

COUNCIL OF THE CITY OF PHILADELPHIA
COMMITTEE ON PUBLIC PROPERTY AND
PUBLIC WORKS

Room 400, City Hall
Philadelphia, Pennsylvania
Wednesday, February 19, 2014
11:00 a.m.

PRESENT:

COUNCILMAN BOBBY HENON, CHAIR
COUNCILWOMAN JANNIE BLACKWELL
COUNCILMAN WILLIAM K. GREENLEE
COUNCILMAN JAMES KENNEY
COUNCILMAN DAVID OH
COUNCILMAN MARK SQUILLA

BILL 130901 - An ordinance authorizing the
Commissioner of Public Property, on behalf of
the City of Philadelphia, to execute and enter
into a Declaration of Rights, Easements,
Covenants and Restrictions...

BILL 130902 - An ordinance authorizing the
Commissioner of Public Property, on behalf of
the City of Philadelphia, to execute and
deliver a deed conveying fee simple title to a
certain parcel of land, together with the
improvements located thereon, commonly known
as Love Park Parking Garage...

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COUNCILMAN HENON: Good

3

morning, ladies and gentlemen. The

4

Committee of Public Property and Public

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Works is now in session.

6

Clerk, would you please read

7

the title of the bills and resolutions,

8

please.

9

THE CLERK: Bill No. 130901, an

10

ordinance authorizing the Commissioner of

11

Public Property, on behalf of the City of

12

Philadelphia, to execute and enter into a

13

Declaration of Rights, Easements,

14

Covenants and Restrictions to govern the

15

relationship among (1) that certain

16

parcel of land, together with the

17

improvements thereon, commonly known as

18

JFK Plaza, located at 15th and Arch

19

Streets, (2) that certain parcel of land,

20

together with the improvements located

21

thereon, commonly known as Love Park

22

Parking Garage, located generally beneath

23

JFK Plaza at 15th and Arch Streets, and

24

(3) certain parcels of land around and

25

beneath Love Park Parking Garage, under

1 2/19/14-PUBLIC PROPERTY-BILLS 130901 & 130902

2 certain terms and conditions; and

3 Bill No. 130902, an ordinance

4 authorizing the Commissioner of Public

5 Property, on behalf of the City of

6 Philadelphia, to execute and deliver a

7 deed conveying fee simple title to a

8 certain parcel of land, together with the

9 improvements located thereon, commonly

10 known as Love Park Parking Garage,

11 located generally beneath JFK Plaza at

12 15th and Arch Streets; together with

13 certain rights and obligations of the

14 owner of the Love Park Parking Garage

15 unit under a certain Declaration of

16 Rights, Easements, Covenants and

17 Restrictions, all under certain terms and

18 conditions.

19 COUNCILMAN HENON: Thank you.

20 I'd like to recognize that we

21 have a quorum, that a quorum is present.

22 To my left, Councilwoman Jannie

23 Blackwell, Councilman Bill Greenlee. To

24 my right, Councilman Oh and Councilman

25 Kenney.

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2 So good morning. Please
3 proceed. Anybody from the
4 Administration? So the Administration is
5 here to testify. Would you please
6 proceed with your testimony on Bill Nos.
7 130901 and 130902.

8 MS. RHYNHART: Good morning,
9 Councilman Henon and members of the
10 Committee on Public Property and Public
11 Works. I'm Rebecca Rhynhart, Budget
12 Director for the City of Philadelphia.
13 I'm here to testify on behalf of Bill
14 Nos. 130901 and 130902. With me today is
15 the Deputy Mayor for Environmental and
16 Community Resources, Michael
17 DiBerardinis, and the Commissioner of
18 Public Property, Bridget Greenwald. My
19 testimony states that representatives
20 from InterPark would be here today.
21 Unfortunately they had a serious car
22 accident on the way here, so could not be
23 in attendance.

24 COUNCILMAN KENNEY: They're all
25 right?

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2 MS. RHYNHART: So their
3 apologies.

4 COUNCILMAN KENNEY: Is he okay?

5 MS. RHYNHART: He is okay. He
6 had a concussion, but he's okay.

7 Bill No. 130901 authorizes the
8 Commissioner of Public Property, on
9 behalf of the City of Philadelphia, to
10 execute a Declaration of Rights,
11 Easements, Covenants and Restrictions
12 related to the sale of the Love Park
13 Parking Garage. The Declaration is
14 necessary to convey the garage to the
15 purchaser. The Declaration creates three
16 legally separate parcels of land (the
17 garage itself, the land above it, and the
18 land beneath it) and the easements that
19 are necessary for the intended use of
20 each of these parcels.

21 Bill No. 130902 authorizes the
22 Commissioner of Public Property to
23 execute and deliver a deed conveying fee
24 simple title to the garage. The deed
25 will be conveyed through the Purchase and

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2 Sale Agreement between the purchaser and
3 the City. Exhibit A to Bill No. 130902
4 sets forth InterPark Holdings as the
5 purchaser and their purchase price of
6 29.6 million, subject to adjustments
7 mutually agreed upon by the City and
8 InterPark not to exceed \$1 million based
9 on facts and circumstances discovered
10 during the due diligence period.

11 The sale of Love Park Parking
12 Garage was an idea originally raised by
13 our Council President, Darrell Clarke. A
14 competitive process for the sale was held
15 and InterPark came in with the highest
16 bid at 29.6 million, above City
17 expectations for the sale price.
18 InterPark is the largest private owner
19 and operator of parking properties across
20 the country, including eight parking
21 assets that are owned in Philadelphia.

22 After the sale is complete,
23 InterPark will be responsible for
24 managing the renovations of Love Park
25 itself as well as improvements needed to

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2 the garage. The City will retain the
3 design approval for the new Love Park.
4 The Mayor and Council President signed a
5 document last week which set forth the
6 shared vision for the redesign of Love
7 Park. Major design goals include
8 maintaining the diagonal movement through
9 the park, incorporating a new water
10 feature, retaining the Love Park statue,
11 opening up all sides, enhancing
12 horticultural displays, expanding green
13 space, providing dedicated space for
14 concessions, and limiting steps and
15 various levels. The City will seek
16 private foundation funding to support a
17 study on the best way to maximize revenue
18 generation at the site and to support an
19 open public planning process.

20 In summary, the Administration
21 supports these two bills as the sale of
22 the garage is in the best interest of the
23 City. I respectfully request that you
24 report these bills out of committee with
25 a favorable recommendation.

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2 This concludes my testimony and
3 I'm happy to answer any questions you may
4 have.

5 COUNCILMAN HENON: Thank you
6 for your testimony.

7 The Chair recognizes Councilman
8 Squilla present.

9 So I have a few questions
10 before we open it up to the Committee.
11 First, can you please explain Exhibit A a
12 little bit to us more, specifically the
13 cause of the purchase price that deals
14 with the reduction in the purchase price
15 not to exceed a million dollars.

16 MS. RHYNHART: Sure. There's a
17 due diligence period where the purchaser
18 goes into the garage and fully examines
19 everything and goes through every
20 possible issue or problem with the
21 garage. So there could be something that
22 could come to light in the due diligence
23 period that could affect the purchase
24 price. This is a standard procedure to
25 go through the due diligence period

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2 before the agreement of sale is signed.

3 COUNCILMAN HENON: So the
4 garage can be purchased as is; is that
5 correct?

6 MS. RHYNHART: That's correct.
7 The garage, as you are aware of, is in
8 need of substantial improvements, and
9 InterPark as the winning bidder is
10 responsible for making those
11 improvements, and that is funded with
12 their own money.

13 COUNCILMAN HENON: I also
14 assume that InterPark actually came out
15 and took a walk-through?

16 MS. RHYNHART: Oh, they did.
17 They did. Before making their purchase
18 price bid, they came and did a thorough
19 tour and walk-through of the garage and
20 that's what gave them the comfort level
21 to say 29.6 with adjustments not to
22 exceed a million dollars.

23 COUNCILMAN HENON: Do you have
24 an estimate on the real estate taxes that
25 will be generated when the InterPark

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2 takes over the facility?

3 MS. RHYNHART: I don't know off
4 the top of my head, but I could get that
5 for you.

6 COUNCILMAN HENON: If you can
7 get that, because I'm assuming we're
8 going to be generating some taxes, some
9 real estate taxes.

10 MS. RHYNHART: Yes. That's a
11 good point. They will be paying taxes,
12 and that will be additional revenue that
13 we're not currently receiving.

14 COUNCILMAN HENON: If you don't
15 mind providing that to the Chair.

16 MS. RHYNHART: Sure. I will.

17 COUNCILMAN HENON: I'd
18 appreciate that.

19 So what is the cost of the
20 garage renovations only? I saw that
21 listed in one of the exhibits, the cost
22 estimate that was associated. What are
23 the cost estimates?

24 MS. RHYNHART: There's an
25 estimate -- we did an estimate, the City

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2 did an estimate, back in '06 or '07, I
3 believe, which was originally attached to
4 the RFQ and RFP during the sale process.
5 We asked bidders what they thought the
6 improvements would cost, and it's about
7 \$9 to \$10 million is the estimated range.
8 It could be more, it could be less, but
9 InterPark estimated a little over \$9
10 million.

11 COUNCILMAN HENON: Can you
12 explain the disparity in the bids that
13 were submitted? There was a large
14 disparity in some of the bids. Is there
15 a reason for that? Is there one company
16 investing a little more in technology or
17 is there an infrastructure investment?
18 It just seems like there's a large gap.
19 What could that be? Is there something
20 missing in some of the bids that were
21 submitted?

22 MS. RHYNHART: Well, you might
23 be referring to the gap between the three
24 finalists.

25 COUNCILMAN HENON: Correct.

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2 MS. RHYNHART: Okay. There was
3 even a wider disparity among some of the
4 initial respondents before we narrowed it
5 down to the final three, and that could
6 depend on a company's desire to get that
7 garage, how much they want that garage,
8 what their operations are like, if they
9 have other operations here. I mean, it
10 could depend on a variety of factors.
11 So, you know, part of it is that's why we
12 do the bid process, because there is --
13 for one, the winning bidder, there's
14 something that they're willing to pay to
15 pay more for it. So why would there be,
16 you know, bid disparity between bids? I
17 mean, there's not one answer for that,
18 but I would say it's --

19 COUNCILMAN HENON: It just
20 makes you -- it raises the attention, I
21 think. It's noticeable when you have
22 that kind of disparity.

23 MS. RHYNHART: Well, I mean,
24 there was, between the winning bid and
25 the second bid, there was about two and a

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2 half million dollars.

3 COUNCILMAN HENON: Two and a
4 half million. I thought there was like 9
5 million.

6 MS. RHYNHART: That was between
7 the third bid, between the second and
8 third -- I'm sorry; the first and the
9 third.

10 COUNCILMAN HENON: So I thought
11 the awarding bid was 29 and the number
12 two was 20.

13 MS. RHYNHART: Twenty-seven.

14 COUNCILMAN HENON:
15 Twenty-seven?

16 MS. RHYNHART: Yes.

17 COUNCILMAN HENON: Initially or
18 did --

19 MS. RHYNHART: The final.

20 COUNCILMAN HENON: So they --

21 MS. RHYNHART: Yeah. We asked
22 them -- we did multiple rounds. Jones
23 Lang LaSalle -- the City retained Jones
24 Lang LaSalle as the broker on the
25 transaction and we did multiple rounds of

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2 bidding, that we asked the final bidders
3 to sharpen their pencils and come in with
4 their best offer after they submitted.

5 COUNCILMAN HENON: So the bids
6 increased --

7 MS. RHYNHART: Yes, the bids
8 increased.

9 COUNCILMAN HENON: --
10 throughout the process?

11 MS. RHYNHART: Yes, they did.

12 COUNCILMAN HENON: Well, I'm
13 going to ask the Committee if they have
14 any further questions before I continue
15 on.

16 Councilman Squilla.

17 COUNCILMAN SQUILLA: Thank you,
18 Mr. Chair.

19 The price I guess it was sold
20 for is 96 million, but it does need
21 approximately \$9 million in repairs.

22 MS. RHYNHART: Twenty-nine
23 point six.

24 COUNCILMAN SQUILLA: I mean
25 29.6.

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2 MS. RHYNHART: Right.

3 COUNCILMAN SQUILLA: So really
4 do we know what the assessment of that
5 property is?

6 MS. RHYNHART: Well, when you
7 say "assessment," what InterPark is
8 saying is that they value the garage at
9 29.6 plus the amount of money that
10 they're going to put into that garage
11 worth of capital improvements.

12 COUNCILMAN SQUILLA: So it was
13 38.6 they probably valued it.

14 MS. RHYNHART: About.

15 COUNCILMAN SQUILLA: So
16 obviously OPA has to do an assessment of
17 that property?

18 MS. RHYNHART: Yes. I would
19 have to check on the assessment of the
20 property and where that stands.

21 COUNCILMAN SQUILLA: Even if it
22 was like 29.6, if they come out with what
23 they paid for it, it would approximately
24 be about \$400,000 a year in real estate
25 taxes?

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2 MS. RHYNHART: Just multiplying
3 it by the 1.34 percent; is that right?

4 COUNCILMAN SQUILLA: Right.

5 MS. RHYNHART: Mm-hmm.

6 COUNCILMAN SQUILLA: And then
7 you also have the parking tax, correct?

8 MS. RHYNHART: Yes. They would
9 pay the parking tax.

10 COUNCILMAN SQUILLA: Right now
11 on that lot, do they pay parking taxes
12 currently?

13 MS. RHYNHART: Well, it's a
14 City-owned.

15 COUNCILMAN SQUILLA: But the
16 Parking Authority manages it?

17 MS. RHYNHART: Yeah, the
18 Parking Authority does manage it.

19 COUNCILMAN SQUILLA: So they
20 pay. Do we receive any money from the
21 Parking Authority from that lot?

22 MS. RHYNHART: We do. We
23 receive -- it's a formula based on
24 operating results, but it's about a
25 million, \$1.2 million a year that we

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2 receive.

3 COUNCILMAN SQUILLA: So we
4 won't get that anymore?

5 MS. RHYNHART: We will not get
6 that anymore, no.

7 COUNCILMAN SQUILLA: So \$1.2
8 million a year.

9 Now, I know also too we have
10 some Fleet vehicles down there. With the
11 new garage, are they also going to be
12 able to park there for free?

13 MS. RHYNHART: No. There's
14 vehicles that -- right now we have up to
15 200 spots where there's a discounted --
16 City vehicles pay \$80 rather than the
17 regular monthly fee. No. Those spots --
18 we'll have to work through relocating
19 those vehicles, because those spots will
20 not get discounted rates.

21 COUNCILMAN SQUILLA: They
22 won't?

23 MS. RHYNHART: They will not.
24 And so when we originally --

25 COUNCILMAN SQUILLA: What would

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2 the cost be for that under the new
3 contract to the City?

4 MS. RHYNHART: You mean sort of
5 the lost value of -- is that what
6 you're --

7 COUNCILMAN SQUILLA: Well,
8 we're going to have to pay them. Are we
9 going to park there anymore or are we
10 going to look somewhere else?

11 MS. RHYNHART: We have to
12 evaluate the options, I would say, about
13 where is the best place to put those
14 vehicles and the people that park there
15 for the City cars. So as part of the
16 process before we decided to move forward
17 with the sale of the garage, we did do a
18 financial analysis, which showed, okay,
19 what's the value of the lost subsidized
20 parking spots plus the value of the lost
21 \$1.2 million a year, what value would we
22 need to get for the garage to have this
23 exceed that loss over time, and the value
24 on a present-value basis was about \$12
25 million. So this far exceeds what we

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2 have lost, but we'll have to go through a
3 process to relocate the cars.

4 COUNCILMAN SQUILLA: Right.

5 And so that would be -- we have to put
6 them somewhere.

7 MS. RHYNHART: Yeah. So we'll
8 have to be doing that. Over the next two
9 or three months, we'll have to be
10 figuring that out.

11 COUNCILMAN SQUILLA: Are we
12 looking to purchase another lot for them?

13 MS. RHYNHART: No. I would --
14 no, we're not looking to purchase. I
15 think we'd be looking to place them in
16 other spots.

17 COUNCILMAN SQUILLA: But
18 there's no plan right now to do that?
19 There's nothing in place that you have
20 come up with that would say, all right,
21 maybe we'll keep them there, we'll have
22 to pay a fee?

23 MS. RHYNHART: Well, if we kept
24 them there, we'd have to pay the monthly
25 rate, and so that would be -- that's one

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2 option that we have. I would like to see
3 if there's perhaps some more
4 cost-effective option of other areas, but
5 that is an option.

6 COUNCILMAN SQUILLA: When
7 you're doing the analysis, obviously you
8 said you came up with \$12 million. You
9 would have had to have some idea of what
10 it would cost to park the vehicles.

11 MS. RHYNHART: Yes. I can pull
12 it up.

13 So at the current -- this was
14 back from two years ago, the original
15 analysis. Two hundred and ten vehicles
16 with the estimated financial benefit from
17 the subsidized spots, the normal rate is
18 \$313 a month, the City rate was \$80.
19 It's \$587,000.

20 COUNCILMAN SQUILLA: Five
21 hundred and eighty-seven thousand dollars
22 a year?

23 MS. RHYNHART: Right.

24 COUNCILMAN SQUILLA: So that's
25 another chunk that we have to consider.

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2 MS. RHYNHART: That's correct.

3 COUNCILMAN SQUILLA: So 600,000
4 plus the 1.2 million. So it's like 1.8
5 million that we have to put in. Is that
6 how you came up with the \$12 million?

7 MS. RHYNHART: Yes. Yes. But
8 then also we had to assume if we, as part
9 of that analysis, if we had retained
10 ownership, we would have had to fund the
11 capital improvements to the garage. So
12 we also included the debt service on a
13 loan, because we would have needed to
14 make those improvements, but all of that
15 wrapped up together was -- we calculated
16 the financial benefit annually and then
17 did a present-value calculation of that.

18 COUNCILMAN SQUILLA: So at this
19 point, though, we also sometimes use that
20 lot, don't we, for like parking when we
21 have events? So all that also was
22 discounted rates or complimentary parking
23 at that time.

24 MS. RHYNHART: The only thing
25 from the agreement that we get is the

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2 200, 210 spots, but it could be that
3 there's other arrangements that we worked
4 out.

5 COUNCILMAN SQUILLA: We have
6 like Made in America and some of the
7 events, some of the parades and stuff
8 like that where the workers go and park
9 there. All that, is that calculated in
10 also, or no?

11 MS. RHYNHART: That is not
12 calculated in as it wasn't part of the
13 current arrangement as was described, but
14 I think that this was -- we went
15 through -- we did evaluate after the
16 Council President came up with the idea
17 and publicly espoused the idea of selling
18 the garage, and we looked at it, and it
19 does make a lot of financial sense. It
20 doesn't mean that there aren't some
21 issues to work through, as you are
22 pointing out, in terms of finding a place
23 for these cars or paying the additional
24 amount to keep them parked where they are
25 and there's other issues to work around,

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2 but it's well worth having to work
3 through those issues to sell this garage.

4 COUNCILMAN SQUILLA: I was just
5 wondering if all that had been worked out
6 ahead of time, but at this time, not yet.

7 If this goes through, when
8 would the plan of the sale happen?

9 MS. RHYNHART: The sale would
10 estimate to close mid May. So from now
11 until mid May is when we would have to
12 work through it.

13 COUNCILMAN SQUILLA: And then
14 we would really know what the cost factor
15 would be for those vehicles that we store
16 plus the other parking, I guess, perks
17 that we get by having that garage at
18 our --

19 MS. RHYNHART: Well, we did do
20 a financial calculation already on that,
21 but we would have -- you are right, we'd
22 have a firmer idea because we'd have the
23 concrete plan set forth. But we have --
24 I think we have a pretty good handle on
25 an estimate of what it would cost.

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2 COUNCILMAN SQUILLA: Okay.

3 Thank you very much.

4 MS. RHYNHART: Sure.

5 COUNCILMAN HENON: The Chair
6 recognizes Councilman Kenney.

7 COUNCILMAN KENNEY: Thank you.

8 Just regarding the line of
9 questioning from Councilman Squilla, what
10 departments are those cars associated
11 with, the parking of the vehicles?

12 MS. RHYNHART: I don't know
13 offhand. I know there's some DHS
14 vehicles.

15 DEPUTY MAYOR DiBERARDINIS:
16 Councilman, I think it's, at least from
17 my experience, the 1515 Arch, One Parkway
18 building. I know we utilize it, DHS and
19 Parks and Rec. I'm not sure if there's
20 others in there, but I know at least
21 those two agencies.

22 COUNCILMAN KENNEY: Are those
23 in and out spots every day where people
24 need the car to go perform their duties?

25 COMMISSIONER GREENWALD: I know

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2 just from my past experience, L&I is in
3 there. So they would come in and out,
4 the inspectors that park there. There is
5 somebody else in there. I can't think
6 off the top of my head, but, yeah, I know
7 at least speaking from L&I they come in
8 and out.

9 COUNCILMAN KENNEY: And I
10 assume because of the lack of high-tech
11 space in that garage we don't have the
12 ability to know who comes in and out. So
13 there's no key card that says this
14 particular vehicle leaves the premise
15 once a day, twice a day, not every day,
16 that kind of thing?

17 MS. RHYNHART: I'm not sure of
18 that. I'm not sure of that.

19 COUNCILMAN KENNEY: All right.
20 Let me go to just another area. The
21 design of the new park, is it completed?

22 DEPUTY MAYOR DiBERARDINIS: No.
23 There are some -- from previous efforts,
24 this idea has been around for a few
25 years. There are some design concepts

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2 that are really broad. Like, for
3 instance, taking the wall -- there's no
4 access from two sides, Arch and 15th
5 Street. So the idea, the design
6 principle, would be to get rid of those
7 walls, so you can come in from all four
8 sides.

9 The diagonal walk-through with
10 the water feature and the Love statue, we
11 want to maintain that. So they're the
12 kind of things that we want to maintain,
13 but beyond that, those four, five ideas
14 that were in the agreement with the Mayor
15 and the Council President, beyond that,
16 there's no design.

17 COUNCILMAN KENNEY: Is there
18 going to be an RFP issued by the City or
19 by InterPark?

20 DEPUTY MAYOR DiBERARDINIS:
21 Around the design process, that will be
22 the City's --

23 COUNCILMAN KENNEY: So the City
24 would put the RFP out or the InterPark
25 would do that?

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2 MS. RHYNHART: No. Well,
3 Deputy Mayor is correct in terms of that
4 we'll have control over the design and we
5 have final approval over the design.
6 InterPark, in order to make this process
7 more efficient in terms of the
8 coordination between the park
9 improvements and the garage improvements
10 that need to happen, InterPark will be
11 running the full process.

12 COUNCILMAN KENNEY: Right.

13 MS. RHYNHART: So they would be
14 doing the competitive bidding for both
15 the park and the garage project.

16 COUNCILMAN KENNEY: Has there
17 been any discussion or can there be any
18 discussion relative to a kind of
19 region-wide design contest that would --
20 I mean, when I think about the
21 architectural and engineering and
22 landscape architecture folks that are
23 teaching in University of Pennsylvania,
24 which is one of the most renowned
25 architecture schools in the world, that,

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2 Temple, Drexel -- I mean, to me the
3 importance of that space is that it is so
4 highly identified as being a Philadelphia
5 public space, that someone's individual
6 view of what it should look like to me is
7 limiting as opposed to a design contest
8 that would bring everyone's attention and
9 interest to what that space ultimately
10 will be. I mean, obviously you have the
11 iconic statue, which is not going to
12 change. You have a water feature that
13 may either change or be improved, but
14 from my perspective, having the entire
15 community involved in a design contest
16 for probably the most iconic -- maybe the
17 most iconic spot in the City to me would
18 be a very interesting undertaking as
19 opposed to a particular landscape design
20 architect who wins a bid and does this.

21 DEPUTY MAYOR DiBERARDINIS:

22 Well, I mean, in response to your
23 suggestion, I have a couple of responses,
24 and they're mostly questions. The first
25 one would be, how does that impact the

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2 schedule? And I've never sort of
3 conducted a design contest or
4 competition. And would that elongate
5 the -- would we extend the process and
6 how long would that take, given we want
7 to get this thing moving and get it done?

8 COUNCILMAN KENNEY: On that
9 point, I would argue that it's worth
10 taking the time to get it right. And
11 with Dilworth, I mean, obviously I'm sick
12 and tired of walking four extra blocks to
13 get around it, but looking forward to
14 what it's going to actually be in the
15 end, and that's taking longer than we
16 expected. And that's no one's fault,
17 because I understand when it comes to the
18 design and construction, that, SEPTA,
19 rush hour, there's all kinds of factors
20 that delayed it, but to me in the end
21 what that turns out to be is more
22 important than how long it takes.

23 DEPUTY MAYOR DiBERARDINIS: So
24 I -- it's a good idea. I don't know the
25 broad implications of it. But my other

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2 question or response is that we do want
3 to engage like the local sort of
4 residential community here, all the folks
5 who currently use the park. We want to
6 go into a very sort of thoughtful and
7 sophisticated process with citizens,
8 broadly defined. How that would then
9 play with the competition, I'm not sure.

10 Jim, what I would say is, I
11 would talk to some folks who have much
12 more experience than I in this realm and
13 sort of get back to you.

14 COUNCILMAN KENNEY: Let me
15 throw one thing out there, because
16 whenever there's an opportunity like
17 this, obviously from a financial
18 perspective selling the garage makes a
19 lot of sense based on the capital needs
20 of improvement, and we shouldn't be in
21 the parking business probably anyway.
22 But one of the opportunities I think we
23 have now on the redesign issue is the
24 ability to bring safely back, in a
25 cordoned-off area, the aspect of

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2 skateboarders again. I just -- I think
3 that if we -- the problem with the
4 skateboarding issue when it was discussed
5 and debated was one of safety for
6 pedestrians and the destruction of the
7 pavers and all that other stuff, but in a
8 design effort or a design competition to
9 be able to inject that element of the
10 park back into it in a safe manner.

11 If you go down to the Jersey
12 shore, many of their recreation
13 departments there have figured out a way
14 to put a skate park in that's -- you can
15 watch them do it, but you don't have to
16 be hit with the board. You don't have to
17 navigate the space.

18 If there was some possible way
19 of putting that back into that element, I
20 think with the Love statue and the iconic
21 nature of that space and the boarders
22 back in a safe manner, I think it would
23 be a home run.

24 DEPUTY MAYOR DiBERARDINIS: Two
25 responses to that. One is, the design

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2 process is built to bring in all those
3 interests. If we do it right, those
4 interests will be heard.

5 I also would want to raise, we
6 have a beautiful skateboard park.

7 COUNCILMAN KENNEY: But it's
8 not in an iconic location.

9 DEPUTY MAYOR DiBERARDINIS: But
10 it's exactly what you said. You can sit,
11 you can watch, you can be --

12 COUNCILMAN KENNEY: You're
13 talking about under 95 and Lakes?

14 DEPUTY MAYOR DiBERARDINIS: No.
15 I'm talking about --

16 COUNCILMAN KENNEY: Oh, that.
17 Okay.

18 DEPUTY MAYOR DiBERARDINIS: And
19 I think part of the thinking was to
20 really provide that opportunity in a
21 high-quality way to the broad
22 skateboarding interests in the City.

23 COUNCILMAN KENNEY: All I'm
24 saying is that Love Park and whether you
25 like skateboarders and you don't -- and

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2 I'm too old to do it and don't understand
3 it all the time, but if you put the Love
4 statue and skateboarding back together,
5 it's where the international skateboard
6 community wants to be photographed in
7 Philadelphia at that statue. And, again,
8 I'm too old to figure out why, but it's
9 just amazing that that's where people
10 want to be.

11 So if it's at all possible from
12 an economic standpoint or from a
13 practical standpoint to do it, I would
14 love to see that silhouette back there
15 again in international magazines and
16 newspapers everywhere. So I'm happy to
17 approve this and congratulate you on the
18 deal, but just wanted to throw that out.

19 DEPUTY MAYOR DiBERARDINIS:

20 Thanks.

21 COUNCILMAN KENNEY: Thanks.

22 COUNCILMAN HENON: I have a few
23 more questions. I believe -- I just want
24 to add for the record, I believe the
25 Water Department also shares some spaces.

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2 MS. RHYNHART: I'm sorry?

3 COUNCILMAN HENON: I said I
4 believe the Water Department also shares
5 some spaces there at the garage.

6 The existing agreement that we
7 have with the Parking Authority, are we
8 buying them out of any sort of agreement
9 or contract that we have as far as manage
10 it? What is the terms of their
11 agreement?

12 MS. RHYNHART: We have to give
13 them several months notice, three months
14 notice. So right after Council approval,
15 we would give notice.

16 COUNCILMAN HENON: So with the
17 closing date tentatively scheduled in
18 May, is there a timetable for design
19 concepts and is there -- well, let's
20 start with that before I get into
21 construction. Design concepts. So with
22 the closing date for the garage, what is
23 the schedule?

24 DEPUTY MAYOR DiBERARDINIS: So
25 sometime mid/late summer we want to get

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2 started with -- we want the design team
3 to be in place, and then we want to begin
4 the public process August, sometime in
5 August. We want to do -- we want to do a
6 very thorough job in engaging the broad
7 interest groups. So, Councilman Kenney,
8 if there's that interest, skateboarding
9 interest, we want to talk to them.

10 There's the Phoenix and there's the
11 residential folks who live around the
12 park. We want to talk to them. We want
13 to talk to the local businesses. We want
14 to talk to the folks in those buildings
15 who use the park every day for lunch, to
16 sit out. And we want to talk to the
17 organized citizens groups in the downtown
18 area.

19 So we haven't defined all of
20 the groups, but we know roughly who they
21 are. And then in August, we want to
22 begin that engagement and have that run
23 three months, three or four months. I
24 think that's a pretty compact timeframe
25 to move all those groups into the

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2 conversation and have some broad concepts
3 that then would be given to the design
4 team to go into the detailed design.

5 COUNCILMAN HENON: Meanwhile
6 the garage itself will be under its
7 construction, \$8 to \$10 million that
8 InterPark would be putting into upgrading
9 the facility that they just purchased?

10 MS. RHYNHART: That's correct.

11 COUNCILMAN HENON: And do you
12 know what that construction timetable is?
13 I would imagine that would be going on
14 simultaneously as the design phase.

15 MS. RHYNHART: Right. The
16 garage design, we have -- the RFP
17 selection design team runs concurrently
18 with the Love Park project. So it would
19 be the May, June, July timeframe to get
20 the design team on board. And then the
21 actual design goes through the spring of
22 2015, and then the construction starts in
23 the summer. So it looks like late fall
24 break ground. So its bid and construct
25 starts in June of 2015. That's the bid.

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2 COUNCILMAN HENON: Late fall
3 2015 the construction will start.

4 MS. RHYNHART: I'm sorry?

5 COUNCILMAN HENON: Break ground
6 for --

7 MS. RHYNHART: I'm not sure.
8 For the park project, breaking ground
9 would happen in September. For the
10 garage project, I have a schedule for bid
11 and construction. I'm not sure when
12 breaking ground would be, but probably --

13 COMMISSIONER GREENWALD: It
14 would be a little bit sooner.

15 MS. RHYNHART: Okay. So July
16 or August of 2015 would be the
17 groundbreaking for the garage.

18 COMMISSIONER GREENWALD: For
19 the garage. And then September '15 would
20 be the groundbreaking for an actual park
21 redesign.

22 COUNCILMAN HENON: So
23 September.

24 COMMISSIONER GREENWALD: Park
25 construction.

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2 COUNCILMAN HENON: Now, could
3 you explain -- we're talking timelines.
4 Can you explain the construction with the
5 construction manager and whoever is
6 managing the project, is performing the
7 construction through the RFP process for
8 InterPark, and then privately the
9 construction manager for oversight of
10 Love Park? Isn't there some construction
11 agreement with the --

12 MS. RHYNHART: There is a
13 construction license agreement which will
14 be signed between the City and InterPark
15 which sets forth the terms and conditions
16 for the work to be performed by InterPark
17 on the park and then title being retained
18 by the City and the ways in which the
19 City's rights exist during the
20 construction period. It lays all of that
21 out.

22 COUNCILMAN HENON: It lays that
23 out. It keeps it on a construction
24 schedule with construction managers?

25 MS. RHYNHART: Oh, it

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2 doesn't -- I don't believe that agreement
3 has the construction schedule. So I'd
4 have to look into that.

5 COUNCILMAN HENON: So you break
6 ground in September, anticipate the
7 construction. I think the construction
8 license agreement has a one-year renewal;
9 is that correct?

10 MS. RHYNHART: That's right, at
11 our option.

12 COUNCILMAN HENON: At our
13 option. So are we anticipating more than
14 a year, a year not to exceed?

15 MS. RHYNHART: I would think
16 that we would renew given the term of the
17 project.

18 COUNCILMAN HENON: Okay. I
19 have no further questions.

20 COUNCILMAN KENNEY: One more.

21 COUNCILMAN HENON: Councilman
22 Kenney.

23 COUNCILMAN KENNEY: Considering
24 your dual roles for Parks and Recreation
25 and Environmental, is there any

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2 insistence or requirements on the new
3 design that there's environmentally
4 sustainable features to the park as far
5 as stormwater issues, as far as solar, as
6 far as anything that's going to be
7 significant in, I guess, making this more
8 an iconic spot than it is already?

9 DEPUTY MAYOR DiBERARDINIS:

10 Certainly that's the goal. We have a
11 high interest in creating the highest
12 quality public space and the greatest
13 utility for that space. And so that
14 would, under that idea, would take us to
15 can we manage stormwater, what type of
16 vegetation we put in there, sort of the
17 whole process, sort of trying to create
18 really comfortable, visually interesting,
19 attractive public space at the same time
20 as we hit the environmental values. That
21 will be a very important part of the
22 design process.

23 COUNCILMAN KENNEY: I think
24 it's apparent that the statue itself has
25 created the space. It's almost the space

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2 became what the statue is. But it's

3 really sorely under-designed and it's

4 just not -- you walk through there -- I

5 mean, it's our space. I love it, and I

6 love walking there, but when you walk

7 through there, you say that could be

8 different, that could be different.

9 There's so many things that could be

10 different there. And you only get a shot

11 to do this right once, and I do think

12 that -- I mean, for example, there's no

13 green there. I mean, it's not the kind

14 of public park or public square that you

15 would experience in New York or even at

16 Franklin Square or, I mean, any of those

17 places that are just so wonderful.

18 That's not a wonderful space. It's a

19 great space, it's our space, but it's not

20 a wonderful space, and I think from a

21 green perspective, which doesn't exist

22 now, and from an environmentally

23 sustainable perspective and from an

24 activity perspective, whether it's

25 commercial activity or just fun activity,

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2 I really do think it could be much more
3 than it is, and I think you agree.

4 DEPUTY MAYOR DiBERARDINIS: We
5 agree a hundred percent.

6 COUNCILMAN KENNEY: Great.
7 Well, good luck. Thanks.

8 COUNCILMAN HENON: Is there
9 anyone else on the Committee that has any
10 questions?

11 (No response.)

12 COUNCILMAN HENON: No further
13 questions for the Administration, so I
14 thank you for coming in and for your
15 testimony.

16 Is there anyone else here that
17 wishes to testify on Bill Nos. 130901 and
18 130902?

19 (No response.)

20 COUNCILMAN HENON: The Chair
21 asks that Carl Primavera please approach
22 the table.

23 (Witness approached witness
24 table.)

25 MR. PRIMAVERA: Good morning.

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2 Carl Primavera. I'm happy to be here as
3 counsel for InterPark. As you probably
4 heard, InterPark's Vice President, Andy
5 McLaughlin, who has been working with the
6 City on this transaction, was on his way
7 to the airport Tuesday morning from
8 Chicago, where they had eight inches of
9 snow, and he was hit and they went over
10 an embankment. I think other than a
11 concussion, he's going to be fine, but
12 regrettably, he couldn't be here today.
13 Chuck Murphy, who is his right hand
14 person who handles Philadelphia
15 operations, is in Florida. He couldn't
16 get a flight out. So I know there is
17 going to be subsequent meetings where
18 you'll be able to meet the principals and
19 discuss it in further detail, but for the
20 moment, I'm it.

21 COUNCILMAN HENON: Thank you,
22 Mr. Primavera. I wanted to state for the
23 record that a request from myself and the
24 Committee as well as the sponsor of the
25 bill -- it's unfortunate that the

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2 principal of InterPark was in an
3 accident. So we all wish him a speedy
4 recovery. The request would be that when
5 able, and hopefully soon, principals of
6 InterPark and yourself can come in and
7 have further discussions with members of
8 this committee and the sponsor of the
9 bill.

10 MR. PRIMAVERA: We would
11 welcome that. InterPark has a
12 substantial interest in the City. They
13 built the significant garage as a
14 strategic partner for Jefferson. They
15 own the garage for the Four Seasons.
16 They own the garage at, I think it's,
17 17th and Market. They are the largest
18 parking company. They were a division of
19 General Electric, one of the few shining
20 stars during the recession. They were
21 spun off.

22 So they have the capital, the
23 desire, the experience, and the passion
24 for what really could be a wonderful
25 story. I mean, in many respects, the

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2 question was, Well, why are you spending
3 so much on a garage which is obsolete and
4 clearly underperforming, and the answer
5 is that if everything happens within the
6 garage -- and, Councilman Kenney, they're
7 going to bring in technology for the
8 garage, ADA, I mean, bathrooms that work,
9 infrastructure. They're going to spend a
10 lot of money, and then with what's being
11 talked about at the surface, people will
12 kind of come there because it's going to
13 be an enjoyable place and feel safe.
14 Also, there have been discussions about
15 package deals for City cars, the same way
16 at Jefferson. There's discounted rates
17 for the doctors and patients and all
18 that.

19 So the idea is to create as
20 much volume for the garage as possible.
21 So everything that's been talked about is
22 on the table. There's just a lot of
23 details that need to be resolved between
24 now and the time they actually start.

25 The other thing is, InterPark

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2 has a real desire to move quickly,
3 because they're putting the capital up,
4 and then the first thing that happens
5 after they put their money up is, they
6 have to start shutting down the garage.
7 So while the investment is going in, they
8 now have to not only put more money in
9 for the improvements, but now they're
10 shutting down parts of the garage, so
11 their income is being reduced. So they
12 are going to try to have a very
13 aggressive schedule so that they can be
14 fully opened.

15 I think the park process can
16 happen at a different rate. The only
17 thing they need on an early -- on a very
18 early basis is to know where the garage
19 penetrations will be, because they're
20 going to have a garage that comes up to
21 the ground level. But the aesthetics can
22 happen in a more deliberate way. And
23 then ultimately there's a membrane that
24 goes over the top of the park, and once
25 the membrane is there, then the garage

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2 will be fine and the logistics of
3 handling the park area improvements or
4 the park level improvements can happen in
5 a way that gives everybody some input,
6 because I agree with the Councilman that
7 there will be a fair amount of interest
8 in what happens there in terms of what
9 the amenities will be and what the look
10 will be.

11 COUNCILMAN HENON: Thank you
12 for your testimony.

13 Does anybody have any
14 questions? See what I open myself up to.
15 Councilman Oh.

16 COUNCILMAN OH: Thank you very
17 much, Mr. Chairman.

18 The capacity of the garage in
19 the anticipated reconstruction of the
20 garage, do you increase capacity or do
21 you leave it the same?

22 MR. PRIMAVERA: I do not
23 believe that there's any greater
24 capacity, unfortunately. So I think it's
25 around 900 cars, somebody said. So I

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2 don't think that they're going to be able
3 to increase the numbers, but they're
4 going to increase the desirability, the
5 experience. They're going to have like a
6 concierge there to help people with the
7 technology, like me who can never figure
8 out the way to pay, security. It's going
9 to be a totally different experience, and
10 it will be a place where people want to
11 park, where right now I think it's
12 more -- it's kind of under-whelming
13 compared to some of the great new
14 generation of garages that are in the
15 City.

16 COUNCILMAN OH: What do they
17 anticipate the average increase in
18 parking fee will be?

19 MR. PRIMAVERA: I don't know.
20 I mean, they're going to be at market.
21 So my suspicion is, without knowing, is
22 that there's always kind of an
23 introductory price to get people in the
24 habit and to enjoy the experience, and
25 then over time it's what the market would

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2 bear. So their desire is not to be the
3 most expensive, but their desire is to be
4 the most utilized. It's the utilization,
5 as I understand it, which is where the
6 profitability is. The worst thing I hear
7 in this business is people who come in
8 and park all day. They like to have,
9 there's a word for it, turnovers.

10 COUNCILMAN OH: Turnover. So
11 are they anticipating in the next years
12 coming up, next five to ten years, a
13 constraint on parking availability in
14 this location?

15 MR. PRIMAVERA: Well, that's
16 one way to put it. I think they would
17 say that there's going to be more
18 generation. Someone told me Comcast
19 isn't going to have a huge --

20 COUNCILMAN OH: Comcast,
21 hotels, all those type of things.

22 MR. PRIMAVERA: And part of,
23 again, the reason is why is this a
24 desirable asset given its current state,
25 as I'm told, the cost of underground

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2 parking is prohibitive, and even
3 above-ground parking is very expensive,
4 plus there's a lot of point of views that
5 people don't like above-ground parking,
6 and maybe it's not the highest and best
7 use of land. So they do believe that
8 with what we're seeing in terms of new
9 development, there will be a significant
10 demand for quality parking, and that's
11 why the improvements are as critical as
12 anything.

13 COUNCILMAN OH: Understood.

14 Okay.

15 MR. PRIMAVERA: So they're
16 saying they think it's a good investment.

17 COUNCILMAN OH: They have a
18 market to target. I do understand what
19 you're saying. Thank you very much.

20 MR. PRIMAVERA: You're welcome.

21 COUNCILMAN HENON: Councilman
22 Kenney.

23 COUNCILMAN KENNEY: Thank you.

24 You heard my line of
25 questioning, I assume, with the panel

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2 that was before you. We can have this
3 discussion with the principals when they
4 get in here and brief us, but what's your
5 view on the passion of the company for
6 what the park will ultimately look like?
7 I mean, I understand they're parking lot
8 people and their business is parking,
9 it's not open space, but, I mean, again,
10 on top of their parking garage will be
11 the most iconic spot -- one of the most
12 iconic spots in the City.

13 What has your conversation with
14 them been about what that would look like
15 and what amount of role do they want to
16 take in that?

17 MR. PRIMAVERA: Well, their
18 passion is clear for two reasons. One,
19 it is one of the most iconic locations,
20 and, second of all, they're very proud
21 to, in effect, be known for having an
22 interest in that facility, if it comes up
23 to the standards that it needs to meet.
24 They are happy to provide any input to
25 the City, but they are basically not the

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2 design team. So they will be responding
3 to what the design team comes up with.
4 They were telling us that they've done
5 similar projects in Chicago where there
6 is an above-ground amenity and it does
7 become an attraction. Well, the more
8 people that come, the more people are
9 likely to park there.

10 So they would love to be part
11 of the team and make it the best it can
12 be, but as I understand this process,
13 they are not involved other than to
14 basically say here's where the elevator
15 penetrations need to be and those types
16 of things. So they're not part of the
17 aesthetic team.

18 COUNCILMAN KENNEY: So they
19 don't want to be part of driving what it
20 looks like?

21 MR. PRIMAVERA: Yeah, and they
22 haven't been asked, and my suspicion is
23 that there are so many local important
24 constituencies with a point of view,
25 they're probably happier just to get in

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2 the garage and start working and have
3 people tell them what they want.

4 COUNCILMAN KENNEY: Because in
5 the end what that park becomes might be a
6 driver of their business.

7 MR. PRIMAVERA: I absolutely
8 believe that.

9 COUNCILMAN KENNEY: So if I'm a
10 suburbanite or live in the Northeast or
11 live in the Northwest and I want to come
12 down because this park is that
13 attractive, I'm parking there.

14 MR. PRIMAVERA: Absolutely.

15 COUNCILMAN KENNEY: There's
16 nowhere else to park for me other than
17 parking and going upstairs and spending a
18 couple hours in the park.

19 MR. PRIMAVERA: Right. What I
20 know they do want is lighting, safety.
21 For example -- I'm making this up, but
22 the Starbucks across the street, why
23 can't Starbucks have a little outdoor
24 area. Clean, no danger or people who
25 represent a threat, because as we all

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2 know, people come into the City and they
3 want to feel safe where they park their
4 car.

5 So they're the things that
6 they're extremely interested in. The
7 design and all those things, I'm sure
8 they're happy to have a point of view,
9 but there's probably a lot more
10 sophisticated people, as you said, with
11 all the talent in Philadelphia.

12 COUNCILMAN KENNEY: I would
13 expand it to all the talent in the
14 country. I mean, I can imagine if you
15 did -- if there was a design competition
16 for that park, there would be folks who
17 would be wanting to be part of that from
18 all over the place, not just the region.
19 And I think the point that I'm trying to
20 make is that InterPark because they're
21 the owner can drive this the right way if
22 they want to. If they advocated or
23 they're just cursory involved, they're
24 losing the opportunity to drive what that
25 thing looks like. And recently -- not

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2 recently, but not too long ago, that park
3 was redesigned, so to speak, and it was
4 not a very successful redesign. So I'd
5 hate to see us repeat that effort.

6 MR. PRIMAVERA: They'll share
7 whatever expertise they have, and they do
8 have a lot, but --

9 COUNCILMAN KENNEY: I don't
10 want to belabor this. I just want to put
11 it out there. They're the owners. They
12 can drive it any way they want. They can
13 walk away from it, they can be cursory
14 involved or they can say this is not what
15 we want to see. And I would say the
16 third example is what I'd rather them do,
17 to be part of what this space almost
18 forever is going to look like after we're
19 done.

20 MR. PRIMAVERA: No. I hear
21 you. Absolutely.

22 COUNCILMAN KENNEY: Thank you.

23 COUNCILMAN HENON: Any other
24 questions from the Committee?

25 (No response.)

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2 COUNCILMAN HENON: Thank you,
3 Mr. Primavera.

4 MR. PRIMAVERA: Thank you.

5 COUNCILMAN HENON: This
6 concludes the Public Property and Public
7 Works hearing. We will now enter into
8 our public meeting.

9 The Chair recognizes Councilman
10 Greenlee.

11 COUNCILMAN GREENLEE: Thank
12 you, Mr. Chairman. I move that Bill No.
13 130901 be reported out of this committee
14 with a favorable recommendation.

15 (Duly seconded.)

16 COUNCILMAN HENON: It has been
17 moved and seconded.

18 All those in favor?

19 (Aye.)

20 COUNCILMAN HENON: The ayes
21 have it. Bill No. 130901 will be
22 reported out of committee with a
23 favorable recommendation.

24 The Chair recognizes Councilman
25 Greenlee for motions on the amendment to

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2 Bill No. 130902.

3 COUNCILMAN GREENLEE: Thank
4 you, Mr. Chairman. I move the adoption
5 of the amendments to Bill No. 130902.

6 (Duly seconded.)

7 COUNCILMAN HENON: It's been
8 seconded.

9 All those in favor?

10 (Aye.)

11 COUNCILMAN HENON: The ayes
12 have it. The amendments have been
13 adopted.

14 The Chair recognizes again
15 Councilman Greenlee for a motion on Bill
16 No. 130902.

17 COUNCILMAN GREENLEE: Thank
18 you, Mr. Chairman. I move that Bill No.
19 130902, as amended, be reported out of
20 this committee with a favorable
21 recommendation.

22 (Duly seconded.)

23 COUNCILMAN HENON: It's been
24 seconded.

25 All those in favor?

1 2/19/14-PUBLIC PROPERTY-BILLS 130901 & 130902

2 (Aye.)

3 COUNCILMAN HENON: The ayes

4 have it. Bill No. 130902 has been

5 amended and will be reported out of

6 committee with a favorable

7 recommendation.

8 This concludes our public

9 meeting. Thank you all for coming.

10 (Committee on Public Property

11 and Public Works concluded at 11:50 a.m.)

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CERTIFICATE

I HEREBY CERTIFY that the
proceedings, evidence and objections are
contained fully and accurately in the
stenographic notes taken by me upon the
foregoing matter, and that this is a true and
correct transcript of same.

MICHELE L. MURPHY
RPR-Notary Public

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direct control and/or supervision of the
certifying reporter.)

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