

JOURNAL OF THE CITY COUNCIL OF PHILADELPHIA



Thursday, September 18, 2014

EXCUSED: 1 - Councilmember Oh

PRESENT: 16 - Councilmembers Council President Clarke, Squilla, Johnson, Blackwell, Jones, Henon, Quiñones Sánchez, Bass, Tasco, O'Neill, Reynolds Brown, Greenlee, Goode, Kenney, Neilson and O'Brien

Council met a quorum being present.

Pastor Robyn of Trinity Church Oxford was introduced and offered an appropriate prayer.

COUNCILMEMBER GREENLEE MOVED TO APPROVE THE JOURNAL

of the meeting of September 11, 2014.

THE MOTION WAS DULY SECONDED AND AGREED TO.

Councilmember O'Neill requested leave of absence for

Councilmember Oh.

THE REQUEST WAS GRANTED.

COMMUNICATIONS

The Sergeant-at-Arms presented messages as follows:

- 📄 Transmitting a message advising Council that Bill No. 140511, which was passed by Council on September 11, 2014, was signed by the Mayor on September 11, 2014. (File No. 140710)

THE COMMUNICATION WAS READ.

- 📄 Transmitting a bill authorizing the Commissioner of Public Property to convey to the Philadelphia Authority for Industrial Development, all or part of a parcel of land and any improvements located at 3300-98 C Street (Front and Rear), for further conveyance, under certain terms and conditions. (File No. 140711)

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THE COMMUNICATION WAS READ.

- ☐ Transmitting a bill amending Title 22 of The Philadelphia Code, entitled “Public Employees Retirement Code,” to expand the scope of “Plan '10” to cover additional employees, including employees represented by AFSCME, District Council 33, and certain employees not covered by a collective bargaining agreement, to change contribution rates, and to make technical amendments, all under certain terms and conditions.” (File No. 140712)

THE COMMUNICATION WAS READ.

- ☐ Transmitting a bill amending Title 22 of The Philadelphia Code entitled “Public Employees Retirement Code,” to expand the scope of “Plan “10” and “DC Plan” to cover additional employees, including elected officials, to change contribution rates, and to make technical amendments, all under certain terms and conditions. (File No. 140713)

THE COMMUNICATION WAS READ.

- ☐ Transmitting a bill authorizing and approving the execution and delivery of a Service Agreement between the City of Philadelphia and the Philadelphia Authority for Industrial Development relating to the financing of additional operating funds for the School District of Philadelphia for Fiscal Year 2015 only, approving the issuance by the Philadelphia Authority for Industrial Development of bonds, notes or other evidences of indebtedness in one or more series, to finance such additional operating funds; and authorizing and approving the obligation of the City of Philadelphia to pay in full when due the Service Fee and 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 of Philadelphia 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; covenanting that the City of Philadelphia will make timely payments of the Service Fee and other amounts due under the Service Agreement; and authorizing City officials to take necessary or appropriate actions, all under certain terms and conditions. (File No. 140714)

THE COMMUNICATION WAS READ.


INTRODUCTION OF BILLS AND RESOLUTIONS

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


- ☐ **Resolution No. 140697:** Resolution Recognizing and commemorating the 225th Anniversary of the official organization of Delaware County, Pennsylvania to be celebrated on September 26, 2014.

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

-  **Resolution No. 140698:** Resolution Recognizing and honoring the life and career of former professional golfer and Philadelphian, John J. McDermott, Jr., who will be memorialized with a historical marker in his childhood neighborhood of Kingsessing in Southwest Philadelphia on October 9, 2014.

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

-  **Resolution No. 140699:** Resolution Recognizing October as Philly Plays Scrabble Month.


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. 140700:** 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 Fifteenth, Eighteenth and Thirty-seventh 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 the terms of Chapter 16-400 of The Philadelphia Code.

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

-  **Resolution No. 140701:** Resolution Honoring Maria Walsh

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

-  **Bill No. 140691:** An Ordinance Authorizing Paul Stolfo, to construct, own and maintain an elevator encroachment to be located at 2536-38 Broad Street, all under certain terms and conditions.

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

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

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Bill No. 140692: An Ordinance Authorizing transfers in appropriations for Fiscal Year 2015 from the Grants Revenue Fund, the Director of Finance - Provision for Other Grants to the General Fund, the Director of Finance - Indemnities.

THE BILL WAS REFERRED TO THE COMMITTEE ON APPROPRIATIONS.

Councilmember Quiñones Sánchez Introduced and Referred the following Bill, Sponsored by Councilmember Quiñones Sánchez:

Bill No. 140693: An Ordinance Authorizing the Commissioner of Public Property to convey to the Philadelphia Authority for Industrial Development, all or part of a parcel of land and any improvements located at 3300-98 C Street (Front and Rear), for further conveyance, under certain terms and conditions.

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

Councilmember Quiñones Sánchez Introduced and Referred the following Bill, Sponsored by Councilmember Quiñones Sánchez:

Bill No. 140694: An Ordinance Establishing a no truck parking regulation on the 4400 block of North 5th Street, between Cayuga Street and Blavis Street, on both sides of the street.

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

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


Resolution No. 140702: 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 Seventh and Thirty-seventh 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 the terms of Chapter 16-400 of The Philadelphia Code.

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


Resolution No. 140703: Resolution Also naming West Venango Street between 5th Street and 7th Street “Joaquín Rivera Way” to honor the memory of Joaquín

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Councilmember Reynolds Brown Introduced and Ordered Placed On Next Week's Final Passage Calendar the following Resolution, Sponsored by Councilmembers Reynolds Brown, Quiñones Sánchez and Blackwell:


-  **Resolution No. 140704:** Resolution Calling on the Pennsylvania Department of Education and the Pennsylvania Secretary of Education to thoroughly investigate any and all allegations of curriculum deficiencies reported within the School District of Philadelphia that have been properly filed and received by the Secretary.

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


-  **Bill No. 140695:** An Ordinance Authorizing the transfer in appropriations for Fiscal Year 2015 within the General Fund, from the Department of Human Services - Prisons to the Office of Housing and Community Development, to support landscaping and lot-cleaning jobs in the Philadelphia Re-Entry Employment Program for Returning Citizens, under certain terms and conditions.

THE BILL WAS REFERRED TO THE COMMITTEE ON APPROPRIATIONS.


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

-  **Resolution No. 140705:** Resolution Honoring, recognizing, and congratulating Philabundance, the Delaware Valley's largest hunger relief organization, on the occasion of its 30th Anniversary.

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

-  **Resolution No. 140706:** Resolution Authorizing the committees on Public Safety and Health and Human Services to conduct joint hearings to evaluate DHS Family Service Plan (FSP) policies and procedures, including the relevance of the FSP in reunification or alternative permanency planning goals for children and youth under DHS authority.

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

-  **Bill No. 140696:** An Ordinance Repealing an Ordinance (Bill No. 140490) entitled "An Ordinance authorizing Café Italiano Inc. ("Owner") to construct, own and maintain an open air sidewalk café at 1871 Cottman Avenue,

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

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

- 📄 **Resolution No. 140707:** 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 Twenty-fifth, Thirty-first and Thirty-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 the terms of Chapter 16-400 of The Philadelphia Code.

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

- 📄 **Resolution No. 140708:** Resolution Recognizing September as National Literacy Month and acknowledging the critical work of Philadelphia reads in strengthening the literacy skills of Philadelphia's children.

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

- 📄 **Resolution No. 140709:** Resolution Endorsing the People's Climate March in New York City scheduled to precede the United Nations Climate Summit that will take place on September 23, 2014, in New York City and supporting the thousands of Philadelphians traveling to New York to participate in the march.

CONSIDERATION OF THE CALENDAR

PUBLIC COMMENT

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The following persons provided public comment on September 18, 2014:

Name and Comment Subject

Kia Hinton (140527)

Diane Payne (140514 and 140527)

Teddy Daniels (140514 and 140527)

Carol Green (120232)


Jerry Jorckun (140527)

Catherine Blunt (140527)

Ernie Bristow (140527)

See Notes of Testimony for full comment

BILLS AND RESOLUTIONS ON FINAL PASSAGE

 **Resolution No. 140527:** Resolution Submitting to the electors of the City an amendment to Article VIII, Chapter 5 of The Philadelphia Home Rule Charter, entitled “Referenda Approved by the Voters,” by adding a new section providing that the citizens of Philadelphia call upon the Pennsylvania General Assembly and the Governor to abolish the School Reform Commission and return local control of Philadelphia's schools, as proposed by a petition filed with the Council.


DISCUSSION - COUNCILMEMBERS BLACKWELL, GREENLEE AND GOODE -
RESOLUTION NO. 140527 - (SEE NOTES OF TESTIMONY).

THE RESOLUTION WAS ADOPTED.


The Ayes and Nays were as follows:

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

Nays: 1 - Councilmember Greenlee

 **Resolution No. 140660:** Resolution Urging the United States Department of Defense to include the names of the 74 fallen sailors of the Destroyer U.S.S. *Frank E. Evans* on the Vietnam Veterans Memorial.

THE RESOLUTION WAS ADOPTED.

 **Resolution No. 140662:** Resolution Supporting President Obama and The Environmental Protection Agencies' Clean Power Plan that will help reduce carbon pollution from existing power plants throughout the United States.

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THE RESOLUTION WAS ADOPTED.

📄 **Bill No. 130950-A:** An Ordinance Amending The Philadelphia Code to provide for the authorization of certain pedestrian enhancements to occupy, by license, a portion of the right-of-way, all under certain terms and conditions.

THE BILL WAS PASSED.

The Ayes and Nays were as follows:

Ayes: 16 - Councilmembers Council President Clarke, Squilla, Johnson, Blackwell, Jones, Henon, Quiñones Sánchez, Bass, Tasco, O'Neill, Reynolds Brown, Greenlee, Goode, Kenney, Neilson and O'Brien

Nays: 0

📄 **Bill No. 140377-A:** An Ordinance Amending Title 10 of The Philadelphia Code, entitled “Regulation of Individual Conduct and Activity,” by adding a new Chapter 10-2100, entitled “Marijuana Possession,” to create a civil penalty for the possession of certain items and to provide for penalties and enforcement procedures for violations of such provisions, all under certain terms and conditions.

THE BILL WAS PASSED.

The Ayes and Nays were as follows:

Ayes: 14 - Councilmembers Council President Clarke, Squilla, Johnson, Blackwell, Jones, Henon, Quiñones Sánchez, Bass, Tasco, Reynolds Brown, Greenlee, Goode, Kenney and Neilson

Nays: 2 - Councilmembers O'Neill and O'Brien

📄 **Resolution No. 140697:** Resolution Recognizing and commemorating the 225th Anniversary of the official organization of Delaware County, Pennsylvania to be celebrated on September 26, 2014.

THE RESOLUTION WAS ADOPTED.

📄 **Resolution No. 140698:** Resolution Recognizing and honoring the life and career of former professional golfer and Philadelphian, John J. McDermott, Jr., who will be memorialized with a historical marker in his childhood neighborhood of Kingsessing in Southwest Philadelphia on October 9, 2014.

THE RESOLUTION WAS ADOPTED.


📄 **Resolution No. 140699:** Resolution Recognizing October as Philly Plays Scrabble Month.

THE RESOLUTION WAS ADOPTED.


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 **Resolution No. 140701:** Resolution Honoring Maria Walsh


THE RESOLUTION WAS ADOPTED.

 **Resolution No. 140705:** Resolution Honoring, recognizing, and congratulating Philabundance, the Delaware Valley's largest hunger relief organization, on the occasion of its 30th Anniversary.


THE RESOLUTION WAS ADOPTED.

 **Resolution No. 140706:** Resolution Authorizing the committees on Public Safety and Health and Human Services to conduct joint hearings to evaluate DHS Family Service Plan (FSP) policies and procedures, including the relevance of the FSP in reunification or alternative permanency planning goals for children and youth under DHS authority.

THE RESOLUTION WAS ADOPTED.

 **Resolution No. 140708:** Resolution Recognizing September as National Literacy Month and acknowledging the critical work of Philadelphia reads in strengthening the literacy skills of Philadelphia's children.

THE RESOLUTION WAS ADOPTED.

 **Resolution No. 140709:** Resolution Endorsing the People's Climate March in New York City scheduled to precede the United Nations Climate Summit that will take place on September 23, 2014, in New York City and supporting the thousands of Philadelphians traveling to New York to participate in the march.

THE RESOLUTION WAS ADOPTED.

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

Councilmember Quiñones Sánchez

moved that Bill No. 130530 be placed on the Suspension Calendar.

THE MOTION WAS DULY SECONDED AND AGREED TO.

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Bill No. 130530, as amended: An Ordinance Amending Chapter 19-2600 of The Philadelphia Code, entitled “Business Income and Receipts Tax,” by providing certain exclusions; revising certain tax rates; and creating certain fresh food tax credits; and amending Chapter 19-1200 of The Philadelphia Code, entitled “Parking Tax,” by providing for scheduled reductions in the rate of the tax and by making certain technical amendments; all under certain terms and conditions.

COUNCILMEMBER QUIÑONES SÁNCHEZ MOVED TO ORDER THE BILL PLACED ON NEXT WEEK'S SUSPENSION CALENDAR

THE MOTION WAS DULY SECONDED AND AGREED TO.

Bill No. 140514, as amended: An Ordinance Providing for the submission to the qualified electors of the City of Philadelphia of an amendment to Article VIII, Chapter 5 of The Philadelphia Home Rule Charter, entitled “Referenda Approved by the Voters,” by adding a new section providing that the citizens of Philadelphia call upon the Pennsylvania General Assembly and the Governor to abolish the School Reform Commission and return local control of Philadelphia's schools, as proposed by a petition presented to the Council and approved for submission to the electors by Resolution; fixing the date of a special election for such purpose; prescribing the form of ballot question to be voted on; and authorizing the appropriate officers to publish notice and to make arrangements for the special election.

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, O'Neill, Reynolds Brown, Goode, Kenney, Neilson and O'Brien

Nays: 1 - Councilmember Greenlee

SPEECHES

COUNCILMEMBERS KENNEY, JONES, BASS, BLACKWELL AND COUNCIL PRESIDENT CLARKE - (SEE NOTES OF TESTIMONY).

COUNCILMEMBER REYNOLDS BROWN MOVED TO ADJOURN

THE MOTION WAS DULY SECONDED AND AGREED TO.