVED, That the Committee on Legislative Oversight is authorized to issue subpoenas as may be necessary to compel the attendance of witnesses and the production of documents to the full extent authorized under Section 2-401 of the Home Rule Charter.

THE RESOLUTION WAS READ.

THE RESOLUTION WAS ADOPTED & REFERRED TO THE COMMITTEE ON LEGISLATIVE OVERSIGHT.

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

Resolution No. 050111: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 South Central Urban Renewal Area, designated as Parcel No. 266 also sometimes identified by house number and street address as 1810 Christian street and authorizing the Redevelopment Authority to execute the redevelopment contract with Quincy Court, LP and to take such action as may be necessary to effectuate the redevelopment contract and disposition supplement.

WHEREAS, The Redevelopment Authority of the City of Philadelphia (hereafter "Redevelopment Authority") has prepared and submitted an urban renewal plan and a redevelopment proposal for the redevelopment of the South Central Urban Renewal Area, (hereinafter "South Central"), which said plan and proposal were approved by Ordinance of the Council on December 14, 1971 as amended; and

WHEREAS, The Redevelopment Authority has prepared a disposition supplement providing, inter alia, for development controls and regulations imposed upon the redeveloper.

WHEREAS, The Redevelopment Authority has prepared a redevelopment contract for a portion of South Central, designated as Parcel No. 266 also sometimes identified by house number and street address as 1810 Christian street (hereinafter "Parcel 266"). The area of Parcel 266 is bounded as follows:

Parcel No. 266 (1810 Christian street).

ALL THAT CERTAIN lot or piece of ground situated in the Second Ward of the City of Philadelphia beginning on the southerly side of Christian street (seventy feet wide) at the distance of one hundred three feet westward from the westerly side of Eighteenth street (fifty feet wide); Containing in front or breadth on the said side Christian street fifteen feet and extending of that width in length or depth southward between parallel lines at right angles to the said Christian street the distance of seventy five feet six inches to a point on the north side of a certain three feet wide alley that extends west, east and south into Montrose street (forty feet wide).

The said redevelopment contract is in substantial conformity with the amended urban renewal plan and the amended redevelopment proposal approved by the Council; and

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WHEREAS, Quincy Court, LP desires to enter into the said redevelopment contract for Parcel 266.


RESOLVED, BY THE COUNCIL OF THE CITY OF PHILADELPHIA, That the redevelopment contract and disposition supplement submitted by the Redevelopment Authority for the redevelopment of that portion of South Central, as hereinabove more particularly described, is hereby approved. City Council authorizes the Redevelopment Authority to proceed with minor changes in substantial conformity with the hereby approved redevelopment contract and disposition supplement. The Redevelopment Authority is authorized to execute the hereby approved redevelopment contract with Quincy Court, LP (hereinafter "Redeveloper"). The Redevelopment Authority and the Redeveloper are authorized to take such action in substantial conformity to the redevelopment contract as may be necessary to carry it out.

RESOLVED, The Redevelopment Authority and the Redeveloper are authorized to prepare or cause to be prepared for introduction into the Council such ordinances or resolutions as may be necessary for changes in zoning, streets, alleys, public ways, street patterns, location and relocation of public utilities, and related items which are required in order to facilitate and effectuate the redevelopment contract and disposition supplement hereby approved. Accordingly, the Council hereby declares that it will cooperate in helping to carry out the redevelopment contract and requests the various officials, departments, boards and agencies of the City having administrative responsibilities in the premises likewise to cooperate to such end and to exercise their respective functions and powers in a manner consistent with the redevelopment contract and disposition supplement.

THE RESOLUTION WAS READ.

THE RESOLUTION WAS ADOPTED.

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

 **Resolution No. 050112:**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 South Central Urban Renewal Area, designated as Parcel No. 116 and also sometimes identified by house number and street address as 2104 Saint Albans street, and authorizing the Redevelopment Authority to execute the redevelopment contract with 2104 Saint Albans Street LLC, and to take such action as may be necessary to effectuate the redevelopment contract and disposition supplement.

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WHEREAS, The Redevelopment Authority of the City of Philadelphia (hereinafter "Redevelopment Authority") has prepared and submitted an urban renewal plan and a redevelopment proposal for the redevelopment of the South Central Urban Renewal Area, (hereinafter "South Central"), which said plan and proposal were approved by Ordinance of the Council on December 14, 1971 as amended; and

WHEREAS, the Redevelopment Authority has prepared a disposition supplement providing, inter alia, for development controls and regulations imposed upon the redeveloper.

WHEREAS, The Redevelopment Authority has prepared a redevelopment contract for a portion of South Central, designated as Parcel No. 116 also sometimes identified by house number and street address as 2104 Saint Albans street, (the "Property"). The area of said Property is bounded as follows:

Parcel No. 116 (2104 Saint Albans street).

ALL THAT CERTAIN lot or piece of ground situate in the Thirtieth Ward of the City of Philadelphia beginning at a point on the southerly side of Saint Albans street (thirty feet wide) at the distance of thirty eight feet westwardly from the westerly side of South Twenty-first street (fifty feet wide); Thence extending in a southerly direction fifty feet to a point on the northerly side of a five feet wide alley; Thence extending in a westerly direction along the said northerly side of the five feet wide alley fifteen feet to a point; Thence extending in a northerly direction fifty feet to a point on the southerly side of said Saint Albans street; Thence extending in an easterly direction along the said southerly side of Saint Albans street fifteen feet to the first-mentioned point and place of beginning.

The said redevelopment contract is in substantial conformity with the amended urban renewal plan and the amended redevelopment proposal approved by the Council; and

WHEREAS, 2104 Saint Albans Street LLC desires to enter into the said redevelopment contract for the Property.

RESOLVED, BY THE COUNCIL OF THE CITY OF PHILADELPHIA, That the redevelopment contract and disposition supplement submitted by the Redevelopment Authority for the redevelopment of that portion of South Central, as hereinabove more particularly described, is hereby approved. City Council authorizes the Redevelopment Authority to proceed with minor changes in substantial conformity with the hereby approved redevelopment contract and disposition supplement. The Redevelopment Authority is authorized to execute

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the hereby approved redevelopment contract with 2104 Saint Albans Street LLC (hereinafter "Redeveloper"). The Redevelopment Authority and the Redeveloper are authorized to take such action in substantial conformity to the redevelopment contract as may be necessary to carry it out.

RESOLVED, The Redevelopment Authority and the Redeveloper are authorized to prepare or cause to be prepared for introduction into the Council such ordinances or resolutions as may be necessary for changes in zoning, streets, alleys, public ways, street patterns, location and relocation of public utilities, and related items which are required in order to facilitate and effectuate the redevelopment contract and disposition supplement hereby approved. Accordingly, the Council hereby declares that it will cooperate in helping to carry out the redevelopment contract and requests the various officials, departments, boards and agencies of the City having administrative responsibilities in the premises likewise to cooperate to such end and to exercise their respective functions and powers in a manner consistent with the redevelopment contract and disposition supplement.

THE RESOLUTION WAS READ.

THE RESOLUTION WAS ADOPTED.

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

 **Resolution No. 050113:**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 Seventh, Eighteenth, Nineteenth & Twenty-third 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.

WHEREAS, Chapter 16-400 of The Philadelphia Code relating to vacant property, grants the City the power to convey certain classes of real property to the Redevelopment Authority of the City of Philadelphia, without consideration, to implement the public purpose set forth in that Chapter; and

WHEREAS, The Vacant Property Review Committee has recommended acceptance and disposition of the vacant properties listed below; now therefore

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RESOLVED, BY THE COUNCIL OF THE CITY OF PHILADELPHIA

SECTION 1. The Commissioner of Public Property is hereby authorized to execute and deliver to the Redevelopment Authority of the City of Philadelphia, without consideration, deed conveying conditional fee simple title to 434 West Diamond Street, 2751 and 2753 North Front Street, 2931 Gransback Street, 3220 Hartville Street, 1641 Margaret Street, 2765 North Waterloo Street and 2114 North Fourth Street pursuant to Chapter 16-400 of The Philadelphia Code, under certain terms and conditions.

SECTION 2. The Redevelopment Authority is hereby authorized to dispose of the aforementioned properties for rehabilitation and/or improvements under certain terms and conditions pursuant to Chapter 16-400 of The Philadelphia Code.

SECTION 3. The City Solicitor is hereby authorized to prepare or to approve all instruments and documents and to include in such instruments and documents such terms and conditions as are necessary to effectuate the purpose of Chapter 16-400 of The Philadelphia Code.

THE RESOLUTION WAS READ.

THE RESOLUTION WAS ADOPTED.

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

📄 **Resolution No. 050114:**Resolution joining the nation in recognizing February as African American History Month and honoring the Association of African American Life and History as the founding organization of African American History Month.

WHEREAS, February is celebrated as African American History Month during which time there is recognition and awareness of the countless contributions of African American citizens to the growth and development of America; and

WHEREAS, The Association of African American Life and History, founded nationally in the year 1915 by Doctor Carter G. Woodson, is the founding organization of African American History Month; and

WHEREAS, The mission of the Association of African American Life and History is to promote, research, preserve, interpret and disseminate information to the global community regarding African Americans and their rich history and culture; and

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WHEREAS, The Philadelphia branch of the Association of African American Life and History, founded in 1929 by the late Judge Raymond Pace Alexander, is the oldest branch of the Association in the nation; and

WHEREAS, While the general public celebrates the numerous contributions of African Americans to the nation and the invaluable contributions of Dr. Carter G. Woodson, it is recognized that there remains much work to be done regarding race relations and equality for all citizens; and

WHEREAS, The designation of February as African American History Month will bring additional attention to the need for continued recognition and celebration of the role of African Americans in the history of the United States; and

WHEREAS, It is recognized that during the month of February, in cities and towns across the nation, a majority of citizens, children, schools, families, advocates, public and elected officials will participate in special events and activities to observe and recognize African American History Month; now therefore

RESOLVED, BY THE COUNCIL OF THE CITY OF PHILADELPHIA, That February is recognized as African American History Month and that the Association of African American Life and History is honored for the founding of African American History Month.

FURTHER RESOLVED, That an Engrossed copy of this resolution is presented to a representative of the Philadelphia Chapter of the Association of African American Life and History as evidence of the sincere appreciation and respect of this legislative body.

THE RESOLUTION WAS READ.

THE RESOLUTION WAS ADOPTED.

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

- 📄 **Resolution No. 050115:**Resolution the City Council of Philadelphia calls on our Congressional Representatives and Federal Government to preserve the funding for the Community Development Block Grant program and other programs designed to assist community development in urban and rural areas.

WHEREAS, Community Development Block Grants (CDBG), is a program

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that provides essential federal investments to meet communities' needs for economic development, housing, public infrastructure improvements, parks and recreation facilities, and community centers; and

WHEREAS, CDBG funds can be used to create housing opportunities to assist low-income and moderate- income residents of cities and towns to meet one of their most basic needs to achieve economic independence; and

WHEREAS, The President has proposed the elimination of the CDBG program and consolidation of its funding with 18 other programs into the Department of Commerce with less funding than the original program; and

WHEREAS, The CDBG program which has existed for 30 years for economic development, recreation centers, day-care facilities, literacy programs, and housing development; and

WHEREAS, The former HUD programs will have to compete for resources in the Commerce department budgets; and


WHEREAS, The Federal government is sending billions of dollars to other countries to develop their infrastructure, while simultaneously decreasing domestic spending for urban and rural areas; and

WHEREAS, The budget would also cut \$440 million in Safe and Drug-Free School grants, \$500 million in education and technology state grants, \$225 million for the Even Start literacy program, \$280 million for the Upward Bound programs for inner-city youths.

RESOLVED, BY THE COUNCIL OF THE CITY OF PHILADELPHIA,
Calling upon our Federal Legislators to act in the best interest of the City.

THE RESOLUTION WAS READ.


DISCUSSION - COUNCILMEMBER MILLER - RESOLUTION 050115 - CALLS FOR CONGRESS TO PRESERVE THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM - (SEE NOTES OF TESTIMONY)

 **Resolution No. 050115:**Resolution the City Council of Philadelphia calls on our Congressional Representatives and Federal Government to preserve the funding for the Community Development Block Grant program and other programs designed to assist community development in urban and rural areas.

THE RESOLUTION WAS ADOPTED.

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

 **Resolution No. 050116:**Resolution celebrating Barbershop Talk Human Family Day.

WHEREAS, The Barbershop Talk Network is a non-profit community-based organization which recognizes the importance of dialogue and shared experiences as an opportunity to develop positive human relations; and

WHEREAS, Each year, the Barbershop Talk Network hosts the Barbershop Talk Human Family Day; and

WHEREAS, The purpose of this annual celebration is to bring together cultures that are representative of the world community in celebration of the human family; and

WHEREAS, This event will coincide with the anniversary of the assassination of the late Dr. Martin Luther King, Jr. making it a true and fitting testimony to his teachings and beliefs and a tribute to his memory; and

WHEREAS, The City of Philadelphia joins the State of Pennsylvania, the U.S. Congress as well as local civic associations in recognizing the importance of this event and the goals and mission of the Barbershop Talk Network; now therefore


RESOLVED, BY THE COUNCIL OF THE CITY OF PHILADELPHIA, That we hereby observe April 4, 2005 as the Barbershop Talk Human Family Day; and

FURTHER RESOLVED, That an Engrossed copy of this resolution be presented to the Barbershop Talk Human Family Day Foundation, Inc. as a symbol of this legislative body's gratitude for initiating this courageous venture.

THE RESOLUTION WAS READ.

THE RESOLUTION WAS ADOPTED.

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

 **Resolution No. 050117:**Resolution calling on the Governor and the General Assembly to Immediately Provide for Permanent and Predictable Funding for SEPTA and All Public Transit Agencies Across the Commonwealth of

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Pennsylvania; and, Urging SEPTA's Ridership and City Businesses and Their Employees to Participate in the Pennsylvania Transit Coalition's Rally in Harrisburg on February 14, 2005.

WHEREAS, SEPTA is one of only two multi-modal transit entities in the country providing bus, subway, trolley and rail services to a five-county region; and

WHEREAS, SEPTA has a combined FY 2005 Operating and Capital Budget of slightly more than \$1.3 billion and employs 9000 people; and

WHEREAS, SEPTA is a key economic asset to the region serving as an employer and a purchaser of goods and services, a transporter of thousands of workers, students, tourists and senior citizens, and a catalyst for neighborhood revitalization and economic growth; and

WHEREAS, Every year, SEPTA spends in excess of \$670 million for products and services, many of which are purchased within the five-county region; and

WHEREAS, Seventy percent of the people who work in Philadelphia's Central Business District ride SEPTA; 65,000 middle school, high school and college students rely on SEPTA; and, senior citizens take more than 95,000 daily trips on the fixed route system; and

WHEREAS, For every dollar invested in public transportation, up to six dollars is returned in economic benefits to the region; and

WHEREAS, Studies show that real estate values are significantly higher in areas convenient to rail lines and many jurisdictions are promoting transit-oriented development; and

WHEREAS, Public transit vehicles produce 95% less carbon monoxide as cars and use half the fuel of private autos; and

WHEREAS, Transit systems in other major cities receive a significant portion of their budget from dedicated sources with Denver at 76.6%, Los Angeles at 52.5%, Boston at 36.5%, and New York City at 30.8% versus Philadelphia at 13.75%; and

WHEREAS, On February 14, 2005, the Pennsylvania Transit Coalition and thousands of transit riders from across the state will travel to Harrisburg to impress upon the Governor and the General Assembly the importance of mass

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transit and the need to secure dedicated state funding so as to avoid fare hikes and reduced services; and

WHEREAS, SEPTA's ridership is encouraged to join this Rally for Public Transit, and employers are encouraged to join in this rally and permit their employees to participate in this rally to fully demonstrate the importance of public transit to the City and region; now therefore

RESOLVED, BY THE COUNCIL OF THE CITY OF PHILADELPHIA, That we hereby call upon the Governor and the General Assembly to immediately provide for permanent and predictable funding for SEPTA and all public transit agencies across the Commonwealth of Pennsylvania; and, urging SEPTA's ridership and city businesses and their employees to participate in the Pennsylvania Transit Coalition's rally in Harrisburg on February 14, 2005.


THE RESOLUTION WAS READ.

DISCUSSION - COUNCILMEMBER NUTTER - RESOLUTION NO. 050117 - CALLS FOR PREDICTABLE FUNDING FOR SEPTA - (SEE NOTES OF TESTIMONY)

 **Resolution No. 050117:**Resolution calling on the Governor and the General Assembly to Immediately Provide for Permanent and Predictable Funding for SEPTA and All Public Transit Agencies Across the Commonwealth of Pennsylvania; and, Urging SEPTA's Ridership and City Businesses and Their Employees to Participate in the Pennsylvania Transit Coalition's Rally in Harrisburg on February 14, 2005.

THE RESOLUTION WAS ADOPTED.

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

 **Resolution No. 050118:**Resolution honoring and recognizing Southeastern Pennsylvania Chapter of the American Red Cross and its CEO Tom Foley whose diligent and tireless work has helped hundreds of thousands of people affected by the December 26, 2004 tsunami.

WHEREAS, The Southeastern Pennsylvania Chapter of the American Red Cross is available twenty-four hours a day, seven days a week through volunteers and staff and has been serving the residents of the five County region since 1916; and

WHEREAS, Tom Foley, CEO of Southeastern Pennsylvania Chapter of the American Red Cross, his staff and volunteers respond to disasters, educate youth and families on disaster prevention, teach lifesaving health and safety training in

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the workplace and community, provide Automated External Defibrillator (AED) units and training, assist military families during emergencies, train and test Certified Nurse Assistants and provide volunteer support for blood services; and

WHEREAS, On December 26, 2004 the second largest earthquake since measurements began in 1899 a magnitude 9.0 earthquake occurred 100 miles off the coast of Indonesia's Sumatra Island; and

WHEREAS, This enormous seismic disturbance created a rise or fall in the ocean above and this occurrence is the initial formation of the tsunami; and

WHEREAS, The tsunami claimed 276,000 lives in Asia and Africa; and

WHEREAS, The Red Cross and Red Crescent Societies from around the world are currently assisting more than 500,000 people; and

WHEREAS, The amount of money donated through the Southeastern PA Chapter of the American Red Cross, equals more than \$5 million dollars as of February 7, 2005; and

WHEREAS, The money donated is helping to provide food, clean water, health care, psychological support, shelter materials and household and hygiene articles to the survivors of the worst natural disaster in living memory; and

WHEREAS, The tsunami funds will help affected countries recover and rebuild their lives with relief and recovery programs, as well as disaster preparedness measures planned to run for at least the next decade; therefore

RESOLVED, BY THE COUNCIL OF THE CITY OF PHILADELPHIA, That we hereby honor and recognize the Southeastern Pennsylvania Chapter of the American Red Cross and its CEO Tom Foley whose diligent and tireless work has helped hundreds of thousands of people affected by the December 26, 2004 tsunami.

FURTHER RESOLVED, That an Engrossed copy of this resolution be presented to Tom Foley CEO of the Southeastern Pennsylvania Chapter of the American Red Cross as evidence of the sincere respect and admiration of this legislative body.

THE RESOLUTION WAS READ.

THE RESOLUTION WAS ADOPTED.

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☐ **Resolution No. 050119:**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 & Thirty-ninth 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.

WHEREAS, Chapter 16-400 of The Philadelphia Code relating to vacant property, grants the City the power to convey certain classes of real property to the Redevelopment Authority of the City of Philadelphia, without consideration, to implement the public purpose set forth in that Chapter; and

WHEREAS, The Vacant Property Review Committee has recommended acceptance and disposition of the vacant properties listed below; now therefore

RESOLVED, BY THE COUNCIL OF THE CITY OF PHILADELPHIA

SECTION 1. The Commissioner of Public Property is hereby authorized to execute and deliver to the Redevelopment Authority of the City of Philadelphia, without consideration, deed conveying conditional fee simple title to 2311 East Cabot Street and 2544 South Fifth Street pursuant to Chapter 16-400 of The Philadelphia Code, under certain terms and conditions.

SECTION 2. The Redevelopment Authority is hereby authorized to dispose of the aforementioned properties for rehabilitation and/or improvements under certain terms and conditions pursuant to Chapter 16-400 of The Philadelphia Code.

SECTION 3. The City Solicitor is hereby authorized to prepare or to approve all instruments and documents and to include in such instruments and documents such terms and conditions as are necessary to effectuate the purpose of Chapter 16-400 of The Philadelphia Code.

THE RESOLUTION WAS READ.

THE RESOLUTION WAS ADOPTED.

Councilmember Clarke Introduced the following Resolution, Sponsored by Councilmembers Clarke, Miller, Reynolds Brown, Blackwell, Goode, Ramos, Nutter and Mariano:

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☐ Home Rule Charter creating a new Chapter 5 entitled "Referenda Approved By The Voters" in Article VIII, Provisions of General Application, and creating a new Section 8-500 entitled "Home Rule Power to Prevent and Reduce Gun Violence" calling on the Pennsylvania General Assembly and the Governor to pass legislation that will permit Philadelphia to enact constitutionally lawful legislation to prevent and reduce gun violence.

WHEREAS, Under Section 6 of the First Class City Home Rule Act (53 P.S. §13106), an amendment to the Philadelphia Home Rule Charter may be proposed by a resolution of the Council of the City of Philadelphia adopted with the concurrence of two-thirds of its elected members; now therefore

RESOLVED, BY THE COUNCIL OF THE CITY OF PHILADELPHIA,
That the following amendment to Article VIII of the Philadelphia Home Rule Charter is hereby proposed and shall be submitted to the electors of the City on an election date designated by ordinance:

ARTICLE VIII
PROVISIONS OF GENERAL APPLICATION

* * *

CHAPTER 5 REFERENDA APPROVED BY THE VOTERS

§8-500. Home Rule Power to Prevent and Reduce Gun Violence

We, the citizens of Philadelphia, call upon the Pennsylvania General Assembly and the Governor to pass legislation that would authorize the City of Philadelphia to enact constitutionally lawful legislation regulating the sale, transfer and possession of firearms within the City limits for the purpose of preventing and reducing gun violence. All appropriate City officials are hereby vested with the duty and the responsibility to take all appropriate steps, to the fullest extent allowable under law, to promote and defend the will and mandate of the people.

Explanation:

[Brackets] indicate matter deleted.
Italics indicate new matter added.

THE RESOLUTION WAS READ.

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

CONSIDERATION OF THE CALENDAR

BILLS ON SECOND READING AND FINAL PASSAGE

☐ **Bill No. 040330:**An Ordinance approving the second amendment of the redevelopment proposal for the Kingsessing Urban Renewal Area, being the area generally bounded by Chester avenue on the north, South Fifty-second street on the east, the AMTRAK right-of-way line on the south and South Sixty-first street and Sixty-second street on the west, including the second amendment to the urban renewal plan and the first amendment to the relocation plan, which provide, inter alia, for the additional land acquisition of approximately twenty-four (24) properties for residential and related uses; the provision of certain relocation services, as required by law and declaring that condemnation is not imminent with respect to the Project.

THE BILL WAS READ.

THE BILL WAS PASSED.

The Ayes and Nays were as follows:

Ayes: 16 - Councilmembers Reynolds Brown, Cohen, Goode, Kelly, Kenney, Ramos, Rizzo, DiCicco, Council President Verna, Blackwell, Nutter, Clarke, Mariano, Miller, Tasco and O'Neill

Nays: 0

☐ **Bill No. 041000:**An Ordinance authorizing the Commissioner of Public Property, on behalf of The City of Philadelphia, to grant to the Southeastern Pennsylvania Transportation Authority an easement across a portion of a certain parcel of land in the vicinity of the intersection of Ridge Avenue and Main Street.

THE BILL WAS READ.

THE BILL WAS PASSED.

The Ayes and Nays were as follows:

Ayes: 16 - Councilmembers Reynolds Brown, Cohen, Goode, Kelly, Kenney, Ramos, Rizzo, DiCicco, Council President Verna, Blackwell, Nutter, Clarke, Mariano, Miller, Tasco and O'Neill

Nays: 0

☐ **Bill No. 041081:**An Ordinance authorizing the Commissioner of Public Property to execute and deliver to the Philadelphia Authority for Industrial Development a deed conveying, for nominal consideration, fee simple title to certain tracts of City-owned land located at 324-332 North 13th Street, with the buildings and improvements thereon, for further conveyance at fair market value.

THE BILL WAS READ.

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THE BILL WAS PASSED.

The Ayes and Nays were as follows:

*Ayes: 16 - Councilmembers Reynolds Brown, Cohen, Goode, Kelly, Kenney, Ramos, Rizzo, DiCicco,
Council President Verna, Blackwell, Nutter, Clarke, Mariano, Miller, Tasco and O'Neill*

Nays: 0

COUNCILMEMBER TASCO MOVED TO ADJOURN.

THE MOTION WAS DULY SECONDED AND AGREED TO.