

JOURNAL OF THE CITY COUNCIL OF PHILADELPHIA



Thursday, February 14, 2008

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 Jeffrey Jordan of Metropolitan Community Church was introduced and offered an appropriate prayer.

COUNCILMEMBER TASCO MOVED TO APPROVE THE JOURNAL
of the meeting February 7, 2008

THE MOTION WAS DULY SECONDED AND AGREED TO.

COMMUNICATIONS

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

☐ Transmitting a Bill to adopt a Capital Program for the six Fiscal Years 2009-2014 inclusive. (File No. 080183)

THE COMMUNICATION WAS READ.

☐ Transmitting a bill to adopt a Fiscal 2009 Capital Budget. (File No. 080184)

THE COMMUNICATION WAS READ.

☐ Transmitting a bill amending Chapter 19-1200 of The Philadelphia Code, entitled "Parking Tax," by establishing a rate of taxation on parking transactions for fiscal year 2009 and thereafter. (File No. 080185)

THE COMMUNICATION WAS READ.

☐ Transmitting a bill amending Chapter 19-1500 of The Philadelphia Code, entitled "Wage and Net Profits Tax," by revising certain tax rates and making technical changes, all under certain terms and conditions. (File No. 080186)

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THE COMMUNICATION WAS READ.

- ☐ Transmitting a bill amending Chapter 19-1800 of The Philadelphia Code, entitled "School Tax Authorization," by amending Section 19-1806, entitled "Authorization of Realty Use and Occupancy Tax," to further authorize the Board of Education of the School District of Philadelphia to impose a tax on the use or occupancy of real estate within the School District of Philadelphia. (File No. 080187)

THE COMMUNICATION WAS READ.

- ☐ Transmitting a bill amending Section 19-1801 of The Philadelphia Code, entitled "Authorization of Tax," to further authorize the Board of Education of the School District of Philadelphia to impose a tax on real estate within the City of Philadelphia; all under certain terms and conditions. (File No. 080188)

THE COMMUNICATION WAS READ.

- ☐ Transmitting a bill amending Section 19-2604 of The Philadelphia Code, relating to tax rates, credits and alternative tax computation for the business privilege tax, by reducing certain tax rates, under certain terms and conditions. (File No. 080189)

THE COMMUNICATION WAS READ.

- ☐ Transmitting a bill authorizing transfers in appropriations for Fiscal Year 2008 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. (File No. 080190)

THE COMMUNICATION WAS READ.

- ☐ Transmitting a bill authorizing transfers in appropriations for Fiscal Year 2008 within the Water Fund from the Managing Director - Office of Fleet Management to the Managing Director - Office of Fleet Management. (File No. 080191)

THE COMMUNICATION WAS READ.

- ☐ Transmitting a bill authorizing transfers in appropriations for Fiscal Year 2008 within the Grants Revenue Fund from the Director of Finance - Provision for Other Grants to the Law Department and the Board of Trustees of the Free Library of Philadelphia. (File No. 080192)

THE COMMUNICATION WAS READ.

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- Transmitting a bill authorizing transfers in appropriations for Fiscal Year 2008 within the Aviation Fund from the Managing Director - Office of Fleet Management to the Managing Director - Office of Fleet Management. (File No. 080193)

THE COMMUNICATION WAS READ.

- Transmitting a bill amending Chapter 11-200 of The Philadelphia Code, entitled "Openings And Excavations In The Streets," to revise the operative period of permits to break streets and footways for the installation and repair of underground conduit; all under certain terms and conditions. (File No. 080194)

THE COMMUNICATION WAS READ.

- Transmitting a bill amending Chapter 11-600 of The Philadelphia Code, entitled "Construction, Encroachments And Projections Over, On And Under Streets," make the Streets Department the permitting agency for the placement of construction materials in the right-of-way; adding a section prohibiting the blocking or closure of a roadway or sidewalk for loading or unloading, building maintenance or related activities without a permit; and authorizing the Streets Department to issue regulations for such permits; all under certain terms and conditions. (File No. 080195)

THE COMMUNICATION WAS READ.

- Transmitting a bill amending Title 9 of The Philadelphia Code, entitled "Regulation of Businesses, Trades and Professions," and Title 11 of The Philadelphia Code, entitled "Streets," to provide authorization to the Streets Department to adopt regulations establishing fees for issuing permits for hauling oversized and overweight vehicles; breaking streets and footways for the installation and repair of underground pipes and conduit; placing construction materials, construction equipment and portable on-demand storage units in the right-of-way; and for providing accelerated service for survey activities and City plan changes and plan reviews of private paving plans; and to establish supplementary inspection fees when the work or activity has been commenced without the permit first having been obtained; all under certain terms and conditions. (File No. 080196)

THE COMMUNICATION WAS READ.

- Transmitting a bill amending Subcode "A" (The Philadelphia Administrative Code) of Title 4 of The Philadelphia Code, entitled "The Philadelphia Building Construction and Occupancy Code," by amending the fee schedule for various construction related activities; and amending Section 14-1706 of The Philadelphia Code, entitled "Schedule of Fees," by amending the fees for the issuance of real estate certifications; all under certain terms and

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conditions. (File No. 080197)

THE COMMUNICATION WAS READ.

- Transmitting a bill adopting the Operating Budget for Fiscal Year 2009. (File No. 080198)

THE COMMUNICATION WAS READ.

- Transmitting a resolution providing for the approval by the Council of the City of Philadelphia of a Revised Five Year Financial Plan for the City of Philadelphia covering Fiscal Years 2009 through 2013, and incorporating proposed changes with respect to Fiscal Year 2008, which is to be submitted by the Mayor to the Pennsylvania Intergovernment Cooperation Authority (the "Authority") pursuant to the Intergovernmental Cooperation Agreement, authorized by an ordinance of this Council approved by the Mayor on January 3, 1992 9Bill no. 1563-A), by and between the City and the Authority. (File No. 080199)

THE COMMUNICATION WAS READ.

INTRODUCTION OF ORDINANCES AND RESOLUTIONS

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

- Bill No. 080148:** An Ordinance Amending Section 17-107 of The Philadelphia Code, entitled "Contractors: Labor-Management Relationships," to change the method by which the prevailing wage and prevailing working conditions are calculated for certain occupational classifications, all under certain terms and conditions.

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

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

- Bill No. 080149:** An Ordinance Amending Section 12-1117 of The Philadelphia Code, entitled "Physically Handicapped and Disabled or Severely Disabled Veteran Parking," and Section 12-2809, entitled "Civil Penalties and Costs," by expressly prohibiting certain improper uses of Disabled Parking Permits and providing for penalties, all under certain terms and conditions.

THE BILL WAS REFERRED TO THE COMMITTEE ON THE DISABLED AND THE HANDICAPPED.

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

- 📄 **Bill No. 080150:** An Ordinance Authorizing transfers in appropriations for Fiscal Year 2008 within the Grants Revenue Fund from the Director of Finance - Provision for Other Grants to the Law Department and the Board of Trustees of the Free Library of Philadelphia.

THE BILL WAS REFERRED TO THE COMMITTEE ON APPROPRIATIONS.

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

- 📄 **Bill No. 080151:** An Ordinance Authorizing transfers in appropriations for Fiscal Year 2008 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 REFERRED TO THE COMMITTEE ON APPROPRIATIONS.

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

- 📄 **Bill No. 080152:** An Ordinance Authorizing transfers in appropriations for Fiscal Year 2008 within the Aviation Fund from the Managing Director - Office of Fleet Management to the Managing Director - Office of Fleet Management.

THE BILL WAS REFERRED TO THE COMMITTEE ON APPROPRIATIONS.

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

- 📄 **Bill No. 080153:** An Ordinance Authorizing transfers in appropriations for Fiscal Year 2008 within the Water Fund from the Managing Director - Office of Fleet Management to the Managing Director - Office of Fleet Management.

THE BILL WAS REFERRED TO THE COMMITTEE ON APPROPRIATIONS.

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

- 📄 **Bill No. 080154:** An Ordinance To adopt a Capital Program for the six Fiscal Years 2009-2014 inclusive.

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THE BILL WAS REFERRED TO THE COMMITTEE OF THE WHOLE.

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

📄 **Bill No. 080155:** An Ordinance To adopt a Fiscal 2009 Capital Budget.

THE BILL WAS REFERRED TO THE COMMITTEE OF THE WHOLE.

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

📄 **Bill No. 080156:** An Ordinance Adopting the Operating Budget for Fiscal Year 2009.

THE BILL WAS REFERRED TO THE COMMITTEE OF THE WHOLE.

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

📄 **Bill No. 080157:** An Ordinance Amending Section 19-2604 of The Philadelphia Code, relating to tax rates, credits and alternative tax computation for the business privilege tax, by reducing certain tax rates, under certain terms and conditions.

THE BILL WAS REFERRED TO THE COMMITTEE OF THE WHOLE.

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

📄 **Bill No. 080158:** An Ordinance Amending Section 19-1801 of The Philadelphia Code, entitled "Authorization of Tax," to further authorize the Board of Education of the School District of Philadelphia to impose a tax on real estate within the City of Philadelphia; all under certain terms and conditions.

THE BILL WAS REFERRED TO THE COMMITTEE OF THE WHOLE.

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

📄 **Bill No. 080159:** An Ordinance Amending Chapter 19-1800 of The Philadelphia Code, entitled "School Tax Authorization," by amending Section 19-1806, entitled "Authorization of Realty Use and Occupancy Tax," to further authorize the Board of Education of the School District of Philadelphia to impose a tax on the use or occupancy of real estate within the School District of Philadelphia.

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THE BILL WAS REFERRED TO THE COMMITTEE OF THE WHOLE.

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

- ☐ **Bill No. 080160:** An Ordinance Amending Chapter 19-1200 of The Philadelphia Code, entitled "Parking Tax," by establishing a rate of taxation on parking transactions for fiscal year 2009 and thereafter.

THE BILL WAS REFERRED TO THE COMMITTEE OF THE WHOLE.

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

- ☐ **Bill No. 080161:** An Ordinance Amending Chapter 19-1500 of The Philadelphia Code, entitled "Wage and Net Profits Tax," by revising certain tax rates and making technical changes, all under certain terms and conditions.

THE BILL WAS REFERRED TO THE COMMITTEE OF THE WHOLE.

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

- ☐ **Bill No. 080162:** An Ordinance Amending Chapter 11-200 of The Philadelphia Code, entitled "Openings And Excavations In The Streets," to revise the operative period of permits to break streets and footways for the installation and repair of underground conduit; all under certain terms and conditions.

THE BILL WAS REFERRED TO THE COMMITTEE OF THE WHOLE.

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

- ☐ **Bill No. 080163:** An Ordinance Amending Title 9 of The Philadelphia Code, entitled "Regulation of Businesses, Trades and Professions," and Title 11 of The Philadelphia Code, entitled "Streets," to provide authorization to the Streets Department to adopt regulations establishing fees for issuing permits for hauling oversized and overweight vehicles; breaking streets and footways for the installation and repair of underground pipes and conduit; placing construction materials, construction equipment and portable on-demand storage units in the right-of-way; and for providing accelerated service for survey activities and City plan changes and plan reviews of private paving plans; and to establish supplementary inspection fees when the work or activity has been commenced without the permit first having been obtained; all under certain terms and conditions.

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THE BILL WAS REFERRED TO THE COMMITTEE OF THE WHOLE.

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

- 📄 **Bill No. 080164:** An Ordinance Amending Chapter 11-600 of The Philadelphia Code, entitled “Construction, Encroachments And Projections Over, On And Under Streets,” make the Streets Department the permitting agency for the placement of construction materials in the right-of-way; adding a section prohibiting the blocking or closure of a roadway or sidewalk for loading or unloading, building maintenance or related activities without a permit; and authorizing the Streets Department to issue regulations for such permits; all under certain terms and conditions.

THE BILL WAS REFERRED TO THE COMMITTEE OF THE WHOLE.

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

- 📄 **Bill No. 080165:** An Ordinance Amending Subcode “A” (The Philadelphia Administrative Code) of Title 4 of The Philadelphia Code, entitled "The Philadelphia Building Construction and Occupancy Code,” by amending the fee schedule for various construction related activities; and amending Section 14-1706 of The Philadelphia Code, entitled “Schedule of Fees,” by amending the fees for the issuance of real estate certifications; all under certain terms and conditions.

THE BILL WAS REFERRED TO THE COMMITTEE OF THE WHOLE.

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

- 📄 **Bill No. 080166:** An Ordinance Naming and designating the Department of Recreation owned field located at Fourth and York Streets as the "Eric N. Casiano Field."

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

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

- 📄 **Bill No. 080167:** An Ordinance Amending Title 6 of The Philadelphia Code, entitled “Health Code,” by adding a new section requiring that chain restaurants and retail food establishments make available certain nutrition information for

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food and beverage items offered for sale, all under certain terms and conditions.

THE BILL WAS REFERRED TO THE COMMITTEE ON PUBLIC HEALTH AND HUMAN SERVICES.

Councilmember Goode Introduced the following Bill for Councilmember Reynolds Brown, Sponsored by :

- 📄 **Bill No. 080168:** An Ordinance Amending Chapter 19-2600 of The Philadelphia Code, entitled “Business Privilege Taxes,” by revising certain types of business privilege licenses, under certain terms and conditions.

THE BILL WAS REFERRED TO THE COMMITTEE OF THE WHOLE.

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

- 📄 **Bill No. 080169:** 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 transfer of the powers and duties of the Fairmount Park Commission to the Department of Recreation (to be renamed the “Department of Parks and Recreation”) and reconstituting the Fairmount Park Commission as the Commission on Parks and Recreation, with new powers and duties; 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.

RESOLUTIONS

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

- 📄 **Resolution No. 080170:** Resolution Encouraging Major League Soccer to bring its 16th team to Philadelphia.

THE RESOLUTION WAS READ.

THE RESOLUTION WAS ADOPTED.

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

- 📄 **Resolution No. 080171:** Resolution Calling on the United States Senate to pass and the President of the United States to sign into law the National Affordable Housing Trust Fund Act of 2007.

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THE RESOLUTION WAS READ.

THE RESOLUTION WAS ADOPTED.

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

- ☐ **Resolution No. 080172:** Resolution Commending Dr. Lawrence Caplin and the Oral Health Impact Project and Recognizing the Week of February 21, 2008 as Oral Health Week.

THE RESOLUTION WAS READ.

THE RESOLUTION WAS ADOPTED.

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

- ☐ **Resolution No. 080173:** Resolution Providing for the approval by the Council of the City of Philadelphia of a Revised Five Year Financial Plan for the City of Philadelphia covering Fiscal Years 2009 through 2013, and incorporating proposed changes with respect to Fiscal Year 2008, which is to be submitted by the Mayor to the Pennsylvania Intergovernmental Cooperation Authority (the "Authority") pursuant to the Intergovernmental Cooperation Agreement, authorized by an ordinance of this Council approved by the Mayor on January 3, 1992 (Bill No. 1563-A), by and between the City and the Authority.

THE RESOLUTION WAS REFERRED TO THE COMMITTEE OF THE WHOLE.

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

- ☐ **Resolution No. 080174:** 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 Kingsessing Urban Renewal Area, designated as Parcel Nos. 49 & 50 also sometimes identified by respective house number and street address for Parcel No. 49 as 2129 South Cecil street and for Parcel No. 50 as 2133 South Cecil street; and authorizing the Redevelopment Authority to execute the redevelopment contract with Philadelphia Housing Development Corporation and to take such action as may be necessary to effectuate the redevelopment contract and disposition supplement.

THE RESOLUTION WAS READ.

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THE RESOLUTION WAS ADOPTED.

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

- ☐ **Resolution No. 080175:** Resolution Honoring Women's History Month, the 99th Anniversary of International Women's Day and Declaring March 8, 2008 as "International Women's Day in Philadelphia."

THE RESOLUTION WAS READ.

THE RESOLUTION WAS ADOPTED.

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

- ☐ **Resolution No. 080176:** Resolution Authorizing City Council's Committee on Law and Government to hold public hearings to investigate current policies and procedures relating to real estate transfers and the problem of fraudulent real estate transfers and creating a Task Force on Fraudulent Real Estate Transfers.

THE RESOLUTION WAS READ.

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

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

- ☐ **Resolution No. 080177:** Resolution Authorizing the Council Committee on Public Safety to investigate the expansion of the Philadelphia Community Court in order to reduce cost, reduce overcrowding within the prison system and empower the community.

THE RESOLUTION WAS READ.

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

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

- ☐ **Resolution No. 080178:** Resolution Authorizing the Committees on Parks, Recreation, and Cultural Affairs and Public Safety to hold hearings regarding the purchase and training in the use of Automated External Defibrillators for recreation centers throughout the City of Philadelphia.

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THE RESOLUTION WAS READ.

THE RESOLUTION WAS ADOPTED & REFERRED TO THE JOINT COMMITTEES ON PARKS, RECREATION & CULTURAL AFFAIRS AND PUBLIC SAFETY.

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

- 📄 **Resolution No. 080179:** 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 READ.

THE RESOLUTION WAS ADOPTED.

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

- 📄 **Resolution No. 080180:** Resolution Urging Jamaican authorities to take immediate action to curb violence against the lesbian, gay, bisexual and transgender community and to provide appropriate police protection for all of their citizens.

THE RESOLUTION WAS READ.

THE RESOLUTION WAS ADOPTED.

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

- 📄 **Resolution No. 080181:** Resolution Proposing an amendment to the Philadelphia Home Rule Charter relating to the transfer of the powers and duties of the Fairmount Park Commission to the Department of Recreation (to be renamed the “Department of Parks and Recreation”) and reconstituting the Fairmount Park Commission as the Commission on Parks and Recreation, with new powers and duties; and providing for the submission of the amendment of the electors of Philadelphia.

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

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

- ☐ **Resolution No. 080182:** 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 Fifteen, Sixteenth and Thirty-Second Wards of the City of Philadelphia, pursuant to Chapter 16-400 of The Philadelphia Code and authorizing the Redevelopment Authority of the City of Philadelphia to dispose of such properties for rehabilitation and/or improvement in accordance with the terms of Chapter 16-400 of The Philadelphia Code.

THE RESOLUTION WAS READ.

THE RESOLUTION WAS ADOPTED.

REPORTS FROM COMMITTEES

COMMITTEE ON PARKS, RECREATION AND CULTURAL AFFAIRS

- ☐ **Bill No. 080084, as amended:** An Ordinance Authorizing the President of the Fairmount Park Commission, the Executive Director of Fairmount Park, and the Public Property Commissioner, on behalf of the City of Philadelphia, to enter into a lease with the Philadelphia Authority for Industrial Development (“PAID”), to lease City-owned land south of Shelmire Avenue adjacent to the campus of the Fox Chase Cancer Center, Inc. (“Fox Chase”) to PAID, under which PAID will enter into a sublease with the Fairmount Park Conservancy (“Conservancy”), a Pennsylvania nonprofit corporation, under which the Conservancy would enter into a sub-sublease and other agreements with Fox Chase, pursuant to which Fox Chase will construct, maintain, and operate cancer research and treatment facilities on the property; and authorizing the President of the Fairmount Park Commission, the Executive Director of Fairmount Park, the Public Property Commissioner, and the City Solicitor to enter into additional agreements and take all other actions necessary to complete the transaction contemplated by this Ordinance; all under certain provisions.

COUNCILMEMBER REYNOLDS BROWN MOVED TO SUSPEND THE RULES OF THE COUNCIL SO AS TO PERMIT CONSIDERATION THIS DAY OF BILL NO. 080084.

THE MOTION WAS DULY SECONDED AND AGREED TO.

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

- ☐ **Bill No. 080078:** An Ordinance Authorizing the President of the Fairmount Park Commission, the Executive Director of Fairmount Park, and the Procurement Commissioner, on behalf of the City of Philadelphia, to enter into a Concession Agreement with Billy Casper Golf, LLC, under which Billy Casper Golf, LLC, would improve, operate, manage and maintain four 18-hole golf courses and one sports center under the jurisdiction of the Fairmount Park Commission, including Olde Course and Karakung Course at Cobb's Creek Golf Club, Franklin D. Roosevelt Golf Course, John D. Byrne Golf Course, and the City Line Sports Center; all under certain terms and conditions.

THE MOTION WAS DULY SECONDED AND AGREED TO.

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

CONSIDERATION OF THE CALENDAR

BILLS ON FIRST READING

- ☐ **Bill No. 080084, as amended:** An Ordinance Authorizing the President of the Fairmount Park Commission, the Executive Director of Fairmount Park, and the Public Property Commissioner, on behalf of the City of Philadelphia, to enter into a lease with the Philadelphia Authority for Industrial Development ("PAID"), to lease City-owned land south of Shelmire Avenue adjacent to the campus of the Fox Chase Cancer Center, Inc. ("Fox Chase") to PAID, under which PAID will enter into a sublease with the Fairmount Park Conservancy ("Conservancy"), a Pennsylvania nonprofit corporation, under which the Conservancy would enter into a sub-sublease and other agreements with Fox Chase, pursuant to which Fox Chase will construct, maintain, and operate cancer research and treatment facilities on the property; and authorizing the President of the Fairmount Park Commission, the Executive Director of Fairmount Park, the Public Property Commissioner, and the City Solicitor to enter into additional agreements and take all other actions necessary to complete the transaction contemplated by this Ordinance; all under certain provisions.

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


- ☐ **Bill No. 080078:** An Ordinance Authorizing the President of the Fairmount Park Commission, the Executive Director of Fairmount Park, and the Procurement Commissioner, on behalf of the City of Philadelphia, to enter into a Concession Agreement with Billy Casper Golf, LLC, under which Billy Casper Golf, LLC, would improve, operate, manage and maintain four 18-hole golf courses and one sports center under the jurisdiction of the Fairmount Park Commission,

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including Olde Course and Karakung Course at Cobb's Creek Golf Club, Franklin D. Roosevelt Golf Course, John D. Byrne Golf Course, and the City Line Sports Center; all under certain terms and conditions.

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

BILLS ON SECOND READING AND FINAL PASSAGE

 **Bill No. 080009:** An Ordinance Authorizing transfers in appropriations for Fiscal Year 2008 within the Grants Revenue Fund from the Director of Finance - Provision for Other Grants to the Police Department, the Law Department and the City Commissioners.


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

 **Bill No. 080010:** An Ordinance Authorizing transfers in appropriations for Fiscal Year 2008 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 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

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Council President Verna - The time has come to consider the Mayor's presentation on his annual budget message.

Council President Verna appointed the following Councilmembers: Tasco, Clarke, O'Neill, and Rizzo to escort Mayor Michael A. Nutter to the Council Chamber to deliver his message.

The Honorable Michael A. Nutter, Mayor of the City of Philadelphia, appeared before the Council and presented his message concerning his proposed Operating Budget for Fiscal Year 2009

 **Budget Address of
Mayor Michael A. Nutter
February 14, 2008**

Good morning Council President Verna, Majority Leader Tasco, Majority Whip Clarke, Minority Leader O'Neill, Minority Whip Rizzo, members of Council, guests and my fellow Philadelphians.

What a pleasure it is to return to these hallowed chambers where the public's business has been guided by Council President Anna Verna, who for almost a decade now has made sure that every Council member has had the opportunity to succeed in advancing their public policy goals.

Council President, I appreciate your leadership now as much as I did when I was a member of City Council and look forward to a productive partnership as we address the needs of Philadelphians.

Five weeks ago we took our oath of office and pledged to work together, to make Philadelphia the city of our dreams, the safest, cleanest, best educated, most productive city in America. For all of us, it was a NEW DAY.

Now, it's time for the NEW WAY.

As I present a proposed budget for 2009 and a Five-Year Plan for your consideration, my message is straightforward: We confront

fiscal issues that have been ignored for too long. The time for heavy lifting has arrived.

But if we work together in partnership, if we make smart investments, we'll secure our future and make this city and region strong as we face the global economic challenges of this century.

This is not a message of fear and doubt. It is a message about hope and change.

Yet, as the elected and appointed officials of this government we must recognize an unvarnished truth.

Many Philadelphians hold a jaundiced, cynical view of local government. And why not? They sent their hard-earned tax dollars to us and in return they encountered an unresponsive bureaucracy where the pay-to-play culture and 'who you know' was the perceived standard of service.

We must do better. And today we start that journey.

Customer Service

Imagine a time when Philadelphians brag about their government services, when those services are delivered quickly and at the lowest possible cost, and with a smile instead of a frown?

We're going to make that happen. It starts with old fashioned respect. This government is here for only one reason - to provide the very best service to the people of this city.

And in our actions, we're going to be open, transparent and accountable. We're going to identify problems, map out plans to solve them and then get the job done. But it doesn't end there.

We're not going to create another bureaucracy, feed it scarce tax

dollars and then walk away saying 'job done.' Absolutely not. Results matter and we're going to manage for results.

Providing quality service is a constant conversation with the customer -- the people and businesses of this city -- and we're going to become very good listeners. We're going to track our performance very carefully and make continuous adjustments.

This proposed budget and strategic plan identifies core service areas that we all agree upon - public safety, education, jobs, healthy, sustainable communities, delivered by a government with the highest ethical standards and a commitment to top-notch customer service.

But as we begin this lengthy budget process, let us not get lost in big numbers and obscure budget principles. Our actions will impact on the lives of Philadelphians.

Public Safety

And as I made clear on my first day in office, public safety is going to be a central concern for us. In the last few years, the echo of gunshots on our streets, the sound of police sirens in the night, the tragic and unacceptably large number of homicides - it has all sapped our spirit.

But I believe the new crime fighting strategy conceived by Police Commissioner Ramsey is going to change the dynamic in our neighborhoods as 200 more officers hit the streets by May 1 and many more follow in the coming year. We're going to focus on high crime areas and use proven policing strategies, from lawful stop and frisk procedures to a rededicated effort to get guns off the streets.

In the next five years we're going to spend \$78 million in new funds to hire more police. By the end of fiscal 2009, we'll have 400 more officers on the street.

As part of our new capital plan, we'll invest \$16 million for desperately needed improvements to police buildings and technology. In addition, we propose to spend \$2 million each year to create a network of surveillance cameras that will enhance our safety. By the end of this year, alone, we will install 250 surveillance cameras and more are in the pipeline.

But even a return to basic policing informed by the latest data-driven techniques is not enough. That's why I am recommending a substantial increase in city funding, \$5 million in the coming year and \$25 million over the next five years, for the Youth Violence Reduction Partnership, which provides intensive services to young people aged 15 to 24 who are identified as most likely to kill or be killed.

This program has a proven track record and many vocal advocates such as Councilwoman Donna Miller, who has pushed for more resources. The new funding will help us expand the program beyond the current police districts served.

And related to our efforts to protect the city's youth, I want to say that the 14,000 children receiving child protection services are not going to be forgotten. I have directed the Commissioner of Human Services to notify its contractors that they will be funded through the end of the year.

Keeping the public safe also means getting to the sick and injured as quickly as possible. We need to improve our response time in emergency medical services.

Already, we've added \$1.2 million this year, to increase the number of medic units and the number of units we deploy during peak hours.

On Tuesday, I proposed a \$3.8 million increase to the Emergency Medical Services budget, which will support increased overtime and staffing for 40 new EMT's as well as two new vehicles in the coming

fiscal year, with three more to follow in 2010.

These changes could not have been made without the persuasive advocacy of Councilwoman Joan Krajewski, the analytical spotlight cast on this issue by City Controller Alan Butkovitz and the technical expertise of Fire Commissioner Lloyd Ayers and I want to thank each of them for their assistance.

Increasing our EMS capacity is going to help us improve our response time to life-threatening emergencies, but we also need to unburden our 911 system, where fully a third of the calls are not emergencies.

Heeding the advice and hard work done by Councilman Jim Kenney in this area, we are going to establish a 311 non-emergency system with annual allocations of \$2 million.

This 311 system will also enable us to enter a new world of customer service. Citizens will no longer have to search high and low for a number to call with the range of quality of life problems that beset us, from potholes and abandoned cars to tree limbs and trash complaints.

Our goal by the end of the year is to have a new system called PhillyStat, which will track these service calls from start to finish.

We'll know how long it takes the Streets Department or L&I to respond and when the problem is resolved. It will become a key element in our drive toward accountability and greater efficiency.

And I also know that PhillyStat will please City Councilman Bill Greenlee who has been pushing hard for more efficient delivery of city services.

Health and Sustainable Neighborhoods

Philadelphia has always been one of America's great cities and part of its charm is its thriving Center City, but we're also a city of neighborhoods, distinct, quirky but always interesting neighborhoods.

As part of our plan to promote healthy and sustainable neighborhoods, I want to establish Philadelphia as THE GREEN CITY in America, from an emphasis on green construction practices to a national leadership role in the recycling movement.

For too long, Philadelphia has been at the fringe of the recycling movement with a collection rate of just 6 percent. In the coming year we'll invest \$6 million and \$25 million over the next five years to create a process that is more user friendly and will increase our participation rate.

In May, we're going to expand single-stream recycling to North Philadelphia. Initially, this new effort will provide for every other week collection, but by January 2009, we will have weekly, citywide, single-stream recycling.

Along with our emphasis on recycling, we're also moving to implement a citywide litter prevention strategy, and for his interest in a clean, sustainable city, I want to thank Councilman Frank DiCicco for his help in this area.

Shortly, I will name a director to a new Office of Sustainability who will focus on best practices in sustainability, energy efficiency and green-collar jobs and will work with city departments whose missions impact our environment.

No plan to make Philadelphia a green city is complete without focusing on Fairmount Park, one of the greatest park systems in America. It soothes the urban soul and attracts visitors from all over. I want to make this park the best in the country, bar none. To do that we must give it the resources that it's been denied for years.

I propose providing a \$1.5 million increase to Fairmount Park in FY09. Over the five years of the plan, the budget of Fairmount Park will rise from \$13 million to \$19 million, an increase of more than 46 percent. And I want to thank Councilman Darrell Clarke for his determined stewardship on this issue.

To fund these initiatives, I am proposing an increase in the parking tax from the current 15 percent to 20 percent. We estimate the increase will generate an additional \$16 million, which will support the park, an aggressive tree-planting program and our first “pay as you go” capital program, in this case for street resurfacing.

With City Council approval, we will continue the city's efforts to rejuvenate its neighborhoods by adding \$1 million per year to the city's Housing Trust Fund. With this new money we'll leverage other public and private funding and aim to produce at least 1,000 affordable housing units each year. Building more low and moderate cost housing in this city of homeowners is a key goal, and I thank City Councilwoman Jannie Blackwell for keeping this issue in front of us all.

City Council has also been loud and clear on its concern over the funding commitment to the Department of Public Health and I want to thank Councilwomen Marian Tasco for her advocacy in this area. Councilwoman, we heard you! We're proposing an additional \$3 million per year to enhance our health centers, add key professional personnel and upgrade technology.

Education

Earlier, I spoke about the need to improve performance, about setting the bar high. But when it comes to educating our children and preparing a skilled workforce the bar can't be set too high.

We now have before us a series of aggressive goals, cutting in half

the school dropout rate, doubling the number of Philadelphians with college degrees and encouraging more people to re-enroll and complete their degrees. If we succeed, our city will be richer for it because an educated employee makes more money across a lifetime than a low-skilled worker.

Philadelphia already is heavily invested in its schools, spending \$800 million a year on educating our children. And Gov. Rendell's new funding formula for public schools will help us and we need to tell our friends in Harrisburg that this new formula is critical for our schools.

We are addressing the dropout crisis by re-programming the money we now have and leveraging our current social services funding to do a better job of linking students to schools.

Reducing the dropout rate is also about helping students understand the meaning of their education in the march to work and careers. Following Council's lead last year, we will provide \$1 million for summer internships, helping 860 Philadelphia students see the link between school and life after school. And as I announced yesterday, we will add 100 more slots this summer.

As part of our plan to encourage more Philadelphians to go to college, we need to help Community College of Philadelphia in its mission. Community College of Philadelphia serves as a critical gateway to higher education. Many Philadelphians start their college experiences at Community College, earn a two-year degree there and move on to four-year programs.

I propose to bolster the college's funding with an annual increase of \$4 million or \$20 million over the course of the Five-Year Plan.

This new funding will help Community College blunt the escalating cost of education and make it more affordable for young Philadelphians to go to college and to remain in their course of study.

Jobs and Economic Development

A better educated workforce, a cleaner, safer city with a customer-oriented government - all of this is part of a broad strategy to change this city's direction.

Between 2001 and 2006, our job base contracted by 4.5 percent. It was a slower decline than the 1980s and 90s, but we can't let this trend continue.

So, I'm committing the resources of this government to the goal of halting, once and for all, this drain of jobs and people. We're going to reverse directions and grow this city by 75,000 residents in the next five to 10 years.

And one of the assets we'll use is our cultural institutions - our museums, libraries, entertainment venues and historical treasures. We're going to reopen the Office of Arts and Culture, founded with foresight by Mayor Wilson Goode, and increase funding to the Cultural Fund by \$2 million in 2009.

And let me here cite the substantial contributions of Council members Blondell Reynolds Brown, Jack Kelly and Frank Rizzo, who vigorously pushed for more investment in our arts and culture.

But using culture as a magnet to attract jobs and population must be part of a broad effort to make Philadelphia a business friendly environment. We must continue the steady reduction of wage and business taxes if we are to retain the business we have, attract new business and secure the prosperity Philadelphians deserve.

In recent days, we've seen what the new spirit of cooperation can do. After lengthy negotiations, City Councilman Brian O'Neill and the leadership of the Fox Chase Cancer Center have reached agreement on expansion of that world renowned institution. Thank you

Councilman for your leadership.

I also want to thank Councilman Wilson Goode, who has proposed a series of aggressive reductions in the business privilege tax that will enhance this city's competitiveness.

Following his lead, I am proposing to eliminate the gross receipts portion of the business privilege tax in eight years. We must also target the other onerous part of the BPT, the net income portion of the tax. For the first time, we will begin to take down that tax, from its current 6.5 percent to 6 percent by fiscal year 2013.

At the same time, we will also continue the wage tax reductions that began under then Mayor Rendell in 1995. Over the course of the next five years, the rate will drop below 4 percent for the first time since 1976.

Earlier, I said the message accompanying this 2009 budget and Five-Year Plan was one of hope, not fear. The spending initiatives I've outlined are exciting and doable. But I also said we face fiscal challenges and that the time for heavy lifting has arrived.

As we start our journey toward a consensus on the budget, we all have to acknowledge there are storm clouds in the distance. Some, in fact, are upon us. Our national economy is sputtering. Whether we're in a recession or not, this much is clear - we're already seeing a flattening of our tax revenues, particularly in the real estate transfer tax.

And while we have a healthy budget surplus at the moment, we face enormous needs.

For too long we haven't invested enough in our buildings and other infrastructure.

The Philadelphia Gas Works, despite recent improvements, remains a threat to the city's fiscal stability. The school district faces major financial challenges and our tax structure is a dead weight on every business and taxpayer in the city.

But our most pressing challenge is much closer to home and we all

know what it is.

The single largest expense in our budget is the salaries and benefits we pay our hard-working employees. They consume 60 percent of our budget. Health care and pension costs, now roughly a quarter of our budget, are increasing at rates that cannot be sustained any longer.

With contracts for the city's four municipal unions set to expire at the end of June, we have an historic opportunity to establish a new partnership for progress between city government and our employees.

I've said that city employees deserve a fair and reasonable contract but one that also treats city taxpayers in the same way.

The administration and city employees have very tough choices to make together.

The right choices will result in smart investments and the long-term security that we all want for city employees.

With that in mind, let me first address the pension issue. Based on the needs of current and future retirees, the city Pension Fund has an unfunded liability of \$3.9 billion.

Looked at another way, only 52 percent of our pension obligation is actually funded.

And yet, in 2001, the city's general fund sent about \$194 million to the Pension Fund. This year, that payment will top \$437 million. Larger pension payments are in sight. And still the unfunded liability remains.

Our retirees and current city employees should not have to worry about their future after years of loyal service to the city. We need to act. We need to correct a succession of decisions that have resulted in

an underfunded Pension Fund and increased general fund obligations that endanger the future of the Pension Fund.

Today, I'm proposing that we issue a new Pension Obligation Bond, roughly \$4.5 billion, that would stabilize the Pension Fund at a 95-percent funding level.

The new debt service on these bonds will be far lower than the projected payments we are now scheduled to make to the Pension Fund.

And part of the savings, roughly \$50 million per year, would be returned to the city's general fund.

At the heart of upcoming negotiations with our labor unions will be the compensation packages, the combination of wages and benefits, including health care.

The city's contributions to employee health care have increased by double digits each year. During the same period, a national survey of employer-sponsored health plans showed an average increase of 6 percent.

This administration is committed to an honest and open dialogue with our unions.

As the Five-Year Plan makes clear, there isn't much wiggle room and there are dozens of worthy demands for our scarce resources. But to union leaders, let me say in the greatest spirit of partnership and collaboration, here are our books, test our revenue estimates and also examine the many demands for city resources that we face.

This is the new spirit of openness and transparency that I pledged during the campaign last year. As I've mentioned many times publicly, let's all pledge to negotiate in honesty and good faith for the benefit of our employees and citizens.

Yesterday, when I addressed the Greater Philadelphia Chamber of Commerce, I posed a challenge to the business community. I said that we, together, are on a quest for a better life but that government

can't do it all.

We owe it to ourselves, to our children and to our grandchildren to make the hard choices now so that we can meet the challenges of the future.

More than two centuries ago, a group of leaders gathered here in Philadelphia and said quite simply they'd had enough. They cut their ties from the old ways and established something new.

It's now time for the city, its employees and its taxpayers to forge a new partnership based on trust, cooperation and a recognition that the old ways simply won't work any more.

In the coming weeks, City Council, our public employees, administration officials and our fellow Philadelphians will examine every assumption and projection in this budget and Five-Year Plan.

I expect a full discussion of these proposals and I also know that the three new members of Council, Maria Quinones Sanchez, Bill Green and Curtis Jones, are going to be well prepared because they spent weeks and weeks studying the operations of city government before taking office.

It's that kind of commitment that will make the New Way of doing business here in City Hall a clear benefit for all Philadelphians.

We don't walk into this process under the assumption that we have a monopoly on ideas, but we believe the proposals set forth here today will put us on a course for a safer, cleaner, greener city, where our children are protected and educated, where government performs its tasks in an open, honest and efficient manner and where performance is measured, improvements are made and services are delivered.

Madame President, members of City Council, ladies and gentlemen, this is the new way of doing the public's business, and so I urge us all

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to stand together and embark on a new day. (File No. 080201)

THE COMMUNICATION WAS READ.

COUNCILMEMBER CLARKE MOVED TO ADJOURN

THE MOTION WAS DULY SECONDED AND AGREED TO.