

JOURNAL OF THE CITY COUNCIL OF PHILADELPHIA



Thursday, April 23, 2009

PRESENT: 17 - Councilmembers Blackwell, Clarke, Council President Verna, DiCiccio, Goode, Green, Greenlee, Jones, Kelly, Kenney, Krajewski, Miller, O'Neill, Reynolds Brown, Rizzo, Sanchez and Tasco

Council met, a quorum being present.

Pastor D. Omar Epps of the Bryant Baptist Church was introduced and offered an appropriate prayer.

COUNCILMEMBER TASCO MOVED TO APPROVE THE JOURNAL of the meeting of April 16, 2009.

THE MOTION WAS DULY SECONDED AND AGREED TO.

COMMUNICATIONS

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

- ☐ Transmitting a resolution confirming the appointment of Edward Kung as a member of the Board of Ethics, to serve in the term ending November 16, 2012. (File No. 090338)

THE COMMUNICATION WAS READ.

- ☐ Transmitting a resolution approving the City's Substantial Amendment to the Year 34 Consolidated Plan (FY 2009) and application to the United States Department of Housing and Urban Development for approximately \$21,486,000 in funding for homelessness prevention services under HUD's Homelessness Prevention and Rapid Re-Housing Program, pursuant to funds made available through the American Recovery and Reinvestment Act of 2009. (File No. 090339)

THE COMMUNICATION WAS READ.

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- Transmitting a bill constituting the Ninth Supplemental Ordinance to the General Gas Works Revenue Bond Ordinance of 1998 (the “1998 General Ordinance”); authorizing the City to sell, either at public or private sale, Gas Works Revenue Bonds, Eight Series, to pay the cost of refunding or redeeming certain outstanding Gas Works Revenue Bonds and other Project Costs; authorizing the City to obtain credit enhancement and liquidity for all or a portion of the Eighth Series Bonds; authorizing the City to enter into or amend one or more Qualified Swap Agreements or to relate all or a portion of an existing Qualified Swap Agreement to all or a portion of a different series of outstanding Gas Works Revenue Bonds; making certain determinations and covenants relating to Gas Works Revenues and payment of interest and principal; and authorizing covenants and actions in order that the Eighth Series Bonds shall not be arbitrage bonds; all under certain terms and conditions, accompanied by an explanatory letter from the City Treasurer. (File No. 090340)

THE COMMUNICATION WAS READ.

- Transmitting a bill constituting the Tenth Supplemental Ordinance to the General Gas Works Revenue Bond Ordinance of 1998 (the “1998 General Ordinance”); authorizing the City to sell, either at public or private sale, Gas Works Revenue Bonds, Ninth Series, to pay the costs of certain capital projects and other Project Costs; authorizing the City to obtain Credit Facilities for the Ninth Series Bonds; making certain determinations and covenants relating to Gas Works Revenues and the payment of interest and principal; and authorizing covenants and actions in order that the Ninth Series Bonds shall not be arbitrage bonds; all under certain terms and conditions, accompanied by an explanatory letter from the City Treasurer. (File No. 090341)

THE COMMUNICATION WAS READ.

- Authorizing the issuance of one or more series of general obligation bonds to provide funds to refund certain outstanding general obligation bonds of the City of Philadelphia; authorizing the Mayor, City Controller and City Solicitor or a majority of them to sell the bonds at public or private negotiated sale; setting forth the purposes for which the proceeds of the bonds will be expended; providing for the maturities and for other terms and conditions and for the form of the bonds; providing that bonds may be redeemable prior to maturity; providing sinking funds for the bonds and for appropriations to the Sinking Fund Commission for the payment thereof; authorizing agreements to provide credit enhancement or payment or liquidity sources for the bonds, and agreements to manage interest costs and certain other actions, accompanied by an explanatory letter from the City Treasurer. (File No. 090342)

THE COMMUNICATION WAS READ.

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- ☐ Transmitting a bill constituting the Twelfth Supplemental Ordinance to the Restated General Water and Wastewater Revenue Bond Ordinance of 1989, as supplemented; authorizing the Bond Committee to issue and sell either at public or private sale, Water and Wastewater Revenue Bonds; authorizing agreements to provide credit enhancement and payment and liquidity sources for such Bonds; authorizing the Director of Finance to take certain actions with regard to the sale of such Bonds, the investment of proceeds thereof and the City's continuing disclosure obligation; setting forth the use of proceeds; covenanting the payment of interest and principal; and supplementing the Restated General Water and Wastewater Revenue Bond Ordinance of 1989, all under certain terms and conditions, accompanied by an explanatory letter from the City Treasurer. (File No. 090343)

THE COMMUNICATION WAS READ.

- ☐ Transmitting a bill authorizing the President of the Fairmount Park Commission and the Executive Director of Fairmount Park, on behalf of the City, to enter into a Master Lease providing for the lease by the City to the Philadelphia Authority for Industrial Development of a portion of the west corner of Arch Street, 16th Street and Benjamin Franklin Parkway, and under which PAID will be required to enter into a an agreement pursuant to which PAID will sublease the property to The Philadelphia Holocaust Remembrance Foundation, Inc., for the development, construction and operation of an educational facility and memorial park to foster remembrance and understanding of the Holocaust, all under certain provisions, accompanied by an explanatory letter from the Executive Director of Fairmount Park. (File No. 090344)

THE COMMUNICATION WAS READ.

- ☐ Transmitting a bill authorizing the President of the Fairmount Park Commission and the Executive Director of Fairmount Park, on behalf of the City of Philadelphia, to enter into a Master Lease providing for the lease by the City to the Philadelphia Authority for Industrial Development of the Northwestern Equestrian Facility in Fairmount Park, under which PAID will be required to enter into an agreement pursuant to which PAID will sublease the property to the Northwestern Stables Inc., for the occupation, operation, maintenance and management of the Facility, all under certain provisions, accompanied by an explanatory letter of the Executive Director of Fairmount Park. (File No. 090345)

THE COMMUNICATION WAS READ.

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Transmitting a bill approving the Fiscal Year 2010 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 2011 through 2015, accompanied by an explanatory letter from the Chairwoman of the Philadelphia Gas Commission. (File No. 090346)

THE COMMUNICATION WAS READ.

INTRODUCTION OF BILLS AND RESOLUTIONS

Councilmember Blackwell Introduced the following Resolution, Sponsored by Councilmembers Blackwell, Jones and Tasco:

Resolution No. 090331: Resolution Honoring and Recognizing Jeff Brown for His Community-Based Efforts to Support Under-Privileged Youth and Under-Served Communities in Philadelphia.

THE RESOLUTION WAS READ.

THE RESOLUTION WAS ADOPTED.

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

Resolution No. 090332: Resolution Approving Drexel University's proposed amendment to its Institutional Development District Master Plan pursuant to Chapter 14-1107(c) of The Philadelphia Code relating to "Zoning and Planning."

THE RESOLUTION WAS READ.

THE RESOLUTION WAS ADOPTED.

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

Bill No. 090320: An Ordinance Authorizing the installation of a traffic signal at the intersection of 7th Street and Godfrey Avenue.

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

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

Bill No. 090321: An Ordinance Constituting the Twelfth Supplemental Ordinance to the Restated General Water and Wastewater Revenue Bond Ordinance of 1989, as supplemented; authorizing the Bond Committee to issue and sell either at public or private sale, Water and Wastewater Revenue Bonds;

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authorizing agreements to provide credit enhancement and payment and liquidity sources for such Bonds; authorizing the Director of Finance to take certain actions with regard to the sale of such Bonds, the investment of proceeds thereof and the City's continuing disclosure obligation; setting forth the use of proceeds; covenanting the payment of interest and principal; and supplementing the Restated General Water and Wastewater Revenue Bond Ordinance of 1989, all under certain terms and conditions.

THE BILL WAS REFERRED TO THE COMMITTEE ON FINANCE.

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

- **Bill No. 090322:** An Ordinance Constituting the Ninth Supplemental Ordinance to the General Gas Works Revenue Bond Ordinance of 1998 (the “1998 General Ordinance”); authorizing the City to sell, either at public or private sale, Gas Works Revenue Bonds, Eighth Series, to pay the cost of refunding or redeeming certain outstanding Gas Works Revenue Bonds and other Project Costs; authorizing the City to obtain credit enhancement and liquidity for all or a portion of the Eighth Series Bonds; authorizing the City to enter into or amend one or more Qualified Swap Agreements or to relate all or a portion of an existing Qualified Swap Agreement to all or a portion of a different series of outstanding Gas Works Revenue Bonds; making certain determinations and covenants relating to Gas Works Revenues and payment of interest and principal; and authorizing covenants and actions in order that the Eighth Series Bonds shall not be arbitrage bonds; all under certain terms and conditions.

THE BILL WAS REFERRED TO THE COMMITTEE ON FINANCE.

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

- **Bill No. 090323:** An Ordinance Constituting the Tenth Supplemental Ordinance to the General Gas Works Revenue Bond Ordinance of 1998 (the “1998 General Ordinance”); authorizing the City to sell, either at public or private sale, Gas Works Revenue Bonds, Ninth Series, to pay the costs of certain capital projects and other Project Costs; authorizing the City to obtain Credit Facilities for the Ninth Series Bonds; making certain determinations and covenants relating to Gas Works Revenues and the payment of interest and principal; and authorizing covenants and actions in order that the Ninth Series Bonds shall not be arbitrage bonds; all under certain terms and conditions.

THE BILL WAS REFERRED TO THE COMMITTEE ON FINANCE.

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

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☐ general obligation bonds to provide funds to refund certain outstanding general obligation bonds of the City of Philadelphia; authorizing the Mayor, City Controller and City Solicitor or a majority of them to sell the bonds at public or private negotiated sale; setting forth the purposes for which the proceeds of the bonds will be expended; providing for the maturities and for other terms and conditions and for the form of the bonds; providing that bonds may be redeemable prior to maturity; providing sinking funds for the bonds and for appropriations to the Sinking Fund Commission for the payment thereof; authorizing agreements to provide credit enhancement or payment or liquidity sources for the bonds, and agreements to manage interest costs and certain other actions.

THE BILL WAS REFERRED TO THE COMMITTEE ON FINANCE.

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

☐ **Bill No. 090325:** An Ordinance Approving the Fiscal Year 2010 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 2011 through 2015.

THE BILL WAS REFERRED TO THE COMMITTEE ON FINANCE.

Councilmember Tasco Introduced (By Request) the following Resolution for Councilmember Council President Verna, Sponsored by Councilmember Tasco:

☐ **Resolution No. 090333:** Resolution Confirming the appointment of Edward Kung as a member of the Board of Ethics, to serve in the term ending November 16, 2012.

The Ayes and Nays were as follows:

THE RESOLUTION WAS READ.

THE RESOLUTION WAS REFERRED TO THE COMMITTEE OF THE WHOLE.

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

☐ **Resolution No. 090334:** Resolution Approving the City's Substantial Amendment to the Year 34 Consolidated Plan (FY 2009) and application to the United States Department of Housing and Urban Development for approximately \$21,486,000 in funding for homelessness prevention services under HUD's Homelessness Prevention and Rapid Re-Housing Program, pursuant to funds

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THE RESOLUTION WAS READ.

THE RESOLUTION WAS REFERRED TO THE COMMITTEE ON FINANCE.

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

- ☐ **Resolution No. 090335:** Resolution Recognizing the Honorable Dr. Denzil L. Douglas, Prime Minister of the Federation of St. Kitts & Nevis.

THE RESOLUTION WAS READ.

THE RESOLUTION WAS ADOPTED.

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

- ☐ **Resolution No. 090336:** Resolution Proclaiming April 24th - 26th 2009 as “Global Youth Service Day”.

THE RESOLUTION WAS READ.

THE RESOLUTION WAS ADOPTED.

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

- ☐ **Resolution No. 090337:** Resolution Proclaiming The Week of April 26th 2009 as “National Crime Victims' Rights Week”.

THE RESOLUTION WAS READ.

THE RESOLUTION WAS ADOPTED.

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

- ☐ **Bill No. 090326:** An Ordinance Authorizing and approving (i) the execution and delivery of a Service Agreement between the City of Philadelphia and the Philadelphia Authority for Industrial Development relating to a comprehensive loan program to advance the City's goal of becoming the “Greenest City in America” by providing up-front capital needed to make comprehensive energy-efficient improvements to residential and commercial real estate in Philadelphia; (ii) the issuance by the Philadelphia Authority for Industrial Development of bonds, notes or other evidences of indebtedness in one or more series, to finance or refinance (for debt service savings) the costs of the program; and (iii) the obligation of the City to pay in full when due the Service Fee and

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other amounts payable under the Service Agreement; authorizing certain City officers to take certain actions required to issue bonds, notes or other evidences of indebtedness; covenanting that the City will make necessary appropriations in each of the City's fiscal years to provide for the Service Fee and other amounts due under the Service Agreement; and covenanting that the City of Philadelphia will make timely payments of the Service Fee and other amounts due under the Service Agreement; all under certain terms and conditions.

THE BILL WAS REFERRED TO THE COMMITTEE ON FINANCE.

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

- 📄 **Bill No. 090327:** An Ordinance Authorizing the President of the Fairmount Park Commission and the Executive Director of Fairmount Park, on behalf of the City of Philadelphia, to enter into a Master Lease providing for the lease by the City to the Philadelphia Authority for Industrial Development of the Northwestern Equestrian Facility in Fairmount Park, under which PAID will be required to enter into an agreement pursuant to which PAID will sublease the property to the Northwestern Stables Inc., for the occupation, operation, maintenance and management of the Facility, all under certain provisions.

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

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

- 📄 **Bill No. 090328:** An Ordinance Amending Title 14 of The Philadelphia Code, entitled “Zoning and Planning,” by amending Section 14-908, entitled “Queen Village Neighborhood Conservation District.”

THE BILL WAS REFERRED TO THE COMMITTEE ON RULES.

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

- 📄 **Bill No. 090329:** An Ordinance Amending Section 9-213 of The Philadelphia Code, entitled “Farmers' Markets,” by adding a permissible location on the sidewalk of the west side of 18th Street between Walnut Street and Locust Street abutting Rittenhouse Square.

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

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

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☐ Park Commission and the Executive Director of Fairmount Park, on behalf of the City, to enter into a Master Lease providing for the lease by the City to the Philadelphia Authority for Industrial Development of a portion of the west corner of Arch Street, 16th Street and Benjamin Franklin Parkway, and under which PAID will be required to enter into an agreement pursuant to which PAID will sublease the property to The Philadelphia Holocaust Remembrance Foundation, Inc., for the development, construction and operation of an educational facility and memorial park to foster remembrance and understanding of the Holocaust, all under certain provisions.

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

REPORTS FROM COMMITTEES

COMMITTEE ON PUBLIC PROPERTY AND PUBLIC WORKS

☐ **Bill No. 090268:** An Ordinance Authorizing the Commissioner of Public Property, on behalf of the City to enter into an agreement to lease the Lincoln Financial Mural Arts Center at the Thomas Eakins House located at 1729 Mt. Vernon Street to the Philadelphia Authority for Industrial Development (“PAID”) for further sublease by PAID to the Mural Arts Advocates, for use by the City of Philadelphia Mural Arts Program all under certain terms and conditions.

COUNCILMEMBER CLARKE MOVED TO SUSPEND THE RULES OF THE COUNCIL SO AS TO PERMIT CONSIDERATION THIS DAY OF BILL NO. 090268.

THE MOTION WAS DULY SECONDED AND AGREED TO.

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

COMMITTEE ON PUBLIC HEALTH AND HUMAN SERVICES

☐ **Bill No. 090124, as amended:** An Ordinance Approving the dental amalgam brochure adopted by the Board of Health pursuant to Section 9-3102 of The Philadelphia Code.

COUNCILMEMBER TASCO MOVED TO SUSPEND THE RULES OF THE COUNCIL SO AS TO PERMIT CONSIDERATION THIS DAY OF BILL NO. 090124.

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 OF FIRST READING

📄 **Bill No. 090268:** An Ordinance Authorizing the Commissioner of Public Property, on behalf of the City to enter into an agreement to lease the Lincoln Financial Mural Arts Center at the Thomas Eakins House located at 1729 Mt. Vernon Street to the Philadelphia Authority for Industrial Development (“PAID”) for further sublease by PAID to the Mural Arts Advocates, for use by the City of Philadelphia Mural Arts Program all under certain terms and conditions.

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

📄 **Bill No. 090124:** An Ordinance Approving the dental amalgam brochure adopted by the Board of Health pursuant to Section 9-3102 of The Philadelphia Code.

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

BILLS ON SECOND READING AND FINAL PASSAGE

📄 **Bill No. 080527, as amended:** An Ordinance Amending Section 14-2007 of The Philadelphia Code, entitled “Historic Buildings, Structures, Sites, Objects and Districts,” to permit the historic designation of the public interior portion of buildings, and making technical changes, all under certain terms and conditions.

DISCUSSION - SEE NOTES OF TESTIMONY.

📄 **Bill No. 080930:** An Ordinance Amending Title 22 of The Philadelphia Code, entitled “Public Employees Retirement Code,” by amending Section 22-202, entitled “Membership after Transfer of Employment,” by allowing any police or fire employee, appointed to the position of Commissioner or Deputy Commissioner of the Police or Fire Departments, to retain membership in the retirement plan covering such member's prior employment, all under certain terms and conditions.

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

SPEECHES

COUNCILMEMBERS KELLY, GREEN, BLACKWELL, JONES, BROWN, TASCO AND SANCHEZ, (SEE NOTES OF TESTIMONY).

COUNCILMEMBER CLARKE MOVED TO ADJOURN

THE MOTION WAS DULY SECONDED AND AGREED TO.