

JOURNAL OF THE CITY COUNCIL OF PHILADELPHIA



**Thursday, March 21, 2013**

PRESENT: 17 - Councilmembers Council President Clarke, Squilla, Johnson, Blackwell, Jones, Henon, Quiñones Sánchez, Bass, Tasco, O'Neill, Reynolds Brown, Greenlee, Goode, Oh, Kenney, Green and O'Brien

Council met, a quorum being present.

Venerable Losang Samten of The Tibetan Buddhist Center of Philadelphia was introduced and offered an appropriate prayer.

COUNCILMEMBER GREENLEE MOVED TO APPROVE THE JOURNAL  
of the meeting of March 14, 2013.

THE MOTION WAS DULY SECONDED AND AGREED TO.

**INTRODUCTION OF BILLS AND RESOLUTIONS**

DISCUSSION - COUNCILMEMBER HENON - (SEE NOTES OF TESTIMONY).

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

**Bill No. 130223:** An Ordinance Amending Chapter 18-200 of The Philadelphia Code, entitled "Airports," by providing that leases for certain concessions at Philadelphia International Airport shall include a provision requiring the lessee to exempt subtenants, that provide compensation to employees in accordance with the Philadelphia 21st Century Minimum Wage and Benefits Standard, from the requirement to use street pricing and by making technical changes, all under certain terms and conditions.

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

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

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- Code to provide for equality of treatment of all persons in the City of Philadelphia regardless of gender identity or sexual orientation, including by further providing for the definition of “Life Partnership” and “Life Partner,” and for protections, rights, benefits, and responsibilities of Life Partners; authorizing a tax credit or credits to encourage employers to expand certain health benefits; providing for gender neutrality in certain City forms and online websites; providing for access to public accommodations based upon an individual's gender identity; providing for gender-neutral bathrooms in City-controlled buildings; providing for the right to dress consistently with one's gender identity; ensuring the right of transgender individuals to request name and gender changes on pertinent records; and by other measures; and making conforming changes; all under certain terms and conditions.

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

Councilmember Kenney Introduced and Ordered Placed on This Week's Final Passage Calendar the following Resolution, Sponsored by Councilmembers Kenney, Squilla and O'Neill:

- Resolution No. 130231:** Resolution Authorizing the Committee on Labor and Civil Service to hold public hearings to review promotion procedures within the Philadelphia Fire Department, as it relates to Budgeted Uniform Vacancies, prior to the expiration of the Published Promotion Eligibility Lists for Fire Lieutenant and Fire Captain on May 25, 2013.

Councilmember Kenney Introduced and Ordered Placed On Next Week's Final Passage Calendar the following Resolution, Sponsored by Councilmember Kenney:

- Resolution No. 130232:** Resolution Urging the State Senate of Pennsylvania to enact SB 293, a measure that will repeal the legal ability of all municipalities to enter into financially risky qualified interest rate management agreements, commonly known as “swaps.”

Councilmember Greenlee Introduced and Ordered Placed On Next Week's Final Passage Calendar the following Resolution for Councilmember Council President Clarke, Sponsored by Councilmember Greenlee:

- Resolution No. 130233:** Resolution Authorizing the Commissioner of Public Property to execute and deliver to the Philadelphia Redevelopment Authority, 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-third Ward of the City of Philadelphia, pursuant to Chapter 16-400 of The Philadelphia Code and authorizing the Philadelphia Redevelopment Authority to dispose of such properties for rehabilitation and/or

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improvements in accordance with terms of Chapter 16-400 of The Philadelphia Code.

Councilmember Tasco Introduced and Ordered Placed on This Week's Final Passage Calendar the following Resolution, Sponsored by Councilmember Tasco:

- 📄 **Resolution No. 130234:** Resolution Recognizing April 27th as Multiple Myeloma Awareness Day.

Councilmember Tasco Introduced and Ordered Placed on This Week's Final Passage Calendar the following Resolution, Sponsored by Councilmember Tasco:

- 📄 **Resolution No. 130235:** Resolution Recognizing and Honoring the 2012 LaSalle College High School Football Team.

Councilmember Tasco Introduced and Ordered Placed on This Week's Final Passage Calendar the following Resolution, Sponsored by Councilmembers Tasco and Reynolds Brown:

- 📄 **Resolution No. 130236:** Resolution Recognizing and acknowledging Delta Sigma Theta Sorority on the occasion of its Sixth Annual Philadelphia City Council Delta Day.

Councilmember Tasco Introduced and Ordered Placed on This Week's Final Passage Calendar - Rules Suspended the following Resolution, Sponsored by Councilmember Tasco:

- 📄 **Resolution No. 130237:** Resolution Urging the Philadelphia Delegation of the General Assembly of the Commonwealth of Pennsylvania to oppose House Bill 790 and the proposed privatization of the Pennsylvania Liquor Control Board Wine and Spirits Stores.

Councilmember Johnson Introduced and Ordered Placed on This Week's Final Passage Calendar the following Resolution, Sponsored by Councilmember Johnson:

- 📄 **Resolution No. 130238:** Resolution Proclaiming March, 2013 as American Red Cross Month in the City of Philadelphia.

Councilmember Johnson Introduced and Ordered Placed on This Week's Final Passage Calendar the following Resolution, Sponsored by Councilmember Johnson:


- 📄 **Resolution No. 130239:** Resolution Honoring, recognizing and commending Faatimah Gamble for her commitment and dedication to helping impoverished communities and families across the nation, and her advocacy for healthy lifestyles.

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COUNCILMEMBER GREEN REQUESTED THAT HE BE EXCUSED AND WISHED TO BE RECORDED AYE ON ALL BILLS CALLED UP FOR SECOND READING AND FINAL PASSAGE, INCLUDING RESOLUTIONS.


THE REQUEST WAS GRANTED.

Councilmember Goode Introduced (By Request) and Referred the following Bill for Councilmember Council President Clarke, Sponsored by Councilmember Goode:

 **Bill No. 130225:** An Ordinance Authorizing the Office of the City Treasurer, on behalf of the City, to enter into an agreement with Wells Fargo Bank, N.A. for provision of payroll banking services to the City, under certain terms and conditions.

THE BILL WAS REFERRED TO THE COMMITTEE ON FINANCE.

Councilmember Jones Introduced (By Request) and Referred the following Bill for Councilmember Council President Clarke, Sponsored by Councilmember Jones:

 **Bill No. 130226:** An Ordinance Authorizing the Commissioner of Public Property of the City of Philadelphia, on behalf of the City of Philadelphia and in cooperation with the Philadelphia Municipal Authority, to undertake a Project to promote the health, safety and welfare of the residents of the City of Philadelphia; authorizing and approving (i) the Project, (ii) the entering into, execution and delivery of an amendment to an existing Lease between the City of Philadelphia and the Philadelphia Municipal Authority, (iii) the issuance by the Philadelphia Municipal Authority of bonds in one or more series to pay the costs of the Project, (iv) the assignment of the amendment to such Lease to a trustee, and (v) the obligation of the City of Philadelphia to pay rent under the Lease, as amended, when due; authorizing the Commissioner of Public Property, on behalf of the City of Philadelphia, to enter into the amendment to such Lease with the Philadelphia Municipal Authority; authorizing the Director of Finance and other officers of the City of Philadelphia to take such other actions as may be necessary or appropriate to accomplish the intent and purpose of this Ordinance; agreeing to be bound by each and every provision, covenant and agreement set forth in the Lease, as amended; covenanting that the City of Philadelphia will make necessary appropriations in each of the City's fiscal years to provide for rental payments due under the Lease, as amended; covenanting that the City of Philadelphia will make rental payments due under the Lease, as amended; and authorizing and approving a New Lease between the City of Philadelphia and the Philadelphia Municipal Authority under certain circumstances; all under certain terms and conditions.

THE BILL WAS REFERRED TO THE COMMITTEE ON FINANCE.

Councilmember Jones Introduced (By Request) and Referred the following Bill for Councilmember Council President Clarke, Sponsored by Councilmember Jones:

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Code, entitled “City Funds - Deposits, Investments, Disbursements,” by amending Section 19-201, entitled “City Depositories,” by authorizing the City Treasurer to deposit funds in Bank of New York Mellon, under certain terms and conditions.

THE BILL WAS REFERRED TO THE COMMITTEE ON FINANCE.

Councilmember Jones Introduced (By Request) and Referred the following Bill for Councilmember Council President Clarke, Sponsored by Councilmember Jones:

**Bill No. 130228:** An Ordinance Constituting the Sixteenth 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; providing that such Bonds shall bear interest at prescribed fixed or variable rates; authorizing agreements to provide credit enhancement or payment or liquidity sources (or any combination of the foregoing) 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 obligations with respect to such Bonds; setting forth the use of proceeds of such Bonds; covenanting the payment of interest and principal and supplementing the Restated General Water and Wastewater Revenue Bond Ordinance of 1989.

THE BILL WAS REFERRED TO THE COMMITTEE ON FINANCE.

Councilmember Jones Introduced and Referred the following Bill, Sponsored by Councilmembers Jones, Tasco, Goode, Blackwell, Greenlee, Kenney, Bass and Reynolds Brown:

**Bill No. 130229:** An Ordinance Amending Title 9 of The Philadelphia Code, entitled “Regulation of Businesses, Trades and Professions,” by enacting a new Chapter 9-3900, entitled “Fair Use of Credit Rating Information in Employment Decisions,” to limit the use of credit information by employers in connection with applications for certain types of employment, under certain terms and conditions.

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

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

**Bill No. 130230:** An Ordinance Naming and designating the property located at 12601 Townsend Road as “The Rosemary Montagno Senior Center.”

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

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WORKS.

Councilmember Bass Introduced and Ordered Placed On Next Week's Final Passage Calendar the following Resolution, Sponsored by Councilmember Bass:

- ☐ **Resolution No. 130240:** Resolution Authorizing the Commissioner of Public Property to execute and deliver to the Philadelphia Redevelopment Authority, 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 and Fifty-ninth Wards of the City of Philadelphia, pursuant to Chapter 16-400 of The Philadelphia Code and authorizing the Philadelphia Redevelopment Authority to dispose of such properties for rehabilitation and/or improvements in accordance with terms of Chapter 16-400 of The Philadelphia Code.

**REPORTS FROM COMMITTEES**

**COMMITTEE ON PARKS, RECREATION AND CULTURAL AFFAIRS**

- ☐ **Bill No. 120825, as amended:** An Ordinance Authorizing the Concession Agreement regarding the Burholme Park Golf Center, between the City of Philadelphia and Burholme Golf & Family Entertainment Center, LLC, to have an Initial Term of ten years and, at the City's option, up to two Renewal Terms of five years each, all under certain terms and conditions.

COUNCILMEMBER BASS MOVED TO SUSPEND THE RULES OF THE COUNCIL SO AS TO PERMIT CONSIDERATION THIS DAY OF BILL NO. 120825.

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. 120796, as amended:** An Ordinance Amending Section 19-2604 of The Philadelphia Code relating to tax rates and credits for the Business Income and Receipts Tax by providing a credit for contributions to nonprofit organizations engaged in developing and implementing healthy food initiatives, under certain terms and conditions.

COUNCILMEMBER BASS MOVED TO SUSPEND THE RULES OF THE COUNCIL SO AS TO PERMIT CONSIDERATION THIS DAY OF BILL NO. 120796.

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**

**BILLS ON FIRST READING**

- ☐ **Bill No. 120825, as amended:** An Ordinance Authorizing the Concession Agreement regarding the Burholme Park Golf Center, between the City of Philadelphia and Burholme Golf & Family Entertainment Center, LLC, to have an Initial Term of ten years and, at the City's option, up to two Renewal Terms of five years each, all under certain terms and conditions.

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

- ☐ **Bill No. 120796, as amended:** An Ordinance Amending Section 19-2604 of The Philadelphia Code relating to tax rates and credits for the Business Income and Receipts Tax by providing a credit for contributions to nonprofit organizations engaged in developing and implementing healthy food initiatives, under certain terms and conditions.

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

**PUBLIC COMMENT**

The following persons provided public comment on March 21, 2013:

**Name and Comment Subject**

Robert Taylor (130065, 120827, 120828)

See Notes of Testimony for full comment.

**BILLS AND RESOLUTIONS ON FINAL PASSAGE**

- ☐ **Resolution No. 130199:** Resolution Approving the redevelopment contract of the Philadelphia Redevelopment Authority for the redevelopment and urban renewal of a portion of the West Oak Lane Redevelopment Area, identified by house number and street address as 6556 North Woodstock street; authorizing the Redevelopment Authority to execute the redevelopment contract with Mt. Airy U.S.A. and to take such action as may be necessary to effectuate the redevelopment contract.

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THE RESOLUTION WAS ADOPTED.

- ☐ **Resolution No. 130231:** Resolution Authorizing the Committee on Labor and Civil Service to hold public hearings to review promotion procedures within the Philadelphia Fire Department, as it relates to Budgeted Uniform Vacancies, prior to the expiration of the Published Promotion Eligibility Lists for Fire Lieutenant and Fire Captain on May 25, 2013.

THE RESOLUTION WAS ADOPTED & REFERRED TO THE COMMITTEE ON LABOR AND CIVIL SERVICE.

- ☐ **Resolution No. 130234:** Resolution Recognizing April 27th as Multiple Myeloma Awareness Day.

THE RESOLUTION WAS ADOPTED.

- ☐ **Resolution No. 130235:** Resolution Recognizing and Honoring the 2012 LaSalle College High School Football Team.

THE RESOLUTION WAS ADOPTED.

- ☐ **Resolution No. 130236:** Resolution Recognizing and acknowledging Delta Sigma Theta Sorority on the occasion of its Sixth Annual Philadelphia City Council Delta Day.

THE RESOLUTION WAS ADOPTED.

- ☐ **Resolution No. 130237:** Resolution Urging the Philadelphia Delegation of the General Assembly of the Commonwealth of Pennsylvania to oppose House Bill 790 and the proposed privatization of the Pennsylvania Liquor Control Board Wine and Spirits Stores.

DISCUSSION - COUNCILMEMBER TASCO - RESOLUTION NO. 130237 - (SEE NOTES OF TESTIMONY).

THE RESOLUTION WAS ADOPTED.

- ☐ **Resolution No. 130238:** Resolution Proclaiming March, 2013 as American Red Cross Month in the City of Philadelphia.

THE RESOLUTION WAS ADOPTED.

- ☐ **Resolution No. 130239:** Resolution Honoring, recognizing and commending Faatimah Gamble for her commitment and dedication to helping impoverished communities and families across the nation, and her advocacy for healthy lifestyles.

THE RESOLUTION WAS ADOPTED.



**BILLS AND RESOLUTIONS ON SECOND READING AND FINAL  
PASSAGE**

**Bill No. 120525:** An Ordinance Establishing a parking regulation on Mollbore street, both sides, 8th street to Beulah street.

THE BILL WAS READ AND PASSED.

*The Ayes and Nays were as follows:*

*Ayes: 17 - Councilmembers Council President Clarke, Squilla, Johnson, Blackwell, Jones, Henon, Quiñones Sánchez, Bass, Tasco, O'Neill, Reynolds Brown, Greenlee, Goode, Oh, Kenney, Green and O'Brien*

*Nays: 0*

**Bill No. 120526:** An Ordinance Establishing a parking regulation on 16th street, both sides, Wolf street to Ritner street.

THE BILL WAS READ AND PASSED.

*The Ayes and Nays were as follows:*

*Ayes: 17 - Councilmembers Council President Clarke, Squilla, Johnson, Blackwell, Jones, Henon, Quiñones Sánchez, Bass, Tasco, O'Neill, Reynolds Brown, Greenlee, Goode, Oh, Kenney, Green and O'Brien*

*Nays: 0*

**Bill No. 120528:** An Ordinance Establishing a parking regulation on Mole street, west side, Wolf street to Ritner street.

THE BILL WAS READ AND PASSED.

*The Ayes and Nays were as follows:*

*Ayes: 17 - Councilmembers Council President Clarke, Squilla, Johnson, Blackwell, Jones, Henon, Quiñones Sánchez, Bass, Tasco, O'Neill, Reynolds Brown, Greenlee, Goode, Oh, Kenney, Green and O'Brien*

*Nays: 0*

**Bill No. 120914:** An Ordinance Authorizing East Falls Development Corporation to construct, own and maintain various right-of-way encroachments at 4168 Ridge Avenue, Philadelphia, PA, on Ridge Avenue and Midvale Avenue, under certain terms and conditions.

THE BILL WAS READ AND PASSED.

*The Ayes and Nays were as follows:*

*Ayes: 17 - Councilmembers Council President Clarke, Squilla, Johnson, Blackwell, Jones, Henon, Quiñones Sánchez, Bass, Tasco, O'Neill, Reynolds Brown, Greenlee, Goode, Oh, Kenney, Green and O'Brien*

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Nays: 0

**Bill No. 130064:** An Ordinance Amending Section 6 of an Ordinance (Bill No. 120396) approved September 13, 2012, entitled “An Ordinance authorizing Northern Liberties Auction, Inc. (“Owner”) to construct, use and maintain various encroachments within the right-of-way on the north sidewalk of Spring Garden Street between N. Third Street and Bodine Street (“Property”), under certain terms and conditions,” by extending the period for compliance therewith.

THE BILL WAS READ AND PASSED.

*The Ayes and Nays were as follows:*

*Ayes: 17 - Councilmembers Council President Clarke, Squilla, Johnson, Blackwell, Jones, Henon, Quiñones Sánchez, Bass, Tasco, O'Neill, Reynolds Brown, Greenlee, Goode, Oh, Kenney, Green and O'Brien*

Nays: 0

**Bill No. 130060:** An Ordinance To amend the Philadelphia Zoning Maps by changing the zoning designations of certain areas of land located within an area bounded by Belmont Avenue, Monument Avenue, Ford Road, and Edgley Avenue (extended) and by amending §14-404 of the Zoning Code entitled SP-INS, Institutional (Special Purpose) District, by amending §14-404(3) regarding Area Regulations, exclusively with regard to the area bounded by Belmont Avenue, Monument Avenue, Ford Road and Edgley Avenue (extended), all under certain terms and conditions.

THE BILL WAS READ AND PASSED.

*The Ayes and Nays were as follows:*

*Ayes: 17 - Councilmembers Council President Clarke, Squilla, Johnson, Blackwell, Jones, Henon, Quiñones Sánchez, Bass, Tasco, O'Neill, Reynolds Brown, Greenlee, Goode, Oh, Kenney, Green and O'Brien*

Nays: 0

**Bill No. 130080:** An Ordinance To amend the Philadelphia Zoning Maps by changing the zoning designations of certain areas of land located within an area bounded by Mifflin Street, Broad Street, Mckean Street and 15th Street.

THE BILL WAS READ AND PASSED.

*The Ayes and Nays were as follows:*

Nays: 0

*Ayes: 17 - Councilmembers Council President Clarke, Squilla, Johnson, Blackwell, Jones, Henon, Quiñones Sánchez, Bass, Tasco, O'Neill, Reynolds Brown, Greenlee, Goode, Oh, Kenney, Green and O'Brien*

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**Bill No. 120827, as amended:** An Ordinance Amending Chapter 15-600 of The Philadelphia Code, entitled “Parks and Playgrounds,” by providing for an annual report containing details of any and all reported violations of Title 18 of the Pennsylvania Consolidated Statutes and violations of Title 35 of the Pennsylvania Unconsolidated Statutes, Section 780-113, which take place on the grounds of any Park or Playground, located in Philadelphia County.

THE BILL WAS READ AND PASSED.

*The Ayes and Nays were as follows:*

*Ayes: 17 - Councilmembers Council President Clarke, Squilla, Johnson, Blackwell, Jones, Henon, Quiñones Sánchez, Bass, Tasco, O'Neill, Reynolds Brown, Greenlee, Goode, Oh, Kenney, Green and O'Brien*

*Nays: 0*

**Bill No. 120828, as amended:** An Ordinance Amending Chapter 15-700 of The Philadelphia Code, entitled “Recreation Centers,” by providing for an annual report containing details of any and all reported violations of Title 18 of the Pennsylvania Consolidated Statutes and violations of Title 35 of the Pennsylvania Unconsolidated Statutes, Section 780-113, which take place on the grounds of any Recreation Center, located in Philadelphia County.

THE BILL WAS READ AND PASSED.

*The Ayes and Nays were as follows:*

*Ayes: 17 - Councilmembers Council President Clarke, Squilla, Johnson, Blackwell, Jones, Henon, Quiñones Sánchez, Bass, Tasco, O'Neill, Reynolds Brown, Greenlee, Goode, Oh, Kenney, Green and O'Brien*

*Nays: 0*

**Bill No. 130065:** An Ordinance Amending Title 16 of The Philadelphia Code, entitled “Public Property,” by providing for a prohibition on firearms and deadly weapons in or around City-owned or City-occupied facilities, under certain terms and conditions.

DISCUSSION - COUNCILMEMBERS BASS AND OH - BILL NO. 130065 - (SEE NOTES OF TESTIMONY).

THE BILL WAS READ AND PASSED.

*The Ayes and Nays were as follows:*

*Ayes: 15 - Councilmembers Council President Clarke, Squilla, Johnson, Blackwell, Jones, Henon, Quiñones Sánchez, Bass, Tasco, Reynolds Brown, Greenlee, Goode, Kenney, Green and O'Neill*

*Nays: 2 - Councilmembers Oh and O'Brien*

**SPEECHES**

COUNCILMEMBERS JOHNSON, KENNEY, HENON, TASCO AND O'NEILL, - (SEE NOTES OF TESTIMONY).

COUNCILMEMBER REYNOLDS BROWN MOVED TO ADJOURN

THE MOTION WAS DULY SECONDED AND AGREED TO.