

COUNCIL OF THE CITY OF PHILADELPHIA
COMMITTEE ON TECHNOLOGY AND
INFORMATION SERVICES

- - -

Room 400, City Hall
Philadelphia, Pennsylvania
Thursday, June 4, 2009
2:35 p.m.

- - -

PRESENT:

COUNCILMAN BRIAN J. O'NEILL, CHAIR
COUNCILMAN FRANK DiCICCO
COUNCILMAN CURTIS JONES, JR.
COUNCILMAN JACK KELLY
COUNCILWOMAN BLONDELL REYNOLDS BROWN
COUNCILMAN FRANK RIZZO

BILL 090097 - An ordinance authorizing the
Department of Public Property of the City of
Philadelphia to enter into an agreement with
The School District of Philadelphia for:
School District use of the City's 800
megahertz public safety radio communications
system...

- - -

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1
2 COUNCILMAN O'NEILL: Good
3 afternoon. I'd like to call to order the
4 hearing of the Committee on Technology
5 and Information Services on Bill No.
6 090097.

7 Will the Clerk please read the
8 bill.

9 THE CLERK: Authorizing the
10 Department of Public Property of the City
11 of Philadelphia to enter into an
12 agreement with the School District of
13 Philadelphia for: School District use of
14 the City's 800 megahertz public safety
15 radio communications system; provision of
16 radios and equipment to the School
17 District for the use of such system; and
18 assignment and co-licensing by the School
19 District to the City of certain federal
20 licenses for use of the 800 megahertz
21 spectrum; all under certain terms and
22 conditions.

23 COUNCILMAN O'NEILL: I'd like
24 to state for the record that there is a
25 quorum of the Committee. Including the

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2 Chair, we have to my right Councilman
3 Frank DiCicco, Councilman Curtis Jones.
4 To my left, we have Councilman Jack Kelly
5 and Councilman Frank Rizzo, and we're
6 being joined also by Councilwoman
7 Blondell Reynolds Brown.

8 Our first witness and maybe our
9 only witness, I'd like to ask you to
10 state your name for the record,
11 Commissioner.

12 COMMISSIONER SCHLOTTERBECK:

13 Good afternoon, Chairman O'Neill and
14 members of the Committee on Technology
15 and Information Services. My name is
16 Joan Schlotterbeck. I'm the Commissioner
17 of the Department of Public Property.

18 I am here today to testify --
19 to offer testimony in support of Bill No.
20 090097, intergovernmental agreement with
21 the School District of Philadelphia for
22 use of the City's 800 megahertz public
23 safety system. This agreement calls for
24 the City to enter into a four-year
25 agreement with the School District of

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2 Philadelphia for the use of the City's
3 800 megahertz public safety radio system,
4 provision of radios and equipment to the
5 School District for each system and the
6 assignment and co-licensing by the School
7 District to the City of certain federal
8 licenses for use of the 800 megahertz
9 spectrum, all under certain terms and
10 conditions.

11 This endeavor began with the
12 Shared Services Task Force that was
13 convened jointly by the City, City
14 Council and the School District. The
15 intent was to work together to find areas
16 that shared services such as the 800
17 megahertz system could be utilized to
18 enhance the security of the School
19 District and to allow the City to obtain
20 800 megahertz channels that are not
21 generally available.

22 Once the four-year agreement is
23 approved by both parties, the City will
24 turn over to the School District radios
25 and equipment to be used by their

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2 security staff of approximately 100 and
3 by the School District's operations staff
4 in each school, 275. The City also
5 agrees to provide eight base stations for
6 school bus dispatchers and to assist in
7 equipping the 618 buses in the School
8 District fleet by matching the School
9 District spending for such radios on a
10 one-to-one basis over the four-year term
11 of the agreement.

12 The City, upon execution of the
13 agreement, will receive five 800
14 megahertz channels for the City's
15 exclusive use, and five channels will be
16 co-licensed and available for joint use
17 by the City and the School District.

18 Upon expiration of the warranty
19 period on all radios, the School District
20 will be responsible for maintenance
21 costs, including battery replacement.

22 The City will program radios with
23 templates agreed upon by the City and the
24 District. Installation of the radios in
25 the bus fleet will be performed by the

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2 City's technicians.

3 The inclusion of the School
4 District as well as other agencies such
5 as the Philadelphia Regional Port
6 Authority has allowed the City to receive
7 approval for a PSIC, Public Safety
8 Interoperable Communications, grant,
9 which is provided by the United States
10 Department of Homeland Security through
11 the Commonwealth of Pennsylvania.

12 It is the belief of both the
13 City and the School District that the
14 provisions of radios for use in their
15 facilities, buses and by the School
16 District's public safety personnel will
17 enhance safety and communications between
18 the City and the School District,
19 allowing faster response when required
20 for all parties on the system.

21 We are asking for City
22 Council's approval of this agreement. We
23 thank you for the opportunity to testify
24 on this important initiative.

25 I am requesting a suspension of

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2 the rules so as to allow for the first
3 reading at the next session of Council.

4 I'm joined here today with
5 Deputy Commissioner for Communications,
6 Frank Punzo, and there's also two
7 representatives from the School District
8 here also to answer any questions you may
9 have.

10 COUNCILMAN O'NEILL:

11 Commissioner, first I'd like to thank the
12 Administration and yourself and Deputy
13 Commissioner Punzo for the briefing that
14 you gave to Council staff and also any
15 Councilmember that was interested in
16 being briefed.

17 COMMISSIONER SCHLOTTERBECK:

18 You're welcome.

19 COUNCILMAN O'NEILL: What is
20 the amount of the Homeland Security grant
21 that this is part of; do you know?

22 DEPUTY COMMISSIONER PUNZO: The
23 total amount is \$8.3 million.

24 COUNCILMAN O'NEILL: 8.3?

25 DEPUTY COMMISSIONER PUNZO:

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2 Yes.

3 Deputy Commissioner Frank

4 Punzo.

5 COUNCILMAN O'NEILL: What is
6 the length of warranty for the radios?

7 DEPUTY COMMISSIONER PUNZO:
8 Three years.

9 COUNCILMAN O'NEILL: Is there
10 any cost to the City for this agreement
11 with the School District?

12 DEPUTY COMMISSIONER PUNZO: The
13 cost to the City is for the procurement
14 of some of the radios. The grant does
15 not allow us to pay for every radio. But
16 we have done the procurement of the
17 radios over the last -- we've done a
18 procurement of the radios over the last
19 year and a half, so it has come not out
20 of the General Fund, but out of the 9-1-1
21 fund. So no funds from the General Fund.
22 The PSIC grant is a grant where we had to
23 provide 20 percent match for the entire
24 grant. This contributed towards that.

25 COUNCILMAN O'NEILL: Can you

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2 describe how this agreement will enhance
3 the safety of the school children, just
4 in your own words?

5 DEPUTY COMMISSIONER PUNZO:

6 Basically, we've piloted this. We have
7 about 25 radios in the school police's
8 hands today, but by allowing the School
9 District police to have a direct
10 communication to our Police and Fire
11 Departments, we'll enhance that, as well
12 as with the school safety offices that
13 are in each school, it will allow direct
14 communication and better communication to
15 their police force as well as to our
16 police force.

17 And, finally, as it relates to
18 the buses, security from the children
19 being transported to and from school and
20 then ultimately to look out at the
21 Homeland Security aspect of if we had to
22 do evacuations, having the ability to
23 communicate with those buses and have
24 them evacuate people would be another
25 plus.

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2 COUNCILMAN O'NEILL: It sounds
3 simple, but it really can be a big deal
4 under certain circumstances.

5 DEPUTY COMMISSIONER PUNZO:
6 Absolutely.

7 COUNCILMAN O'NEILL: Where
8 public safety is really at risk.

9 DEPUTY COMMISSIONER PUNZO:
10 Yes.

11 COUNCILMAN O'NEILL: What
12 companies will be providing the radios
13 and other equipment?

14 DEPUTY COMMISSIONER PUNZO:
15 Motorola.

16 COUNCILMAN O'NEILL: And my
17 last question, it's my understanding over
18 the years the National League of
19 Cities -- I hear about the spectrum and
20 the limited number of channels and things
21 that are out there. Are new channels,
22 being able to procure new channels,
23 almost invaluable or priceless? I mean,
24 you can't pay a million dollars for one,
25 right?

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2 DEPUTY COMMISSIONER PUNZO:

3 Correct. You just can't go out and buy
4 one.

5 COUNCILMAN O'NEILL: Because
6 they're not available.

7 DEPUTY COMMISSIONER PUNZO: To
8 quote Visa or American Express, they are
9 priceless. You can't go out and secure
10 them and go to the FCC and say, I want
11 five or I want ten of these. They just
12 aren't for sale, which made them, of
13 course, valuable to us in that we worked
14 hand in hand with the School District,
15 but that their value -- you can't put a
16 dollar value on them, a direct
17 correlation of the dollar value. But if
18 you could go out and buy them, I'm sure
19 that they would be in a million plus
20 range for each one of the channels.

21 COUNCILMAN O'NEILL: Councilman
22 Rizzo.

23 COUNCILMAN RIZZO: I think
24 Councilman Kelly, Mr. Chairman.

25 COUNCILMAN O'NEILL: Councilman

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2 Kelly. Okay.

3 COUNCILMAN RIZZO: Then I'll
4 follow up.

5 COUNCILMAN KELLY:

6 Mr. Chairman, I just want to say that due
7 to the late start of this Committee
8 hearing, unfortunately, I had made
9 previous commitments and it would require
10 me to leave this Committee, but I would
11 like to go on the record as supporting
12 and voting for Bill No. 090097.

13 COUNCILMAN O'NEILL: Thank you.

14 COMMISSIONER SCHLOTTERBECK:

15 Thank you.

16 COUNCILMAN RIZZO: Thank you,
17 Mr. Chairman.

18 COUNCILMAN O'NEILL: Councilman
19 Rizzo.

20 COUNCILMAN RIZZO: For the
21 record, I just for the record want it to
22 be known that the seed on this idea, this
23 opportunity, developed right here in this
24 Council Chamber. I'm not naming names,
25 but I want this Committee that you

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2 describe for making these relationships,
3 it all started right here during the
4 budget process. So let's not forget
5 that.

6 The question that I want to ask
7 is, what do you mean by "co-license"?

8 DEPUTY COMMISSIONER PUNZO:

9 Co-license means that the licenses with
10 the FCC will be in the name of the School
11 District as well as the City of
12 Philadelphia.

13 COUNCILMAN RIZZO: That leads
14 me to one problem I'm having, and I think
15 I told you that during the briefing.
16 There are ten channels there.

17 DEPUTY COMMISSIONER PUNZO:

18 Correct.

19 COUNCILMAN RIZZO: And I
20 understand that there's some hesitation
21 by the School District to release the
22 additional five channels. Is this a
23 trust? I just don't understand what the
24 hesitation of the School District would
25 be to give us all five. Do they think

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2 we're going out of business or we're
3 going to not let them use the system?
4 Because I understand that moving all ten
5 channels into the system immediately
6 would be a savings to the City and have
7 to install five at one time, five later.
8 It just doesn't make any sense that --
9 we're not in a situation here where all
10 ten channels can come over at the same
11 time.

12 DEPUTY COMMISSIONER PUNZO:

13 Councilman, the reality is, we could
14 install all ten channels at the same
15 time. The co-licensing I believe was
16 done because as we had discussions and
17 the length of the agreement that we were
18 able to put in place, which is four
19 years, our School District would have
20 loved to have this or 10- or 20-year
21 agreement going forward, at which point
22 they would have released all ten channels
23 and not co-licensed them. But technology
24 changes, Administrations change, City
25 Council members change. Everything

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2 changes in a span of time, and I don't
3 want to say it was an idea of lack of
4 trust, but there was concern that after a
5 four-year period could the City decide to
6 walk away from the radio system and then
7 not leave the School District with any
8 opportunity to have channels available if
9 they had to go back onto the system on
10 their own. The likelihood of that, you
11 know, is not high, but it is something
12 that's there.

13 COUNCILMAN RIZZO: Would you
14 agree that the lawyers that work both for
15 the School District and the City of
16 Philadelphia could not come up with a
17 document that makes this a relationship
18 that's by ordinance?

19 I just don't like the fact the
20 way we're doing this deal. I'd like to
21 see all the ten channels come at once,
22 and assure the School District by law, if
23 we have to do it by ordinance, that
24 giving us the ten channels, they're on
25 the system as long as it's called the

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2 School District of Philadelphia and this
3 is called the City of Philadelphia. It
4 makes no sense to do this the way we're
5 doing it.

6 DEPUTY COMMISSIONER PUNZO:

7 Councilman, I can't speak from a law
8 perspective, but I believe that as both
9 counsels discussed this, it was not based
10 on, I believe, our Charter. Unless this
11 were to go through an authority, we
12 cannot enter into an agreement that is
13 longer than four years as the City of
14 Philadelphia.

15 COUNCILMAN RIZZO: So why can't

16 we -- and I don't want to belabor this.
17 Why can't we get all ten channels, enter
18 into a four-year agreement and then have
19 another agreement? Again, it just -- and
20 I'll let my colleague maybe help me with
21 this, the lawyer here, explain why we
22 can't do this in a different way.

23 COMMISSIONER SCHLOTTERBECK:

24 Would it be helpful if we invite the
25 folks from the School District to the

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2 table?

3 COUNCILMAN RIZZO:

4 Mr. Chairman?

5 COUNCILMAN O'NEILL: I have no
6 problem with that. I mean, I know one
7 thing, we have a four-year limit by
8 Charter. We make a decision to go
9 outside through an authority to get
10 around the Charter, and that decision was
11 made not to do that in this case.

12 DEPUTY COMMISSIONER PUNZO:

13 Correct.

14 (Witness approached witness
15 table.)

16 COUNCILMAN O'NEILL: Maybe the
17 Charter, it's one of those areas that 50,
18 60 years ago it made sense. It might not
19 make sense anymore when you get issues
20 like this.

21 But identify yourself, please.

22 MR. LOMBARDI: John Lombardi,
23 I'm Senior Vice-President, Transportation
24 Services.

25 With regard to the agreement,

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2 it's a four-year agreement. We were
3 prepared to do a 99-year agreement with
4 the City. We don't have any reservations
5 about the system being turned over to the
6 City. I mean, we've been buying fuel
7 with the City for over 30 years. We view
8 that as a similar arrangement. I don't
9 think we would ever stop buying fuel with
10 the City. I don't think we would ever
11 stop using the radio systems together.

12 So we were prepared to do a
13 99-year lease or some type of an
14 agreement that would result in permanent
15 transfer of the system.

16 COUNCILMAN RIZZO: So,
17 Mr. Lombardi, is it too late in the game
18 to get all the ten frequencies over now?

19 MR. LOMBARDI: I don't believe
20 so. I mean, I have to get approval from
21 the School Reform Commission, but --

22 COUNCILMAN O'NEILL: But you
23 need a longer agreement to do that?

24 MR. LOMBARDI: Well, yeah.

25 COUNCILMAN O'NEILL: We can't

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2 do it by the Charter.

3 COUNCILMAN RIZZO: Why can't
4 you -- if you have this trust that -- you
5 just explained about the fuel. In the
6 four-year agreement, why can't you give
7 us all ten frequencies then?

8 MR. LOMBARDI: Well, if things
9 change in four years, we lose our
10 frequencies, we have no ability to
11 communicate.

12 COUNCILMAN RIZZO: How many
13 years have you been buying fuel?

14 MR. LOMBARDI: Thirty years.

15 COUNCILMAN RIZZO: Has anything
16 changed?

17 MR. LOMBARDI: No.

18 (Witness approached witness
19 table.)

20 COUNCILMAN RIZZO: So what --

21 COUNCILMAN O'NEILL: We have
22 another witness. Could you identify
23 yourself.

24 MR. SUTTON: I'm Robert Sutton.
25 I'm the Divisional Deputy City Solicitor

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2 in the Law Department dealing with
3 technology issues, Intellectual Property
4 Division. And this is a subject that we
5 had discussed at length with the School
6 District over a period of time. There
7 was a good deal of concern about exactly
8 what the circumstances would be that
9 these channels would be turned over to
10 the City. Initially we were talking
11 about having all ten channels turned over
12 to the City. As a part of compromise
13 over time and given the number of years
14 that we felt that we could enter into
15 this agreement without going into the
16 additional complication of doing it
17 through an authority, the parties that
18 were involved with the negotiation
19 decided that it would be best to set up
20 this agreement now, get it started, it
21 goes for a period of time, it can be
22 renewed following these years if both
23 parties give notice to the other that
24 they're interested in continuing it, and,
25 of course, there could be a subsequent

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2 agreement.

3 Once the working arrangements
4 are established, it's more likely that
5 there will be that kind of trust, comfort
6 level with continuing the program. But
7 the way that it is set up right now is
8 that initially five channels would be
9 provided to the City, and they would be
10 relicensed not -- it's not immediate,
11 because it also requires FCC approval for
12 transfer of these licenses. And there is
13 a further complication because of a
14 rebanding procedure that's going on with
15 respect to all users of the 800 megahertz
16 spectrum throughout the country. And so
17 exactly what the timing would be for the
18 transfer of these licenses depends in
19 part on the FCC approvals.

20 But the plan is that we would
21 arrange -- we would apply to the FCC for
22 transfer of the five to the City and for
23 co-licensing of the other five. That
24 gives the School District the ability to
25 continue using these other frequencies to

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2 the extent that they're needed, and
3 they're needed right now with respect to
4 the school transportation system, the
5 school buses. This agreement does
6 provide that over a period of time the
7 City would match School District spending
8 to provide 800 megahertz radios for the
9 school bus drivers, but the current
10 school radio system could continue for a
11 period of time also. They would continue
12 to use that on these co-licensed
13 frequencies, but this also allows the
14 City to start using them as well in ways
15 that wouldn't interfere with the School
16 District use.

17 Then if the agreement does
18 terminate for some unanticipated reason
19 or at the end of the four-year period
20 there's a different policy and people
21 decide not to go forward with it, then
22 those co-licensed channels could, of
23 course, continue to be used by the School
24 District, and the School District has the
25 option to request that they be relicensed

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2 solely in the name of the School
3 District, and because they would have
4 continued making use of those, that would
5 be easier to provide for.

6 COUNCILMAN RIZZO: Counselor,
7 my follow-up to that, and I appreciate
8 that, but just so I have it right, the
9 first five are coming over, are they
10 co-licensed?

11 MR. SUTTON: The first five
12 that are coming over would be licensed
13 entirely by the City.

14 COUNCILMAN RIZZO: My point --

15 MR. SUTTON: Again, provisional
16 on approval from the FCC.

17 COUNCILMAN RIZZO: Then the
18 rest of my question is, the next five
19 that you're going to keep, the
20 co-licensed, are they still going to come
21 to our new system with the first five but
22 co-licensed? Are we going to be able to
23 use them, the whole ten --

24 MR. SUTTON: Yes.

25 COUNCILMAN RIZZO: -- in our

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2 new system? That's what I'm concerned
3 about, because I would like to see all of
4 that coming over --

5 MR. SUTTON: The City has the
6 option of making use of all ten, yes.
7 Exactly how that would happen I think is
8 still to be determined, because the plans
9 for particular frequencies are still up
10 in the air in part because of the
11 rebanding procedure. So that we have not
12 been issued the new frequencies that the
13 City will be using for the 800 megahertz
14 system. We will have to move over to new
15 frequencies. And also Motorola will be
16 working -- I'm presuming that the upgrade
17 bill that's also on your discussion in
18 City Council is approved -- Motorola will
19 be working on the engineering for the
20 upgraded system.

21 I don't think that it is
22 specifically determined yet exactly what
23 use at what time will be made of any of
24 these ten frequencies to be
25 transferred -- or the five frequencies to

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2 be transferred and the five frequencies
3 to be co-licensed.

4 COUNCILMAN RIZZO: Okay. So
5 what I'm hearing is that even though
6 there's going to be this co-licensing,
7 those five, the second five, will come
8 over but be co-licensed in our system?

9 MR. SUTTON: We should think of
10 co-licensing as joint use. Both the
11 School District and the City can make use
12 of those.

13 COUNCILMAN RIZZO: I got it.
14 My last question to Public Property --
15 thank you both.

16 My last question is, in your
17 testimony, Commissioner Schlotterbeck
18 mentions installation of radios in the
19 bus fleet will be performed by City
20 technicians. Are we being reimbursed for
21 that?

22 DEPUTY COMMISSIONER PUNZO: No,
23 Councilman. That is part of the overall
24 deal.

25 COUNCILMAN RIZZO: What's the

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2 value of that?

3 DEPUTY COMMISSIONER PUNZO: I

4 would say that's probably, over the span

5 of four years -- what is occurring is,

6 the School District is buying some buses

7 with the radios already installed. We're

8 just doing programming. So that would

9 have a value of probably in the area of

10 \$35 to \$50. A real installation,

11 probably in the \$100 to \$150 range as our

12 technicians. We're not very expensive,

13 trust me.

14 COUNCILMAN RIZZO: Okay. Thank

15 you.

16 COUNCILMAN O'NEILL: Just to

17 recap, there's nothing that prevents us

18 during the period of this agreement from

19 entering into a long-term agreement

20 without waiting for this to end if both

21 sides agree that it's going well?

22 COMMISSIONER SCHLOTTERBECK:

23 That's correct.

24 COUNCILMAN O'NEILL: And goes

25 through an authority and --

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2 DEPUTY COMMISSIONER PUNZO:

3 Yes.

4 COUNCILMAN O'NEILL: Maybe even
5 the Charter will change by then, who
6 knows.

7 I want to thank both of you and
8 our other witnesses.

9 Any other questions from the
10 Committee?

11 (No response.)

12 MR. SUTTON: Let me add one
13 clarification. We have spoken here about
14 this being a four-year agreement. It was
15 conceived of as a four-year agreement
16 when it was under negotiation. There was
17 a good deal of time that passed as it was
18 negotiated and even between the
19 introduction of this bill and now. It
20 was always considered that it would be
21 most convenient if the term actually
22 ended sometime during the summer recess
23 of the schools, and so the agreement is
24 actually set up under Section 2 to
25 provide for a period ending July 31st,

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2 2012. Actually, now, considering that
3 it's already June of 2009, this would be
4 just over a three-year agreement as it's
5 written now. However, the City
6 Solicitor's Office has the option of
7 making minor changes in this that are
8 still within the spirit of the bill, and
9 so it is possible that actually when we
10 work on this and finalize the agreement,
11 that we will choose an end date that
12 would be in the summer of 2013 rather
13 than 2012.

14 COUNCILMAN O'NEILL: We don't
15 need to do anything today to amend the
16 bill to permit that?

17 MR. SUTTON: That's correct,
18 because this is -- we have been talking
19 about a four-year agreement and this is a
20 minor change that I think is within the
21 discretion of the City Solicitor's Office
22 when we finalize the agreement.

23 COUNCILMAN O'NEILL: Okay.
24 Thank you.

25 The hearing, if there are no

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2 other witnesses, is adjourned. We'll go
3 into our public meeting.

4 Councilman Rizzo, can I have a
5 motion on Bill 090097 with a rules
6 suspension.

7 COUNCILMAN RIZZO: Bill No.
8 090097 reported out of this Committee
9 with a favorable recommendation, with the
10 rules of Council suspended so the first
11 reading can be at our next session of
12 City Council.

13 (Duly seconded.)

14 COUNCILMAN O'NEILL: Moved and
15 seconded.

16 All in favor indicate by saying
17 aye.

18 (Aye.)

19 COUNCILMAN O'NEILL: The ayes
20 have it, and Councilman Kelly also is
21 voting aye before he left.

22 Thank you.

23 (Committee on Technology and
24 Information Services concluded at 3:00
25 p.m.)

1
2 CERTIFICATE

3 I HEREBY CERTIFY that the
4 proceedings, evidence and objections are
5 contained fully and accurately in the
6 stenographic notes taken by me upon the
7 foregoing matter on June 4, 2009, and that
8 this is a true and correct transcript of same.

9
10
11
12
13
14 _____
15 MICHELE L. MURPHY

16 RPR-Notary Public
17
18

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20 transcript does not apply to any reproduction
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