

COUNCIL OF THE CITY OF PHILADELPHIA
COMMITTEE OF THE WHOLE

Room 400, City Hall
Philadelphia, Pennsylvania
Thursday, May 10, 2012
1:20 p.m.

PRESENT:

COUNCIL PRESIDENT DARRELL L. CLARKE
COUNCILWOMAN CINDY BASS
COUNCILMAN W. WILSON GOODE, JR.
COUNCILMAN BILL GREEN
COUNCILMAN WILLIAM GREENLEE
COUNCILMAN BOBBY HENON
COUNCILMAN BRIAN O'NEILL
COUNCILMAN DAVID OH
COUNCILMAN MARK SQUILLA

BILLS NO. 120213

1 - - - - -

2 COUNCIL PRESIDENT CLARKE: Good afternoon.

3 This is Public Hearing on Committee of the
4 Whole.

5 Mr. Carter, please read the title of the
6 Bill.

7 MR. CARTER: Bill No. 120213, an Ordinance
8 authorizing the Parks and Recreation
9 Commissioner to enter into a lease agreement
10 with the Southeastern Pennsylvania
11 Transportation Authority to continue leasing to
12 SEPTA certain land and improvements located in
13 the area bounded by Ridge Avenue, 33rd Street
14 and Dauphin Street, all under certain terms and
15 conditions.

16 COUNCIL PRESIDENT CLARKE: Real quick for
17 the record, this is a Transit Station Building
18 that we all believe was owned by SEPTA. When it
19 came time to do the construction -- and, I
20 guess, Mr. Bessler, why don't I just call you up
21 and let you explain real quickly why we're even
22 having this conversation.

23 (Mr. Bessler approaches witness table.)

24 MR. BESSLER: Go?

1 COUNCIL PRESIDENT CLARKE: Please proceed.

2 MR. BESSLER: Good afternoon, President
3 Clarke and Members of the Committee. My name is
4 Barry Bessler, and I'm the Chief of Staff of
5 Parks and Facilities for the Department of Parks
6 and Recreation. I appear before you today on
7 behalf of the Department and Deputy Mayor
8 Michael DiBerardinis in support of Council Bill
9 120213 which authorizes the City of Philadelphia
10 through the Parks and Recreation Commissioner to
11 amend a lease with SEPTA for the triangular
12 parcel of land bounded by Ridge Avenue, 33rd
13 Street and Dauphin Street commonly referred to
14 as the Dauphin Loop.

15 This parcel of land referenced in the Bill
16 has been occupied by SEPTA as a Transit Terminal
17 since 1906 pursuant to a lease with the City of
18 Philadelphia. The City and SEPTA now seek to
19 amend this lease to extend the term of the lease
20 by 50 years with a 15-year renewal, and to allow
21 SEPTA to make improvements upon the site.

22 The improvements upon the site include the
23 renovation of the one-story corner building,
24 rebuilding the bus canopy to provide safe and

1 accessible boarding platforms, installing an
2 underground storm water retention system and
3 other sustainable building practices providing
4 signage and making the site ADA accessible.

5 Construction is expected to begin in
6 October of this year and last for approximately
7 18 months. And that's a correction to the
8 record. Originally, it was estimated the
9 construction would be 12 months. It's now --
10 SEPTA tells us, just today that it will be 18
11 months.

12 The implementation of the improvements on
13 the Dauphin Loop will greatly increase the
14 aesthetics and safety of the bus passenger
15 terminal while reducing the site's environmental
16 impact.

17 I respectfully request that you suspend the
18 Council Rules in order to allow the first
19 reading of this Bill at the next session of
20 Council.

21 Thank you.

22 COUNCIL PRESIDENT CLARKE: Thank you. Real
23 briefly, the purpose for this being in this
24 particular Committee -- Committee of the Whole as

1 opposed to Public Property or Transportation
2 Committee is when we did the Fairmount Park
3 Consolidation as a part of an agreement as it
4 relates to -- as relates to the passage of a
5 Bill on Park Disposition or Leasing of Parkland,
6 because this is technically owned by the Park,
7 it required a two-third's vote. Therefore, it's
8 required to be in the Committee of the Whole per
9 the rules.

10 I don't know if we may want to entertain a
11 conversation about the Committee meeting,
12 because when they inserted the majority, they
13 also inserted the Committee of the Whole;
14 therefore, ensuring that the final vote would be
15 a two-thirds. We may want to revisit whether or
16 not it should be in the Committee of Whole. The
17 rules can be amended to allow the two-thirds
18 vote to be on the final passage.

19 Right now, based on the way the rules read
20 as a result of the agreement on Park
21 Disposition, it's required to be in the
22 Committee of the Whole. That's why -- I know a
23 number of you are saying, why is this in the
24 Committee of the Whole. That's the reason for

1 that.

2 Chair recognizes Councilman Goode.

3 COUNCILMAN GOODE: Thank you, Mr.

4 President.

5 Very quickly, who determined that the term
6 of the lease should be 50 years for 15-year
7 renewal?

8 MR. BESSLER: It was a negotiated point
9 between SEPTA and the Parks and Recreation
10 Department.

11 COUNCILMAN GOODE: Do you know if that is
12 consistent with negotiations that are going on
13 between the City and SEPTA regarding the
14 lease/lease-back agreement?

15 MR. BESSLER: I'm sorry. Between what?

16 COUNCILMAN GOODE: Between the City and
17 SEPTA concerning the lease/lease-back agreement.

18 MR. BESSLER: I am not aware.

19 COUNCILMAN GOODE: If it's not consistent
20 with that, do you think it should be?

21 MR. BESSLER: I will make every effort to
22 find out why it is not if it is not.

23 COUNCILMAN GOODE: If you can reach out to
24 Rina Cutler for the status of those negotiations

1 and forward the information to the Chair in
2 terms of whether what may have been agreed upon
3 or the terms of it being negotiated right now
4 conform to what you are trying to do.

5 MR. BESSLER: I will.

6 COUNCILMAN GOODE: Thank you,
7 Mr. President.

8 COUNCIL PRESIDENT CLARKE: Thank you,
9 Councilman.

10 Chair recognizes Councilman Henon.

11 COUNCILMAN HENON: Thank you, Mr. Chair.
12 Are you aware of any other depots or SEPTA
13 lease-back agreements that they may have with
14 the Department -- with the City of Philadelphia?
15 Most recently, I guess, with the Parks and Recs.

16 MR. BESSLER: I know there is some SEPTA
17 terminals throughout the city where the land and
18 landscaped area and sidewalks and things like
19 that are maintained by the City of Philadelphia.
20 Whether they are actual City of Philadelphia
21 property or not, I do not know. I know that
22 this one in particular is.

23 COUNCILMAN HENON: If you can -- excuse
24 me -- if you could just provide a list to the

1 Council President's office, please, a list of
2 the SEPTA facilities that are leased off of
3 Parks and Recks property and the terms of the
4 agreement if anybody -- if any will be
5 sunshining soon.

6 MR. BESSLER: I will.

7 COUNCILMAN HENON: Thank you.

8 COUNCIL PRESIDENT CLARKE: Thank you,
9 Councilman. Excuse me.

10 Any other questions for this witness? Any
11 other -- anybody else here to testify on this
12 particular Bill?

13 (No response.)

14 COUNCIL PRESIDENT CLARKE: There being
15 none, thank you very much. This conclude's the
16 Public Meeting -- I'm sorry, the Public Hearing.
17 We will now go onto the Public Meeting.

18 Chair recognizes Councilman Greenlee for a
19 motion on Bill No. 120213.

20 COUNCILMAN GREENLEE: Thank you,
21 Mr. President. I believe the Bill No. 120213 be
22 reported out of Committee with a favorable
23 recommendation. And that the Rules of Council
24 be suspended to allow for a first reading on our

1 next session of Council.

2 COUNCIL PRESIDENT CLARKE: Thank you.

3 Those approved?

4 (Ayes.)

5 COUNCIL PRESIDENT CLARKE: Those opposed?

6 (No response.)

7 COUNCIL PRESIDENT CLARKE: Ayes have it.

8 Bill No. 120123 is reported out of Committee
9 with favorable recommendations with rules
10 suspended to allow reading at the next session
11 of Council.

12 Thank you all very much.

13 (Committee of the Whole Meeting ended at
14 1:27 p.m.)

15

16

17

18

19

20

21

22

23

24

C E R T I F I C A T I O N

I, hereby certify that the proceedings and evidence noted are contained fully and accurately in the stenographic notes taken by me in the foregoing matter, and that this is a correct transcript of the same.

ANGELA M. KING, RPR, Notary Public

(The foregoing certification of this transcript does not apply to any reproduction of the same by any means, unless under the direct control and/or supervision of the certifying reporter.)

www.strehlowcourtreporting.com

A accessible 4:1,4 accurately 10:7 actual 7:20 ADA 4:4 aesthetics 4:14 afternoon 2:2 3:2 agreed 7:2 agreement 2:9 5:3 5:20 6:14,17 8:4 agreements 7:13 allow 3:20 4:18 5:17 8:24 9:10 amend 3:11,19 amended 5:17 and/or 10:20 ANGELA 10:13 anybody 8:4,11 appear 3:6 apply 10:18 approaches 2:23 approved 9:3 approximately 4:6 area 2:13 7:18 Authority 2:11 authorizes 3:9 authorizing 2:8 Avenue 2:13 3:12 aware 6:18 7:12 Ayes 9:4,7	BOBBY 1:13 bounded 2:13 3:12 BRIAN 1:14 briefly 4:23 building 2:17 3:23 4:3 bus 3:24 4:14	continue 2:11 control 10:20 conversation 2:22 5:11 corner 3:23 correct 10:9 correction 4:7 Council 1:2,11 2:2,16 3:1,8 4:18,20,22 7:8 8:1,8,14,23 9:1 9:2,5,7,11 Councilman 1:12 1:12,13,13,14 1:14,15 6:2,3,11 6:16,19,23 7:6,9 7:10,11,23 8:7,9 8:18,20 COUNCILWO... 1:11 Cutler 6:24	expected 4:5 explain 2:21 extend 3:19 F F 10:1 facilities 3:5 8:2 Fairmount 5:2 favorable 8:22 9:9 final 5:14,18 find 6:22 first 4:18 8:24 foregoing 10:8,17 forward 7:1 fully 10:6 G go 2:24 8:17 going 6:12 Good 2:2 3:2 Goode 1:12 6:2,3 6:11,16,19,23 7:6 greatly 4:13 GREENLEE 1:13 GREEN 1:12 Greenlee 8:18,20 guess 2:20 7:15	installing 4:1 J JR 1:12 K KING 10:13 know 5:10,22 6:11 7:16,21,21 L L 1:11 land 2:12 3:12,15 7:17 landscaped 7:18 lease 2:9 3:11,17 3:19,19 6:6 leased 8:2 lease-back 7:13 lease/lease-back 6:14,17 leasing 2:11 5:5 list 7:24 8:1 located 2:12 Loop 3:14 4:13
B Barry 3:4 based 5:19 BASS 1:11 behalf 3:7 believe 2:18 8:21 Bessler 2:20,23 2:24 3:2,4 6:8 6:15,18,21 7:5 7:16 8:6 Bill 1:12 2:6,7 3:8 3:15 4:19 5:5 8:12,19,21 9:8 BILLS 1:17 boarding 4:1	C C 10:1,1 call 2:20 canopy 3:24 Carter 2:5,7 certain 2:12,14 certification 10:17 certify 10:5 certifying 10:21 Chair 6:2 7:1,10 7:11 8:18 Chief 3:4 CINDY 1:11 city 1:2,6 3:9,17 3:18 6:13,16 7:14,17,19,20 Clarke 1:11 2:2 2:16 3:1,3 4:22 7:8 8:8,14 9:2,5 9:7 Commissioner 2:9 3:10 Committe 4:24 Committee 1:3 2:3 3:3 4:24 5:2 5:8,11,13,16,22 5:24 8:22 9:8,13 commonly 3:13 concerning 6:17 conclude's 8:15 conditions 2:15 conform 7:4 consistent 6:12,19 Consolidation 5:3 construction 2:19 4:5,9 contained 10:6	D DARRELL 1:11 Dauphin 2:14 3:13,14 4:13 DAVID 1:14 Department 3:5,7 6:10 7:14 depots 7:12 Deputy 3:7 determined 6:5 DiBerardinis 3:8 direct 10:20 Disposition 5:5,21 E E 10:1 effort 6:21 ended 9:13 ensuring 5:14 enter 2:9 entertain 5:10 environmental 4:15 estimated 4:8 evidence 10:6 excuse 7:23 8:9	H Hall 1:6 Hearing 2:3 8:16 Henon 1:13 7:10 7:11,23 8:7 I impact 4:16 implementation 4:12 improvements 2:12 3:21,22 4:12 include 3:22 increase 4:13 information 7:1 inserted 5:12,13	M M 10:13 maintained 7:19 majority 5:12 making 4:4 MARK 1:15 matter 10:8 Mayor 3:7 means 10:19 meeting 5:11 8:16 8:17 9:13 Members 3:3 Michael 3:8 months 4:7,9,11 motion 8:19 N N 10:1 name 3:3 negotiated 6:8 7:3 negotiations 6:12 6:24

Notary 10:13 noted 10:6 notes 10:7 number 5:23 O O 10:1 occupied 3:16 October 4:6 office 8:1 OH 1:14 one-story 3:23 opposed 5:1 9:5 order 4:18 Ordinance 2:7 Originally 4:8 owned 2:18 5:6 O'NEILL 1:14 P parcel 3:12,15 Park 5:2,5,6,20 Parkland 5:5 Parks 2:8 3:5,5,10 6:9 7:15 8:3 part 5:3 particular 4:24 7:22 8:12 passage 5:4,18 passenger 4:14 Pennsylvania 1:6 2:10 Philadelphia 1:2 1:6 3:9,18 7:14 7:19,20 platforms 4:1 please 2:5 3:1 8:1 point 6:8 practices 4:3 PRESENT 1:10 President 1:11 2:2,16 3:1,2 4:22 6:4 7:7,8 8:8,14,21 9:2,5 9:7 President's 8:1 proceed 3:1 proceedings 10:5	property 5:1 7:21 8:3 provide 3:24 7:24 providing 4:3 Public 2:3 5:1 8:16,16,17 10:13 purpose 4:23 pursuant 3:17 p.m 1:7 9:14 Q questions 8:10 quick 2:16 quickly 2:21 6:5 R R 10:1 reach 6:23 read 2:5 5:19 reading 4:19 8:24 9:10 real 2:16,21 4:22 reason 5:24 rebuilding 3:24 Recks 8:3 recognizes 6:2 7:10 8:18 recommendation 8:23 recommendo... 9:9 record 2:17 4:8 Recreation 2:8 3:6,10 6:9 Recs 7:15 reducing 4:15 referenced 3:15 referred 3:13 regarding 6:13 relates 5:4,4 renewal 3:20 6:7 renovation 3:23 reported 8:22 9:8 reporter 10:21 reproduction 10:19 request 4:17	required 5:7,8,21 respectfully 4:17 response 8:13 9:6 result 5:20 retention 4:2 revisit 5:15 Ridge 2:13 3:12 right 5:19 7:3 Rina 6:24 Room 1:6 RPR 10:13 rules 4:18 5:9,17 5:19 8:23 9:9 S safe 3:24 safety 4:14 saying 5:23 seek 3:18 SEPTA 2:12,18 3:11,16,18,21 4:10 6:9,13,17 7:12,16 8:2 session 4:19 9:1 9:10 sidewalks 7:18 signage 4:4 site 3:21,22 4:4 site's 4:15 soon 8:5 sorry 6:15 8:16 Southeastern 2:10 SQUILLA 1:15 Staff 3:4 Station 2:17 status 6:24 stenographic 10:7 storm 4:2 Street 2:13,14 3:13,13 sunshining 8:5 supervision 10:20 support 3:8 suspend 4:17 suspended 8:24 9:10	sustainable 4:3 system 4:2 T T 10:1,1 table 2:23 taken 10:7 technically 5:6 tells 4:10 term 3:19 6:5 terminal 3:16 4:15 terminals 7:17 terms 2:14 7:2,3 8:3 testify 8:11 thank 4:21,22 6:3 7:6,8,11 8:7,8 8:15,20 9:2,12 things 7:18 think 6:20 Thursday 1:7 time 2:19 title 2:5 today 3:6 4:10 transcript 10:9,18 Transit 2:17 3:16 Transportation 2:11 5:1 triangular 3:11 trying 7:4 two-thirds 5:15 5:17 two-third's 5:7 U underground 4:2 V vote 5:7,14,18 W W 1:12 want 5:10,15 water 4:2 way 5:19 we're 2:21 WILLIAM 1:13	WILSON 1:12 witness 2:23 8:10 www.strehlowc... 10:24 Y year 4:6 years 3:20 6:6 1 1:20 1:7 1:27 9:14 10 1:7 12 4:9 120123 9:8 120213 1:17 2:7 3:9 8:19,21 15-year 3:20 6:6 18 4:7,10 1906 3:17 2 2012 1:7 3 33rd 2:13 3:12 4 400 1:6 5 50 3:20 6:6
---	---	--	---	--