

JOURNAL OF THE CITY COUNCIL OF PHILADELPHIA



Thursday, June 2, 2005

PRESENT: 17 - Councilmembers Reynolds Brown, Cohen, Goode, Kelly, Kenney, Ramos, Rizzo, DiCicco, Council President Verna, Blackwell, Nutter, Clarke, Krajewski, Mariano, Miller, Tasco and O'Neill

Council met, a quorum being present.

Father Paul Brandt President and Rector of Roman Catholic High School was introduced and offered an appropriate prayer.

COUNCILMEMBER BLACKWELL MOVED TO APPROVE THE JOURNAL OF THE MEETING OF MAY 26, 2005.

THE MOTION WAS DULY SECONDED AND AGREED TO.

COMMUNICATIONS

The Sergeant-at-Arms presented messages from the Mayor

INTRODUCTION OF ORDINANCES 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.

RESOLUTIONS

REPORTS FROM COMMITTEES

COMMITTEE OF THE WHOLE

 **Bill No. 050496:**An Ordinance authorizing the Commissioner of the Department of Streets, on behalf of the City of Philadelphia ("City"), to enter into an Agreement with BFI Waste Systems of North America, Inc. ("BFI"), pursuant to


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which BFI will receive municipal solid waste to be collected by or on behalf of the City, and transfer and dispose that municipal solid waste, over a four-year term, with three one-year renewal terms at the sole discretion of the City.

COUNCILMEMBER BLACKWELL MOVED TO SUSPEND THE RULES OF THE COUNCIL SO AS TO PERMIT CONSIDERATION THIS DAY OF BILL NO. 050496.

THE MOTION WAS DULY SECONDED AND AGREED TO.


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

 **Bill No. 050497:**An Ordinance authorizing the Commissioner of the Department of Streets, on behalf of the City of Philadelphia ("City"), to enter into an Agreement with TransRiver Marketing Company, L.P., ("TransRiver") pursuant to which TransRiver will receive municipal solid waste to be collected by or on behalf of the City, and dispose that municipal solid waste, over a four-year term, with three one-year renewal terms at the sole discretion of the City.

COUNCILMEMBER BLACKWELL MOVED TO SUSPEND THE RULES OF THE COUNCIL SO AS TO PERMIT CONSIDERATION THIS DAY OF BILL NO. 050497.

THE MOTION WAS DULY SECONDED AND AGREED TO.


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

 **Bill No. 050498:**An Ordinance authorizing the Commissioner of the Department of Streets, on behalf of the City of Philadelphia ("City"), to enter into an Agreement with Waste Management Systems of Pennsylvania, Inc. ("Waste Management") pursuant to which Waste Management will receive municipal solid waste to be collected by or on behalf of the City, and transfer and dispose that municipal solid waste, over a four-year term, with three one-year renewal terms at the sole discretion of the City.

COUNCILMEMBER BLACKWELL MOVED TO SUSPEND THE RULES OF THE COUNCIL SO AS TO PERMIT CONSIDERATION THIS DAY OF BILL NO. 050498.

THE MOTION WAS DULY SECONDED AND AGREED TO.

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

 **Bill No. 050499:**An Ordinance authorizing the Commissioner of the Department of Streets, on behalf of the City of Philadelphia ("City"), to enter into an Agreement with Republic Services of Pennsylvania, LLC ("Republic") pursuant to which Republic will receive municipal solid waste to be collected by or on behalf of the City, and transfer and dispose that municipal solid waste, over a four-year term, with three one-year renewal terms at the sole discretion of the City.

COUNCILMEMBER BLACKWELL MOVED TO SUSPEND THE RULES OF THE COUNCIL SO AS


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TO PERMIT CONSIDERATION THIS DAY OF BILL NO. 050499.

THE MOTION WAS DULY SECONDED AND AGREED TO.

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


COMMITTEE ON HOUSING, NEIGHBORHOOD DEVELOPMENT AND THE HOME

 **Bill No. 050059:**An Ordinance adding Chapter 21-1600 of The Philadelphia Code, entitled "Housing Trust Fund," to create the Philadelphia Housing Trust Fund and establish the purposes for which monies in the Fund may be used; creating ongoing funding for the Fund by amending Section 10-1001 of The Philadelphia Code, entitled "Fees of Commissioner of Records," by increasing certain fees for the recording of deeds and mortgages and related documents; and calling for the Creation of the Housing Trust Fund Oversight Board; all under certain terms and conditions.

COUNCILMEMBER BLACKWELL MOVED TO SUSPEND THE RULES OF THE COUNCIL SO AS TO PERMIT CONSIDERATION THIS DAY OF BILL NO. 050059.

THE MOTION WAS DULY SECONDED AND AGREED TO.

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

 **Bill No. 050294:**An Ordinance authorizing the Director of Housing and Community Development (Housing Director), on behalf of the City, to file applications with the United States Department of Housing and Urban Development (HUD) for a Community Development Block Grant (CDBG); authorizing the Housing Director to file applications with HUD to participate in the HOME Investment Partnership program and the Emergency Shelter Grant (ESG) program; authorizing the Housing Director, on behalf of the City, to file an application with HUD for a Housing Opportunities for Persons with AIDS (HOPWA) grant; authorizing the Housing Director, on behalf of the City, to file an application or applications to obtain grants from the Commonwealth of Pennsylvania, under the Act of April 12, 1956, P.L. 1449, Section 4, as amended, to prevent and eliminate blight; authorizing the Director of Commerce to use the Section 108 Loan Guarantee Program; and authorizing the Housing Director and the Director of Commerce to enter into all understandings and assurances contained in such applications and take all necessary action to accept the grants, all under certain terms and conditions.

COUNCILMEMBER BLACKWELL MOVED TO SUSPEND THE RULES OF THE COUNCIL SO AS TO PERMIT CONSIDERATION THIS DAY OF BILL NO. 050294.

THE MOTION WAS DULY SECONDED AND AGREED TO.

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

CONSIDERATION OF THE CALENDAR

BILL ON FIRST READING

- 📄 **Bill No. 050232, as amended:**An Ordinance amending Title 14 of The Philadelphia Code, entitled "Zoning and Planning," by increasing the permissible height for fences located on the front lot line of certain properties in residential districts; and by permitting certain architectural embellishments on fences; all under certain terms and conditions.

THE BILL WAS READ.

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

BILLS ON SECOND READING AND FINAL PASSAGE

- 📄 **Bill No. 050071:**An Ordinance authorizing the Managing Director, on behalf of the City, to execute a Mutual Aid Agreement creating the Southeastern Pennsylvania Terrorism Task Force ("SEPTTF"), under certain terms and conditions.
- 📄 **Bill No. 050215:**An Ordinance approving the second amendment of the redevelopment proposal for the 44th and Aspen Urban Renewal Area, being the area generally bounded by Lancaster avenue, Belmont avenue, Pennsgrove street, Forty-second street, Haverford avenue, Forty-fourth street, Fairmount avenue and Forty-seventh street, including the second amendment to the urban renewal plan and the relocation plan, which provides, inter alia, for the additional land acquisition of approximately six (6) 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.
- 📄 **Bill No. 050229:**An Ordinance approving the twelfth amendment of the redevelopment proposal for the Mantua Urban Renewal Area, being the area beginning at the intersection of Fortieth street and Spring Garden street, including the ninth amendment to the urban renewal plan and the relocation plan, as amended, which provides, inter alia, for the additional land acquisition of approximately forty three (43) 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.
- 📄 **Bill No. 050190:**An Ordinance dissolving the Networks Tax Increment Financing District, being the area generally bounded by Sixteenth Street on the west, Spring Garden Street on the north, Hamilton Street on the south, and Fifteenth Street on

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the east, in accordance with the Tax Increment Financing Act, being the Act of July 11, 1990, P.L. 465, No. 113, as amended.

- ☐ **Bill No. 050236, as amended:**An Ordinance dissolving the 1600 North Broad Tax Increment Financing District and creating the Avenue North Tax Increment Financing District, being the approximately three-acre site at 1600-36 North Broad Street generally bounded by Cecil B. Moore Avenue on the north, Broad Street on the east, Oxford Street on the south, and Carlisle Street on the west, all in accordance with the Tax Increment Financing Act, being the Act of July 11, 1990, P.L. 465, No. 113, as amended, and authorizing the Director of Finance and other offices of the City to execute documents and do all things necessary to carry out the intent of this Ordinance.
- ☐ **Bill No. 040767:**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; all under certain terms and conditions.
- ☐ **Bill No. 050001, as amended:**An Ordinance to adopt a Capital Program for the six Fiscal Years 2006-2011 inclusive.
- ☐ **Bill No. 050002, as amended:**An Ordinance to adopt a Fiscal 2006 Capital Budget.
- ☐ **Bill No. 050003, as amended:**An Ordinance adopting the Operating Budget for Fiscal Year 2006.
- ☐ **Bill No. 050451, as amended:**An Ordinance amending Title 19 of The Philadelphia Code, entitled "Finance, Taxes and Collections," by creating a new Chapter 19-3400, entitled "Excise Tax on Outdoor Advertising Transactions," under certain terms and conditions.
- ☐ **Bill No. 050452, as amended:**An Ordinance amending Chapter 19-1200 of The Philadelphia Code, entitled "Parking Tax," to provide for a tax on valet parking transactions, under certain terms and conditions.
- ☐ **Bill No. 050453:**An Ordinance amending Title 9 of The Philadelphia Code, section 9-602, entitled "Outdoor Advertising," by amending the requirements for obtaining and the conditions for issuance of licenses, including the applicable fees; imposing safety requirements; increasing penalties; providing certain reporting requirements; amending certain definitions; and making technical changes; all under certain terms and conditions.
- ☐ **Bill No. 050230:**An Ordinance amending Title 14 of The Philadelphia Code, entitled "Zoning and Planning," by amending Chapter 14-200 entitled "Residential Districts," by amending requirements relating to courts in certain Residential Districts, under certain terms and conditions.

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- 📄 **Bill No. 050233, as amended:**An Ordinance amending Title 14, entitled "Zoning and Planning", to add definitions for certain architectural features that are commonly located on residential buildings, and to permit said architectural features on residential buildings located in residentially zoned districts, under certain terms and conditions.
- 📄 **Bill No. 050285, as amended:**An Ordinance to amend the Philadelphia Zoning Maps by changing the zoning designations of certain areas of land located within an area bounded by Essington Avenue, 67th Street, the Delaware River and the former Pennypacker Avenue.
- 📄 **Bill No. 050339, as amended:**An Ordinance to amend the Philadelphia Zoning Maps by changing the zoning designations of certain areas of land located within an area bounded by Bridge Street, Tacony Street, a line 245 feet north of Sanger Street, the Delaware River and the Frankford Creek.
- 📄 **Bill No. 050295:**An Ordinance authorizing the Philadelphia Authority for Industrial Development ("PAID") to file an application with the Office of the Budget, Commonwealth of Pennsylvania, under the Redevelopment Assistance Capital Program, in an amount not to exceed Six Million Dollars (\$6,000,000) to assist in the development of the Mill Creek Development project; and authorizing the City to enter into an agreement with PAID in furtherance of grant requirements; all under certain terms and conditions.
- 📄 **Bill No. 050297:**An Ordinance authorizing the Philadelphia Authority for Industrial Development ("PAID") to file an application with the Office of the Budget, Commonwealth of Pennsylvania, under the Redevelopment Assistance Capital Program, in an amount not to exceed Five Hundred Thousand Dollars (\$500,000) to assist in the construction, rehabilitation and renovation of Pleasant Hill Park; and authorizing the City to enter into an agreement with PAID in furtherance of grant requirements; all under certain terms and conditions.
- 📄 **Bill No. 050299:**An Ordinance authorizing the Philadelphia Authority for Industrial Development ("PAID") to file an application with the Office of the Budget, Commonwealth of Pennsylvania, under the Redevelopment Assistance Capital Program, in an amount not to exceed Two Million Dollars (\$2,000,000) to assist in the renovation of the Simon's Recreation Center; and authorizing the City to enter into an agreement with PAID in furtherance of grant requirements; all under certain terms and conditions.
- 📄 **Bill No. 050343:**An Ordinance authorizing the Philadelphia Authority for Industrial Development ("PAID") to file an application with the Office of the Budget, Commonwealth of Pennsylvania, under the Redevelopment Assistance Capital Program, in an amount not to exceed Five Hundred Thousand Dollars (\$500,000) to assist in the renovation and expansion of the Roxborough YMCA facility; and authorizing the City to enter into an agreement with PAID in

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furtherance of grant requirements; all under certain terms and conditions.

- ☐ **Bill No. 050416:**An Ordinance authorizing the Philadelphia Authority for Industrial Development ("PAID") to file an application with the Office of the Budget, Commonwealth of Pennsylvania, under the Redevelopment Assistance Capital Program, in an amount not to exceed Two Million Five Hundred Thousand Dollars (\$2,500,000) to assist in the construction, renovation and expansion of the emergency room at the Mercy Nazareth Hospital in Philadelphia; and authorizing the City to enter into an agreement with PAID in furtherance of grant requirements; all under certain terms and conditions.
- ☐ **Bill No. 050454:**An Ordinance amending Bill No. 040765, entitled "An Ordinance Approving the Fiscal Year 2005 Capital Budget providing for expenditures for the capital purposes of the Philadelphia Gas Works (including the supplying of funds in connection therewith) subject to certain constraints and conditions, and acknowledging receipt of the Forecast of Capital Budgets for Fiscal Years 2006 through 2010", by approving a revised Capital Budget for Fiscal Year 2005.
- ☐ **Bill No. 040595, as amended:**An Ordinance amending Title 9 of The Philadelphia Code ("Regulation of Businesses, Trades and Professions") by amending Section 9-605 ("Towing") to prohibit certain towing upon the establishment of a rotational towing system; to define the parameters of the rotational system; and to make certain technical changes; all under certain terms and conditions.
- ☐ **Bill No. 050203, as amended:**An Ordinance amending Title 9 of The Philadelphia Code, entitled "Regulation of Businesses, Trades and Professions," by amending Section 9-102, entitled "Licenses and Permits," by providing that no license or permit shall be issued or renewed if the applicant is delinquent in the payment of any City or School District taxes, charges, fees, rents or claims, or is delinquent in the payment of certain penalties or fines, and by increasing the fee for dishonored checks.
- ☐ **Bill No. 050204, as amended:**An Ordinance amending Title 4 of The Philadelphia Code, entitled "The Philadelphia Building Construction and Occupancy Code," by amending Subcode A, Section A-202, entitled "Duties and Powers of the Code Official," by providing that no license or permit required by Title 4 shall be issued or renewed if the applicant is delinquent in the payment of any City or School District taxes, charges, fees, rents or claims, or is delinquent in the payment of certain penalties or fines, all under certain terms and conditions.
- ☐ **Bill No. 050266, as amended:**An Ordinance amending Title 9 of The Philadelphia Code, entitled "Regulation of Businesses, Trades, and Professions," by amending Section 9-601, entitled "Garages, Parking Lots, Sales Lots and Showrooms," by providing further for the filing of rates by public parking

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garages, under certain terms and conditions.

- ☐ **Bill No. 050267:**An Ordinance amending Title 4, Subcode "A," The Philadelphia Administrative Code, to clarify the types of permits in connection with which the Department of Licenses and Inspections may charge fees for providing accelerated plan reviews and to establish a fee for the electronic storage of building plans; all under certain terms and conditions.
- ☐ **Bill No. 050342:**An Ordinance amending Chapter 10-1800 of The Philadelphia Code, entitled "Vicarious Liability for Student Conduct," by amending the definitions of Educational Housing District to include the Eighth Councilmanic District.
- ☐ **Resolution No. 050022, as amended:**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 2006 through 2010, and incorporating proposed changes with respect to Fiscal Year 2005, 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.

SPEECHES

CLOSING

ADJOURNMENT