

JOURNAL OF THE CITY COUNCIL OF PHILADELPHIA



Thursday, November 4, 2010

EXCUSED: 1 - Councilmember Kenney

PRESENT: 16 - Councilmembers Blackwell, Clarke, Council President Verna, DiCicco, Goode, Green, Greenlee, Jones, Kelly, Krajewski, Miller, O'Neill, Reynolds Brown, Rizzo, Sanchez and Tasco

Council met, a quorum being present.

Rabbi Linda Holtzman of Mishkan Shalom was introduced and offered an appropriate prayer.

COUNCILMEMBER TASCO MOVED TO APPROVE THE JOURNAL

of the meeting of October 28, 2010.

THE MOTION WAS DULY SECONDED AND AGREED TO.

Councilmember Tasco requested leave of absence for
Councilmember Kenney

THE REQUEST WAS GRANTED.

COMMUNICATIONS

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

- Transmitting a message advising Council that Bill Nos. 100488, 100537 and 100539, which was passed by Council on October 21, 2010, were signed by the Mayor on November 3, 2010. (File No. 100768)

THE COMMUNICATION WAS READ.

- Transmitting a resolution finding that a negotiated private sale of General Obligation Bonds is in the best financial interest of the City of the Philadelphia, accompanied by an explanatory letter from the City Treasurer. (File No. 100770)

THE COMMUNICATION WAS READ.

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- Transmitting a bill authorizing the revision of lines and grades on a portion of City Plan No. 307 by striking from the City Plan and vacating the legally open portions of Fifth Street from Race Street to Vine Street, reserving and placing on the City Plan a right of way for drainage and water main purposes within the lines of Fifth Street being stricken, relocating the lines and reducing the width of Florist Street from Third Street to Fourth Street, placing on the City Plan Seventh Street from Race Street to Franklin Street, and striking from the City Plan the northerly twenty-seven feet wide portion of Race Street from Franklin Street to Eighth Street, authorizing the conveyance of the City-owned portion of the bed of Fifth Street being stricken to the Delaware River Port Authority, and authorizing the opening of the northerly forty-seven feet wide portion of Race Street from Sixth Street to Franklin Street and the opening of Seventh Street from Race Street to Franklin Street, accompanied by an explanatory letter from the Streets Commissioner. (File No. 100771)

THE COMMUNICATION WAS READ.

- Transmitting a bill authorizing the Director of Finance, on behalf of the City of Philadelphia (the “City”), to enter into a lease agreement to lease vehicles and equipment from the Philadelphia Municipal Authority, for the purposes of financing vehicles and equipment and to enter into an escrow agreement pursuant to the terms of the lease agreement, under certain terms and conditions, accompanied by an explanatory letter from the City Treasurer. (File No. 100772)

THE COMMUNICATION WAS READ.

INTRODUCTION OF BILLS AND RESOLUTIONS

Councilmember Greenlee Introduced and Referred the following Bill, Sponsored by Councilmembers Greenlee and Tasco:

- Bill No. 100749:** An Ordinance Amending Title 4 of The Philadelphia Code, entitled “The Philadelphia Building Construction and Occupancy Code,” by amending Subcode “A” (The Philadelphia Administrative Code) and Subcode “PM” (The Philadelphia Property Maintenance Code), to require that the owners of residential properties that are vacant following foreclosure register, inspect and maintain such properties, and to provide for enforcement and penalties for failure to do so, all under certain terms and conditions.

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

Councilmember Krajewski Introduced and Referred the following Bill, Sponsored by Councilmembers Krajewski and O'Neill:

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☐ Master Plan of Holy Family University, located at 4500 Grant Avenue, by allowing for the construction of a new administrative building.

THE BILL WAS REFERRED TO THE COMMITTEE ON RULES.

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

☐ **Bill No. 100751:** An Ordinance Authorizing the Director of Finance, on behalf of the City of Philadelphia (the “City”), to enter into a lease agreement to lease vehicles and equipment from the Philadelphia Municipal Authority, for the purposes of financing vehicles and equipment and to enter into an escrow agreement pursuant to the terms of the lease agreement, under certain terms and conditions.

THE BILL WAS REFERRED TO THE COMMITTEE ON FINANCE.

Councilmember Tasco Introduced, Read and Adopted the following Resolution, Sponsored by Councilmember Tasco:

☐ **Resolution No. 100763:** Resolution Finding that a negotiated private sale of General Obligation Bonds is in the best financial interest of the City of the Philadelphia.

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

☐ **Bill No. 100752:** An Ordinance Amending Chapter 10-700 of The Philadelphia Code, entitled “Refuse and Littering,” by increasing the path of snow to be cleared on sidewalks, all under certain terms and conditions.

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

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

☐ **Bill No. 100753:** An Ordinance To amend the Philadelphia Zoning Maps by changing the zoning designations of certain areas of land located within an area bounded by East Moreland Avenue, Winston Street, East Mermaid Lane and Germantown Avenue.

THE BILL WAS REFERRED TO THE COMMITTEE ON RULES.

Councilmember Miller Introduced, Read and Adopted the following Resolution, Sponsored by Councilmember Miller:

☐ **Resolution No. 100764:** Resolution Proclaiming November 14th 2010 as “World

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Diabetes Day” and encouraging all to participate in the “Believe in Blue” Campaign.

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

- 📄 **Bill No. 100754:** An Ordinance Amending Chapter 19-2600 of The Philadelphia Code, entitled “Business Privilege Taxes,” by providing for exclusions and certifications for hobbies and other not-for-profit activities, under certain terms and conditions.

THE BILL WAS REFERRED TO THE COMMITTEE ON FINANCE.

Councilmember Jones Introduced and Referred the following Bill, Sponsored by Councilmembers Jones, Sanchez, Tasco, Reynolds Brown and Green:

- 📄 **Bill No. 100755:** An Ordinance Amending Title 21 of The Philadelphia Code, entitled “Miscellaneous,” by creating a new Chapter 21-1800, entitled “Foster Care,” to provide for standards and procedures for approving foster parents and the placement of children in foster care, all under certain terms and conditions.

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

Councilmember Goode Introduced and Referred the following Bill, Sponsored by Councilmember Goode:

- 📄 **Bill No. 100756:** An Ordinance Amending Chapter 17-1300 of The Philadelphia Code, entitled “Philadelphia 21st Century Minimum Wage and Benefits Standard,” by broadening the definition of the “City financial aid recipients” who are subject to that Chapter to include certain persons or entities who lease property or equipment from persons or entities who receive City assistance, under certain terms and conditions.

THE BILL WAS REFERRED TO THE COMMITTEE ON COMMERCE & ECONOMIC DEVELOPMENT.

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

- 📄 **Bill No. 100757:** An Ordinance Amending Section 9-205 of The Philadelphia Code, entitled “Sidewalk Sales,” by prohibiting vending on both sides of Broad Street between Washington Avenue and Bainbridge Street, under certain terms and conditions.

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

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

- 📄 **Bill No. 100758:** An Ordinance Establishing a two-way regulation on Spruce Street, from 38th Parallel Place to 2nd Street.

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

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

- 📄 **Bill No. 100759:** An Ordinance Amending Title 14 of The Philadelphia Code, entitled "Zoning and Planning," by amending Section 14-305, entitled "'C-4' Commercial and 'C-5' Commercial Districts," by revising parking and area regulations and regulations relating to signs and off-street loading and trash storage in the area bounded by Arch Street, Juniper Street, Cuthbert Street and Broad Street, all under certain terms and conditions.

THE BILL WAS REFERRED TO THE COMMITTEE ON RULES.

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

- 📄 **Bill No. 100760:** An Ordinance Authorizing the revision of lines and grades on a portion of City Plan No. 307 by striking from the City Plan and vacating the legally open portions of Fifth Street from Race Street to Vine Street, reserving and placing on the City Plan a right-of-way for drainage and water main purposes within the lines of Fifth Street being stricken, relocating the lines and reducing the width of Florist Street from Third Street to Fourth Street, placing on the City Plan Seventh Street from Race Street to Franklin Street, and striking from the City Plan the northerly twenty-seven feet wide portion of Race Street from Franklin Street to Eighth Street, authorizing the conveyance of the City-owned portion of the bed of Fifth Street being stricken to the Delaware River Port Authority, and authorizing the opening of the northerly forty-seven feet wide portion of Race Street from Sixth Street to Franklin Street and the opening of Seventh Street from Race Street to Franklin Street.

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

Councilmember O'Neill Introduced, Read and Adopted the following Resolution, Sponsored by Councilmember O'Neill:

- 📄 **Resolution No. 100766:** Resolution Urging the Mayor and the Board of Pensions

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and Retirement to join Council in a sustained, collaborative effort to comprehensively and fairly evaluate City employees' retirement benefits, with the goal of ensuring that the City has in place actuarially sound pension plans that balance the interest of employees in a secure retirement with the interest of all taxpayers in having an affordable municipal government with adequate funds to provide appropriate services; and authorizing the Committee of the Whole to conduct hearings on the health and well-being of the City's entire Retirement System.

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

- 📄 **Bill No. 100761:** An Ordinance Amending Section 14-1629 of The Philadelphia Code, entitled "Yorktown Special District Controls," by specifically amending Section 14-1629(3), entitled "District Boundaries"; all under certain terms and conditions.

THE BILL WAS REFERRED TO THE COMMITTEE ON RULES.

Councilmember Clarke Introduced and Referred the following Bill, Sponsored by Councilmembers Clarke, O'Neill, Goode, Sanchez, DiCicco, Rizzo, Greenlee, Kelly, Krajewski, Green, Miller, Tasco, Blackwell, Jones and Reynolds Brown:

- 📄 **Bill No. 100762:** An Ordinance Authorizing transfers in appropriations for Fiscal Year 2011 within the General Fund from the Department of Parks and Recreation to the Council.

THE BILL WAS REFERRED TO THE COMMITTEE OF THE WHOLE.


Councilmember Clarke Introduced, Read and Adopted the following Resolution, Sponsored by Councilmember Clarke:

- 📄 **Resolution No. 100767:** Resolution Initiating action to establish a neighborhood improvement district to be known as the University Housing Special Services District in an area that generally includes the area bounded by Girard Avenue, Ridge Avenue, 19th Street, York Street and Broad Street and certain blocks of streets that intersect that area, and for which Beech Interplex, Inc., a Pennsylvania nonprofit corporation, would serve as the Neighborhood Improvement District Management Association; and authorizing and directing the Committee on Rules and the Clerk of Council to take all actions that are required by the Community and Economic Improvement Act prior to enactment of an ordinance that would formally establish the District.

REPORTS FROM COMMITTEES

COMMITTEE ON PARKS, RECREATION AND CULTURAL AFFAIRS

DISCUSSION - COUNCILMEMBER BLACKWELL, BILL NO. 100674 - (SEE NOTES OF TESTIMONY).

 **Bill No. 100674:** An Ordinance Authorizing the Commissioner of Parks and Recreation, on behalf of The City of Philadelphia (the "City"), to enter into a license agreement with the Philadelphia Authority for Industrial Development ("PAID") pursuant to which PAID will operate certain programs at the Scanlon Ice Rink, the Laura Sims Skatehouse at Cobbs Creek, the rink at the Simons Recreation and Teen Access Center, the Rizzo Ice Rink and the Tarken Ice Rink, by entering into a long term sublicense agreement with the Ed Snider Youth Hockey Foundation (the "Foundation") for such operation, under certain terms and conditions.

COUNCILMEMBER REYNOLDS BROWN MOVED TO SUSPEND THE RULES OF THE COUNCIL SO AS TO PERMIT CONSIDERATION THIS DAY OF BILL NO. 100674.

THE MOTION WAS DULY SECONDED AND AGREED TO.

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

SPECIAL BUSINESS

Councilmember Jones

moved for the suspension of rules to permit consideration of the resolution.


THE MOTION WAS DULY SECONDED AND AGREED TO.

The Ayes and Nays were as follows:

Ayes: 16 - Councilmembers Blackwell, Clarke, Council President Verna, DiCicco, Goode, Green, Greenlee, Jones, Kelly, Krajewski, Miller, O'Neill, Reynolds Brown, Rizzo, Sanchez and Tasco

Nays: 0

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

 **Resolution No. 100765:** Resolution Requesting the Mayor to return to Council Bill No. 100636, entitled, "An Ordinance authorizing Thomas and Arlene Leschak, owners of Epicure Café, to construct, own and maintain an open-air sidewalk café at 3479 Bowman Street, aka 3401 Conrad Street, under certain terms and conditions," for the purpose of reconsideration by the Council of the

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THE RESOLUTION WAS READ.

Councilmember Jones

moved for the adoption.

THE MOTION WAS DULY SECONDED AND AGREED TO.

☐ **Resolution No. 100765:** Resolution Requesting the Mayor to return to Council Bill No. 100636, entitled, “An Ordinance authorizing Thomas and Arlene Leschak, owners of Epicure Café, to construct, own and maintain an open-air sidewalk café at 3479 Bowman Street, aka 3401 Conrad Street, under certain terms and conditions,” for the purpose of reconsideration by the Council of the vote by which said bill passed Council.

THE RESOLUTION WAS ADOPTED.

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

☐ November 4, 2010

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

I am returning herewith as requested by your Resolution adopted November 4, 2010, Bill No. 100636: “An Ordinance authorizing Thomas and Arlene Leschak, owners of Epicure Café, to construct, own and maintain an open-air sidewalk café at 3479 Bowman Street, aka 3401 Conrad Street, under certain terms and conditions,” for the purpose of reconsideration by the Council of the vote by which said bill passed Council.

Respectfully,
Michael A. Nutter
Mayor (File No. 100769)

THE COMMUNICATION WAS READ.

Councilmember Jones

moved that the vote by which Bill No. 100636 passed Council be reconsidered.

THE MOTION WAS DULY SECONDED AND AGREED TO.

☐ **Bill No. 100636:** An Ordinance Authorizing Thomas and Arlene Leschak, owners of Epicure Café, to construct, own and maintain an open-air sidewalk café at 3479 Bowman Street, aka 3401 Conrad Street, under certain terms and

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THE BILL WAS RECONSIDERED.

The Ayes and Nays were as follows:

Ayes: 16 - Councilmembers Blackwell, Clarke, Council President Verna, DiCicco, Goode, Green, Greenlee, Jones, Kelly, Krajewski, Miller, O'Neill, Reynolds Brown, Rizzo, Sanchez and Tasco


Nays: 0

THE BILL WAS READ.

THE BILL, AGAIN, BEING BEFORE THE COUNCIL IS PLACED ON TODAY'S FINAL PASSAGE CALENDAR.


CONSIDERATION OF THE CALENDAR

BILL ON FIRST READING

 **Bill No. 100674:** An Ordinance Authorizing the Commissioner of Parks and Recreation, on behalf of The City of Philadelphia (the "City"), to enter into a license agreement with the Philadelphia Authority for Industrial Development ("PAID") pursuant to which PAID will operate certain programs at the Scanlon Ice Rink, the Laura Sims Skatehouse at Cobbs Creek, the rink at the Simons Recreation and Teen Access Center, the Rizzo Ice Rink and the Tarken Ice Rink, by entering into a long term sublicense agreement with the Ed Snider Youth Hockey Foundation (the "Foundation") for such operation, under certain terms and conditions.

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

BILLS ON FINAL PASSAGE

 **Bill No. 100636:** An Ordinance Authorizing Thomas and Arlene Leschak, owners of Epicure Café, to construct, own and maintain an open-air sidewalk café at 3479 Bowman Street, aka 3401 Conrad Street, under certain terms and conditions.

THE BILL WAS READ AND PASSED.

The Ayes and Nays were as follows:

Ayes: 16 - Councilmembers Blackwell, Clarke, Council President Verna, DiCicco, Goode, Green, Greenlee, Jones, Kelly, Krajewski, Miller, O'Neill, Reynolds Brown, Rizzo, Sanchez and Tasco

Nays: 0

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SPEECHES

COUNCILMEMBER TASCO.

COUNCILMEMBER CLARKE MOVED TO ADJOURN

THE MOTION WAS DULY SECONDED AND AGREED TO.