

JOURNAL OF THE CITY COUNCIL OF PHILADELPHIA



**Thursday, April 19, 2007**

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

Council met, a quorum being present.

Reverend Kevin Palmer, Assistant Pastor of the Second Mt. Zion Baptist Church was introduced and offered an appropriate prayer.

COUNCILMEMBER BLACKWELL MOVED TO APPROVE THE JOURNAL  
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THE MOTION WAS DULY SECONDED AND AGREED TO.

**INTRODUCTION OF ORDINANCES AND RESOLUTONS**

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 Greenlee Introduced the following Bill, Sponsored by Councilmembers Greenlee and Ramos:

- Bill No. 070304:** An Ordinance Repealing Section 17-101 of The Philadelphia Code, entitled "Prequalification of Prospective Bidders for Contracts for Construction of Public Works," and enacting a new Section 17-101 of The Philadelphia Code, entitled "Prequalification of Responsible Contractors and Subcontractors for Public Works Contracts," providing for a prequalification and approval process for all prospective contractors and subcontractors seeking to perform public works contracts by requiring that they meet certain standards, in areas including, but not limited to, past project performance, past compliance

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with the law, business integrity, technical qualifications and competency, financial responsibility, adequacy of resources, competent management, employment diversity and craft labor, and further providing that contractors and subcontractors meeting prequalification requirements be qualified for a period of three years, all under certain terms and conditions.

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

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

- Bill No. 070305:** An Ordinance Granting permission to Peggy Jones - Musa, owner and operator of the newsstand located on the northeast corner of Chelten Avenue and Greene Street, to construct, use and maintain overhead electrical and telecommunications lines from a new utility pole over and across the public right-of-way, for the purpose of supplying electrical service and telephone service to said newsstand.

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

Councilmember DiCicco Introduced the following Bill, Sponsored by Councilmembers DiCicco and Council President Verna:

- Bill No. 070306:** An Ordinance Amending Chapter 19-2600 of The Philadelphia Code, entitled "Business Privilege Taxes," by amending the definition of "Net Income" with respect to the portion of net income that is properly attributable and allocable to the doing of business in Philadelphia and therefore subject to tax, and by making technical amendments; and by making certain legislative findings with respect to manufacturing; all under certain terms and conditions.

THE BILL WAS REFERRED TO THE COMMITTEE OF THE WHOLE.

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

- Bill No. 070307:** An Ordinance Amending Chapter 10-600 of The Philadelphia Code, entitled "Public Places-Prohibited Conduct," by amending Section 10-604, entitled "Alcoholic Beverages," by increasing penalties regarding alcoholic beverages in certain City-owned recreation centers, playgrounds and park areas, and making certain technical changes, all under certain terms and conditions.

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

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

**Bill No. 070308:** An Ordinance Amending Title 6 of The Philadelphia Code, entitled "Health Code," by requiring semiannual inspection of mobile food vendors and providing for fees, all under certain terms and conditions.

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

**RESOLUTIONS**

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

**Resolution No. 070309:** Resolution Approving the appointment of Peter J. Fischer to the Veterans' Advisory Commission.

THE RESOLUTION WAS READ.

THE RESOLUTION WAS ADOPTED.

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

**Resolution No. 070310:** Resolution Approving the appointment of Joseph C. Waters, Jr. to the Veterans' Advisory Commission.

THE RESOLUTION WAS READ.

THE RESOLUTION WAS ADOPTED.

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

**Resolution No. 070311:** Resolution Approving the appointment of Ernest Landers to the Veterans' Advisory Commission.

THE RESOLUTION WAS READ.

THE RESOLUTION WAS ADOPTED.

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

**Resolution No. 070312:** Resolution Approving the appointment of R. Edward Speller to the Veterans' Advisory Commission.

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THE RESOLUTION WAS READ.

THE RESOLUTION WAS ADOPTED.

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

- Resolution No. 070313:** Resolution Approving the appointment of Samuel Blow to the Veterans' Advisory Commission.

THE RESOLUTION WAS READ.

THE RESOLUTION WAS ADOPTED.

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

- Resolution No. 070314:** Resolution Approving the appointment of Delano Stones to the Veterans' Advisory Commission.

THE RESOLUTION WAS READ.

THE RESOLUTION WAS ADOPTED.

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

- Resolution No. 070315:** Resolution Authorizing City Council's Committee on the Environment and the Committee on Parks, Recreation and Cultural Affairs to hold joint public hearings to examine the conditions, maintenance policies and irrigation methods used to maintain functional and safe outdoor athletic fields City-wide and to also explore the option of working with area agricultural colleges to help accomplish this initiative.

THE RESOLUTION WAS READ.

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

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

- Resolution No. 070316:** Resolution Authorizing the Director of Commerce, on behalf of The City of Philadelphia, to file an application for and, if the application is accepted, to execute contracts to obtain additional grant funds from the Commonwealth of Pennsylvania, Department of Community and Economic Development to be used for business district revitalization in various

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Philadelphia neighborhood shopping districts.

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. 070317:** 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 Thirtieth, Thirty-sixth and Fortieth 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.

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

- Resolution No. 070318:** Resolution Authorizing the Commissioner of Public Property to execute and deliver to the Redevelopment Authority of the City of Philadelphia, without consideration, deeds conveying conditional fee simple title to certain City-owned lots or pieces of ground with the buildings and improvements thereon, situate in the Forty-fifth 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 Krajewski Introduced the following Resolution, Sponsored by Councilmember Krajewski:

- Resolution No. 070319:** Resolution Declaring April 2007 as Autism Awareness Month.

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THE RESOLUTION WAS READ.

THE RESOLUTION WAS ADOPTED.

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

**Resolution No. 070320:** 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 Thirteenth and Fifty-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.

THE RESOLUTION WAS READ.

THE RESOLUTION WAS ADOPTED.

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

**Resolution No. 070321:** Resolution Authorizing the Committee on Public Health and Human Services to hold hearings to bring together leaders in public health to discuss the mental health component of the crime epidemic in the City of Philadelphia and possible solutions for reducing crime.

THE RESOLUTION WAS READ.

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

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

**Resolution No. 070322:** Resolution Authorizing the creation of a Special Committee on Gaming Alternate Site Selection of the City Council of Philadelphia, for the purpose of holding hearings and making written recommendations to identify alternate locations for slots parlors in the City based on a set of objective and independent standards that would minimize neighborhood impacts and to identify economic policies to retain the viability of license portability.

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THE RESOLUTION WAS READ.

THE RESOLUTION WAS ADOPTED.

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

- Resolution No. 070323:** 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 Eleventh, Twenty-fifth and Thirty-first 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.

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

- Resolution No. 070324:** 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 for Councilmember Council President Verna, Sponsored by Councilmembers DiCicco, Rizzo, Greenlee, Kelly, Goode, Reynolds Brown, Krajewski, Miller, Tasco, Kenney, Savage, Ramos, O'Neill and Clarke:

- Resolution No. 070325:** Resolution Honoring and Congratulating Saint Rita of Cascia Parish and The National Shrine of Saint Rita On Its Centenary Year 1907 - 2007.

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THE RESOLUTION WAS READ.

THE RESOLUTION WAS ADOPTED.

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

- Resolution No. 070326:** Resolution Proclaiming April 24, 2007 as Equal Pay Day.

THE RESOLUTION WAS READ.

THE RESOLUTION WAS ADOPTED.

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

- Resolution No. 070327:** Resolution Honoring SHAPING AMERICA'S YOUTH ® (SAY) ® on the occasion of the SAY Town Meeting on Saturday, April 21, 2007, at The Liacouras Center at Temple University.

THE RESOLUTION WAS READ.

THE RESOLUTION WAS ADOPTED.

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

- Resolution No. 070328:** Resolution Authorizing City Council's Committee on Education to hold hearings to investigate and determine the feasibility of imposing by Ordinance the requirement that the class sizes in grades K-3 not exceed twenty (20) students and in grades 4-12 class size shall not exceed twenty-five children (25).

THE RESOLUTION WAS READ.

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

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

- Resolution No. 070329:** Resolution Authorizing the Commissioner of Public Property to execute and deliver to the Redevelopment Authority of the City of Philadelphia, without consideration, deeds conveying conditional fee simple title to certain City-owned lots or pieces of ground with the buildings and improvements thereon, situate in the Thirty-second Ward of the City of Philadelphia, pursuant to Chapter 16-400 of The Philadelphia Code and

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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.

**Resolution No. 070239:** Resolution Recognizing, honoring and celebrating John F. Collins for his enormous contributions to Philadelphia's urban design and for his creative vision and focus on improving and expanding green spaces for residents and visitors to enjoy.

THE RESOLUTION WAS READ.

THE RESOLUTION WAS ADOPTED.

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

**Resolution No. 070330:** Resolution Remembering, Memorializing, Honoring, and Mourning the 32 people slain at Virginia Tech on April 16, 2007, and authorizing City Council's Committee on Public Safety to hold public hearings to investigate how safe the College Campuses in The City of Philadelphia are; and, in furtherance of such investigation, authorizing the issuance of subpoenas 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 PUBLIC SAFETY.

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

**Resolution No. 070331:** Resolution Recognizing, Honoring, and Celebrating, Roman Catholic High School's Varsity Basketball Team, for Their Outstanding 2007 Basketball Season.

THE RESOLUTION WAS READ.

THE RESOLUTION WAS ADOPTED.

Councilmember Rizzo Introduced the following Resolution, Sponsored by Councilmembers Rizzo, Clarke and Tasco:

**Resolution No. 070332:** Resolution Recognizing, Honoring, and Celebrating Senior Minister Emeritus Reverend William H. Gray, III on His Retirement after Thirty-Five Years as Pastor of Bright Hope Baptist Church; and Thanking Him for His Extraordinary Vision, Leadership and Commitment.

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THE RESOLUTION WAS READ.

THE RESOLUTION WAS ADOPTED.

## REPORTS FROM COMMITTEES

### COMMITTEE ON STREETS AND SERVICES

- Resolution No. 070132:** Resolution Also naming Broad Street from Diamond Street to York Street "Georgie Woods Blvd."

THE RESOLUTION WAS FAVORABLE RECOMMENDATION; CONSIDERATION AT END OF CALENDAR.

- Resolution No. 070133:** Resolution Also naming Diamond Street from 16th Street through 19th Street "Father Paul Washington Avenue."

THE RESOLUTION WAS FAVORABLE RECOMMENDATION; CONSIDERATION AT END OF CALENDAR.

- Bill No. 070152:** An Ordinance Amending Section 9-213 of The Philadelphia Code, entitled "Farmers' Markets," by adding a permissible location on the sidewalk of the median of the 400 block of South 2nd Street, also known as Headhouse Square, all under certain terms and conditions.

COUNCILMEMBER DICICCO MOVED TO SUSPEND THE RULES OF THE COUNCIL SO AS TO PERMIT CONSIDERATION THIS DAY OF BILL NO. 070152.

THE MOTION WAS DULY SECONDED AND AGREED TO.

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

- Bill No. 070186:** An Ordinance Authorizing The Trustees of the University of Pennsylvania, University of Pennsylvania Health System (UPHS), 3400 Spruce Street, Philadelphia, PA, 19104, to construct and maintain a pedestrian bridge over and across Convention Avenue, connecting the UPHS Penn Tower Complex (One Convention Avenue) with the proposed Perlman Center for Advanced Medicine (3400 Civic Center Boulevard), under certain terms and conditions.

COUNCILMEMBER DICICCO MOVED TO SUSPEND THE RULES OF THE COUNCIL SO AS TO PERMIT CONSIDERATION THIS DAY OF BILL NO. 070186.

THE MOTION WAS DULY SECONDED AND AGREED TO.

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

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- ❑ **Bill No. 070187:** An Ordinance Granting Permission to Ilker Ugar, owner of Divan Turkish Kitchen and owner of the property 918 S. 22nd Street, Philadelphia, PA 19146, to operate and maintain an open air sidewalk café on the southwest corner of S. 22nd and Carpenter Streets, under certain terms and conditions.

THE BILL WAS ORDERED PRINTED AND PLACED ON NEXT FIRST READING CALENDAR.

- ❑ **Bill No. 070190:** An Ordinance Granting permission to Nitin Desai owner and operator of the newsstand located on the northwest corner of 18th Street and Arch Street, to construct, use and maintain conduits for fiber optic facilities in, under and across 18th Street and Arch Street, for the purpose of supplying electrical service and telephone service to said newsstand.

THE BILL WAS ORDERED PRINTED AND PLACED ON NEXT FIRST READING CALENDAR.

- ❑ **Bill No. 070191:** An Ordinance Granting permission to Chunho Won owner and operator of the newsstand located on the southwest corner of 18th Street and Market Street, to construct, use and maintain conduits for fiber optic facilities in, under and across 18th Street and Market Street, for the purpose of supplying electrical service and telephone service to said newsstand.

THE BILL WAS ORDERED PRINTED AND PLACED ON NEXT FIRST READING CALENDAR.

- ❑ **Bill No. 070192:** An Ordinance Granting permission to Asia Alnawasreh, owner and operator of the newsstand located on the southwest corner of Broad Street and Spring Garden Street, to construct, use and maintain conduits for fiber optic facilities in, under and across the southwest corner of Broad Street and Spring Garden Street, for the purpose of supplying electrical service and telephone service to said newsstand.

THE BILL WAS ORDERED PRINTED AND PLACED ON NEXT FIRST READING CALENDAR.

- ❑ **Bill No. 070201:** An Ordinance Establishing a no truck parking regulation on Robbins Avenue, between Algard Street and Cottage Street, both sides.

THE BILL WAS ORDERED PRINTED AND PLACED ON NEXT FIRST READING CALENDAR.

- ❑ **Bill No. 070202:** An Ordinance Amending Section 12-2708 of The Philadelphia Code, entitled "Issuance of Temporary Parking Permits," by adding provisions for temporary parking permits valid for one calendar day, all under certain terms and conditions.

COUNCILMEMBER DICICCO MOVED TO SUSPEND THE RULES OF THE COUNCIL SO AS TO PERMIT CONSIDERATION THIS DAY OF BILL NO. 070202.

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. 070204:** An Ordinance Granting permission to Alfredo Aguilar, owner of the property 426-428 West Girard avenue, d/b/a Las Casuelas Café, to operate and maintain an open-air sidewalk café on the south footway of Girard avenue adjacent to 426-428 West Girard avenue, under certain terms and conditions.

THE BILL WAS ORDERED PRINTED AND PLACED ON NEXT FIRST READING CALENDAR.

- Bill No. 070224:** An Ordinance Authorizing and directing the revision of lines and grades on a portion of City Plan No. 305 by placing on the City Plan Edgemont Street from Juniata Street to Berkshire Street, at the distance of approximately 235' northwest of Salmon Street, under certain terms and conditions, including the dedication to the City, free and clear of all encumbrances, of the bed of Edgemont Street.

THE BILL WAS ORDERED PRINTED AND PLACED ON NEXT FIRST READING CALENDAR.

- Bill No. 070225:** An Ordinance Authorizing and directing the revision of lines and grades on a portion of City Plan No. 187 by striking from the City Plan and vacating the legally opened portion of Belgrade Street from Butler Street to Wheatsheaf Lane, under certain terms and conditions.

THE BILL WAS ORDERED PRINTED AND PLACED ON NEXT FIRST READING CALENDAR.

- Bill No. 070226:** An Ordinance Authorizing Kevin Alsbrook, 400 Gypsy Lane, Apartment 735, Philadelphia, PA 19129, owner of Bazini's Café and the property at 1800 Lindley Avenue, Philadelphia, PA 19141, his successors and assigns, to legalize an existing deck encroachment, which partially encroaches onto the public sidewalks of Lindley and Ogontz Avenues, for use as accessory outdoor seating for Bazini's Café.

THE BILL WAS ORDERED PRINTED AND PLACED ON NEXT FIRST READING CALENDAR.

- Bill No. 070227:** An Ordinance Amending Section 9-204 of The Philadelphia Code, entitled "Sidewalk Vendors in Center City," by prohibiting vendors from within 15 feet of any emergency egress, all under certain terms and conditions.

THE BILL WAS ORDERED PRINTED AND PLACED ON NEXT FIRST READING CALENDAR.

- Bill No. 070231:** An Ordinance Authorizing East Falls Development Corporation, 3654 Midvale Avenue, Philadelphia, PA 19129, owner of the property at 3800 Midvale Avenue, Philadelphia, PA 19129, for the installation of a gateway entrance sign for the East Falls community, under certain terms and conditions.

THE BILL WAS ORDERED PRINTED AND PLACED ON NEXT FIRST READING CALENDAR.

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- ❑ **Bill No. 070235:** An Ordinance Authorizing and directing the revision of lines and grades on a portion of City Plan No. 63 by striking from the City Plan and vacating Carlton Street from Twentieth Street eastwardly approximately 98'4" to a dead-end, by striking and abandoning certain rights-of-way for public utility purposes lying in the beds of former Carlton Street and former Uber Street, by striking and abandoning a certain right-of-way for drainage purposes, water main purposes and public utility purposes lying in the bed of former Wood Street, by relocating a certain portion of the curbline on Vine Street 8' in a southerly direction and by relocating a certain portion of the curbline on 20th Street 7' in a westerly direction, all under certain terms and conditions.

THE BILL WAS ORDERED PRINTED AND PLACED ON NEXT FIRST READING CALENDAR.

- ❑ **Bill No. 070237:** An Ordinance Authorizing Liberty Property Trust Philadelphia Limited Partnership IV, Eight Penn Center, Suite 1100, 1628 John F. Kennedy Boulevard, Philadelphia, PA 19103, owner of the Comcast Center at 1701 John F. Kennedy Boulevard, Philadelphia, PA 19103, for the placement of raised planters on John F. Kennedy Boulevard and the installation of stainless steel security bollards on Arch Street and N. 17th Street adjacent to the Comcast Center, under certain terms and conditions.

THE BILL WAS ORDERED PRINTED AND PLACED ON NEXT FIRST READING CALENDAR.

## CONSIDERATION OF THE CALENDAR

### BILLS ON FIRST READING

- ❑ **Bill No. 070152:** An Ordinance Amending Section 9-213 of The Philadelphia Code, entitled "Farmers' Markets," by adding a permissible location on the sidewalk of the median of the 400 block of South 2nd Street, also known as Headhouse Square, all under certain terms and conditions.

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

- ❑ **Bill No. 070186:** An Ordinance Authorizing The Trustees of the University of Pennsylvania, University of Pennsylvania Health System (UPHS), 3400 Spruce Street, Philadelphia, PA, 19104, to construct and maintain a pedestrian bridge over and across Convention Avenue, connecting the UPHS Penn Tower Complex (One Convention Avenue) with the proposed Perlman Center for Advanced Medicine (3400 Civic Center Boulevard), under certain terms and conditions.

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

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- ❑ **Bill No. 070202:** An Ordinance Amending Section 12-2708 of The Philadelphia Code, entitled “Issuance of Temporary Parking Permits,” by adding provisions for temporary parking permits valid for one calendar day, 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. 060226-A, as amended:** An Ordinance Amending Title 17 of The Philadelphia Code, entitled “Contracts and Procurement,” by adding a Chapter providing for the development of and setting forth provisions relating to Economic Opportunity Plans in connection with certain City contracts and projects, all under certain terms and conditions.

THE BILL WAS READ.

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COUNCILMEMBER CLARKE MOVED TO AMEND BILL NO. 060226 AS FOLLOWS:

PROPOSED AMENDMENT TO BILL NO. 060226

\* \* \*

**SECTION 17-1601. Definitions.**

REPLACE (1) WITH: Covered Project or Contract. Any of the following, so long as the total value of such contract, development project or financial assistance is reasonably anticipated to exceed \$250,000 (notwithstanding any other dollar or percentage minimums set forth in any incorporated definition):

DELETE (d) REPLACE WITH: (d) A development project or contract that requires an ordinance of Council in order to proceed.

ADD: (e) A development project or contract that requires an action of the Zoning Board of Adjustment pursuant to section 14-1801(1bh) thru (1e).

(2) DELETE THE WORD: derivative REPLACE WITH: successor

(3) DELETE: A minority or women or disabled owned business enterprise REPLACE WITH: Unless

REPLACE PARAGRAPH (4) WITH: (4) Participant. Any consultant, architectural/design entity, sub-contractor, construction manager and/or prime contractor engaged by a contractor, a project developer or recipient of financial assistance with respect to a Covered Project or Contract; or with respect to a competitively-bid contract covered by Section 17-1602-(2).

**SECTION 17-1602. Economic Opportunity Plan Required.**

REPLACE PARAGRAPH (1) WITH: (1) No Covered Project or Contract, shall be approved by City Council unless the Covered Project or Contract contains (a) an Economic Opportunity Plan that comports with the provisions of this Chapter; and (b) a commitment by the applicable contractor, developer or recipient of City financial assistance to comply with the terms of such Plan.

ADD (3) Exemptions, Special Conditions

(a) No contractor, project developer or participant shall be exempt from responding to EOP submission requirements pursuant to the provisions of this Chapter for covered contracts, development projects and consideration for financial assistance, unless indicated by the special conditions below.

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(b) Under certain limited special conditions, partial or full exemption from EOP compliance provisions shall be granted where and when:

(.1) The Procurement Commissioner certifies that applying the EOP compliance provisions of this chapter would result in the loss of federal, state or similar funds or grants.

(.2) The MBEC certifies it has been determined that applying the EOP compliance provisions of this chapter is not feasible due to insufficient or sole source availability of a service or product; or due to the absence of objective data to support relevant M/W/DSBE business utilization or workforce participation of minority, women or disabled persons in a particular marketplace.

(.3) The City Solicitor certifies that applying EOP compliance provisions is prohibited by applicable law or that exemption from these provisions would be necessary to avoid material damages to the legal interests of the City.

(.4) The Managing Director, a Department Commissioner or other agency official certifies that applying EOP compliance provisions would delay or otherwise inhibit immediate or appropriate response to a public health, safety, or security emergency or crisis.

(c) Certification, in writing, of any such special condition exemption shall accompany any ordinance, contract, project plan or bid subject to this Chapter.

**SECTION 17-1603. Economic Opportunity Plan: Contents**

REPLACE (1) WITH: (1) For a covered Project or Contract subject to City Council approval (other than a Covered Project or Contract subject to Section 8-200(2) or 8-201 of the Home Rule Charter), an Economic Opportunity Plan prototype shall be produced by MBEC in conjunction with Council, and serve as the primary form for submission and compliance procedures in accordance with the provisions of this chapter:

REPLACE (a) with: (a) The Economic Opportunity Plan prototype and associated contract or project specific details shall be developed and agreed to by the contracting agency, MBEC, representatives of City Council designated by the Council President; and, subsequently, by the contractor, developer or recipient of financial assistance. The contents therein shall constitute the entire Economic Opportunity Plan. Provisions for compliance shall include, though not necessarily be limited to, the following commitments:

REPLACE (.2) WITH: (.2) To include in all contracts with Participants, pursuant to the Covered Project or Contract, an enforceable requirement that each Participant abide by the provisions of the Economic Opportunity Plan as set forth therein, pursuant to subsection (.1) of this section, in all phases of the Covered Project or Contract.

REPLACE (.b) WITH: (.b) Every such contract shall include and define the specific steps, in

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the form of and/or as stipulated by the Plan, that shall satisfy the Participant's obligation to exercise its best and good faith efforts, including specific outreach and solicitation of M/W/DSBEs for participation in the Covered Project or Contract, and specific outreach and solicitation of a diverse workforce, and including requirements that the contractor submit to the contracting City agency or department and to MBEC documentation of all such steps.

REPLACE (.3)(b) WITH: (b) The contractor, developer and/or recipient of financial assistance shall be required to engage in an Oversight Process.

ADD: (.1) Where appropriate, based on the dollar value, size, scope, duration, financial assistance category of the Covered Project or Contract, and the consideration of other contract or project specific details, the Plans shall establish a Project or Contract Oversight Committee, consisting of, as appropriate, the contractor, developer or recipient of financial assistance and representatives of the Participants, MBEC, City Council, the contracting department or agency and appropriate community organizations. Such Committee shall meet regularly, beginning no later than the initiation of the design phase of the Covered Project or Contract, and shall be responsible for facilitating compliance with the Plan. The Oversight Committee, through the Oversight Process, shall have within its purview the reconciliation of all compliance related issued or grievances.

ADD (.2): The Oversight Committee Process, as needed or as stipulated by the Plan, will involve convening individual consultation or periodic small group meetings to include any or all of the parties identified above in subsection (.1)(a).

REPLACE (c) WITH: (c) The Plan shall contain, to the extent such information is available to the MBEC: (.1) a statement of availability of M/W/DSBEs (expressed in percentage of contract and subcontract value) for various project, contract and subcontract categories; and, (.2) a statement of availability of minority, female and disabled workers in the relevant marketplace for employment in various job categories. Percentages of availability contained in the Plan shall serve as a guideline for compliance and not the uppermost limit of meaningful participation which may be achieved during any Covered Project or Contract. The contractor, developer or recipient of financial assistance shall commit to using best and good faith efforts, as defined by the Plan, to achieve meaningful and representative participation by M/W/DSBEs, and meaningful and representative employment of minority, female and disabled workers, in all phases of the Covered Project or Contract. Best and good faith efforts, as further defined in the Plan, shall be of such scope, intensity and appropriateness designed to achieve the objectives of this Chapter.

REPLACE (2)(A) WITH: (A) The Economic Opportunity Plan prototype shall be obtained by the bidder and submitted with the bid, in accordance with said prototype Plan provisions developed by the MBEC and set forth in the bid specifications. In developing such prototype Plan and provisions for submission, the MBEC shall work in conjunction with Procurement and the contracting agency. As closely as possible, and consistent with competitive bidding rules, the prototype Plan and provisions shall be substantially similar to and consistent with the

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provisions of subsection (1), above, relating to City Council approved Covered Contracts and Projects. To the extent feasible, such prototype Plan and provisions set forth in the bid specifications shall be uniform in content and structure for all contracts or for all contracts within any category of contracts.

**ADD: SECTION 17-1604 Records and Reports**

(1) Records and reports resulting from submission and compliance requirements for Economic Opportunity Plans set forth in this Chapter shall comport with and supplement data requirements and provisions set forth in Chapter 17-1500.

(2) All data required by the Economic Opportunity Plan must be submitted with full and complete disclosure by all contractors, developers, participants and applicants for or recipients of financial assistance required by this Chapter to submit an EOP.

(.a) Regular reporting, during the course of the Covered Contract or Project, shall be required on a quarterly basis, ending with a final EOP report to be submitted no later than thirty days after contract or project completion.

**SECTION 17-1605. Enforcement.**

REPLACE PARAGRAPH (1) WITH: (1) The MBEC and the Oversight Committee through the Oversight Process shall make such findings, recommendations and proposals that are necessary and appropriate to enforce this Chapter. If as a result of monitoring activities, it is determined by MBEC and/or the Oversight Committee that the EOP submission and compliance policies and procedures set forth in this Chapter are not being met as required, then appropriate actions shall be recommended.

(2) The MBEC and/or the Oversight Committee through the oversight process determines that a participant, contractor, project developer, applicant for or recipient of financial assistance has demonstrated full and complete EOP compliance with the provisions of this chapter and should be exempt from remedies or penalties as provided for herein, notwithstanding an unmet M/W/DSBE participation goal.

**SECTION 17-1606. Penalties**

REPLACE (1) WITH: (1) A participant, contractor, developer, applicant or recipient of financial assistance, as defined in section 17-1601, who has failed to comply with any provisions of this chapter, including any contract provisions imposed by this Chapter, is not eligible for financial assistance consideration or receipt of any financial assistance as set forth in section 17-1601(1).

(2) If the MBEC and/or the Oversight Committee determines non-compliance with the provisions set forth in this chapter, they may recommend that the City exercise, through

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appropriate channels, on or more of the following remedies, as deemed applicable:

- a. Withhold payment(s) or any part thereof pending corrective action.
- b. Terminate a contract, in whole or in part.
- c. Suspend a participant, contract or recipient of financial assistance from bidding on and/or participating in future City contracts for up to three (3) years.
- d. Recover liquidated damages as outlined in the Plan

SECTION 2.DELETE THE WORDS: more than

\* \* \*

THE AMENDMENT WAS READ

COUNCILMEMBER CLARKE MOVED FOR THE ADOPTION OF THE AMENDMENT

THE MOTION WAS DULY SECONDED AND AGREED TO

THE AMENDMENT TO BILL NO. 060226 WAS ADOPTED

DISCUSSION - COUNCILMEMBER GOODE ASKED TO IN A VERY FRIENDLY WAY INTERROGATE THE SPONSOR, COUNCILMEMBER CLARKE ON BILL NO. 060226. COUNCILMEMBER CLARKE AGREED. COUNCILMEMBER GOODE STATES: "I CHAIRED THAT HEARING AND THERE WERE OBJECTIONS NOT ONLY BY SEVERAL WITNESSES BUT BY MYSELF TO THE WAIVER AND EXEMPTION LANGUATE - FURTHER THERE IS NO PROJECT THAT EXISTS WHERE THERE SHOULD BE ZERO PERCENT PARTICIPATION, NOR SHOULD WE SAY THAT MBEC SHOULD HAVE THAT AUTHORITY TO OFFER SUCH A WAIVER OR EXEMPTION" - COUNCILMEMBER CLARKE ASKS COUNCILMEMBER GOODE IF THEY COULD PASS THE BILL OUT AND PROCEED WITH ANY DISCUSSION FOR FURTHER AMENDMENT. COUNCILMEMBER GOOD AGREED. COUNCILMEMBER CLARKE STATES: MAKE HIS MOTION WITH THE UNDERSTANDING THAT THERE MAY BE AN ADDITIONAL AMENDMENT TO GET SOME CLARITY ON THAT ASPECT OF ANY WAIVER POSITION." - (SEE NOTES OF TESTIMONY)

 **Bill No. 060226-A, as amended:** An Ordinance Amending Title 17 of The Philadelphia Code, entitled "Contracts and Procurement," by adding a Chapter providing for the development of and setting forth provisions relating to Economic Opportunity Plans in connection with certain City contracts and projects, all under certain terms and conditions.

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THE BILL WAS AMENDED.

*The Ayes and Nays were as follows:*

*Ayes: 17 - Councilmembers Reynolds Brown, Greenlee, Goode, Campbell, Kelly, Kenney, Ramos, Savage, Rizzo, DiCicco, Council President Verna, Blackwell, Clarke, Krajewski, Miller, Tasco and O'Neill*

*Nays: 0*

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

- Bill No. 070009:** An Ordinance To amend the Philadelphia Zoning Maps by changing the zoning designations of certain areas of land located within an area bounded by Reed Street, Tasker Street (Extended), Christopher Columbus Boulevard, and the Delaware River.

THE BILL WAS READ.

THE BILL WAS PASSED.

*The Ayes and Nays were as follows:*

*Ayes: 14 - Councilmembers Reynolds Brown, Greenlee, Goode, Kelly, Kenney, Rizzo, DiCicco, Council President Verna, Blackwell, Clarke, Krajewski, Miller, Tasco and O'Neill*

*Nays: 3 - Councilmembers Campbell, Ramos and Savage*

- Bill No. 070149-A:** An Ordinance Amending Title 4 of The Philadelphia Code, entitled "The Philadelphia Building Construction and Occupancy Code", by amending Subcode "PM" (The Philadelphia Property Maintenance Code), by requiring that any advertisement or correspondence pertaining to the rental of residential property shall include the housing inspection license number for such property, providing for penalties, and making certain technical changes, all under certain terms and conditions.

THE BILL WAS READ.

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COUNCILMEMBER KRAJEWSKI MOVED TO AMEND BILL NO. 070149 AS  
FOLLOWS:

PROPOSED AMENDMENT TO BILL NO. 070149

\* \* \*

PM-102.6.6 REPLACE TO READ AS FOLLOWS: P.M.102.6.6 Advertisments and Correspondence. The owner of any property licensed under this section shall include the housing inspection license number, issued for the property by the Department, in any advertisement or correspondence pertaining to the rental of the property or any dwelling or rooming unit in the property. For purposes of this section, advertisements shall include, but not be limited to, newspaper advertisements, electronic advertising or on premises rental signs. An advertisement listing units in three or more properties may provide the business privilege license number of the property owner in lieu of the housing inspection license numbers.

\* \* \*

THE AMENDMENT WAS READ

COUNCILMEMBER KRAJEWSKI MOVED FOR THE ADOPTION OF THE AMENDMENT

THE MOTION WAS DULY SECONDED AND AGREED TO

THE AMENDMENT TO BILL NO. 070149 WAS ADOPTED

**Bill No. 070149-A, as amended:** An Ordinance Amending Title 4 of The Philadelphia Code, entitled "The Philadelphia Building Construction and Occupancy Code", by amending Subcode "PM" (The Philadelphia Property Maintenance Code), by requiring that any advertisement or correspondence pertaining to the rental of residential property shall include the housing inspection license number for such property, providing for penalties, and making certain technical changes, all under certain terms and conditions.

THE BILL WAS AMENDED.

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

## RESOLUTIONS

**Resolution No. 070132:** Resolution Also naming Broad Street from Diamond Street to York Street "Georgie Woods Blvd."

THE RESOLUTION WAS ADOPTED.

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 **Resolution No. 070133:** Resolution Also naming Diamond Street from 16th Street through 19th Street "Father Paul Washington Avenue."

THE RESOLUTION WAS ADOPTED.

COUNCILMEMBER TASCO MOVED TO ADJOURN.

THE MOTION WAS DULY SECONDED AND AGREED TO.