

1
2 COUNCIL OF THE CITY OF PHILADELPHIA
3 COMMITTEE ON PUBLIC PROPERTY and PUBLIC WORKS

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5 Room 400, City Hall

Philadelphia, Pennsylvania

6 Wednesday, December 8, 2010, 12:43 p.m.

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10 Bill 100842 - Authorizing the Commissioner of
11 Public Property to enter into a license for a
12 long-term lease agreement and other related
13 agreements between the City of Philadelphia as
14 licensor and the Center City District as
15 licensee or tenant for a certain parcel of
16 land bounded approximately by JFK Boulevard,
17 15th Street, South Penn Square, and the west
18 side of City Hall, commonly referred to as
19 Dilworth Plaza, under certain terms and
20 conditions.

21
22 COMMITTEE MEMBERS PRESENT:

23 Darrell C. Clarke, Chair

24 Frank DiCicco

25 W. Wilson Goode, Jr.

William K. Greenlee

Donna Reed Miller

Frank Rizzo

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2 COUNCILMAN CLARKE: Good

3 afternoon. This is the Committee on
4 Public Property and Public Works.

5 We have established a quorum
6 with Councilman Rizzo, Councilman
7 Greenlee, Councilwoman Donna Reed-Miller,
8 and Councilman Frank DiCicco.

9 Mr. Carter, would you please
10 read the title of the first bill.

11 THE CLERK: Bill No. 100842, an
12 ordinance authorizing the Commissioner of
13 Public Property to enter into a license
14 for a long-term lease agreement and other
15 related agreements between the City of
16 Philadelphia as licensor and the Center
17 City District as licensee or tenant for a
18 certain parcel of land bounded
19 approximately by JFK Boulevard, 15th
20 Street, South Penn Square, and the west
21 side of City Hall, commonly referred to
22 as Dilworth Plaza, under certain terms
23 and conditions.

24 COUNCILMAN CLARKE: Thank you.

25 For the record, there may be

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2 some individuals who are here for a bill
3 that probably should be heard but we've
4 been running behind, the vehicle leasing;
5 that will immediately follow the Public
6 Property hearing, and it will be in the
7 Finance Committee. So either you can
8 hang around or go do something else for a
9 while.

10 Thank you.

11 (Witnesses come forward.)

12 COMM. SCHLOTTERBECK: Good
13 afternoon, Chairman Clarke and members of
14 the Committee on Public Property and
15 Public Works. My name is Joan
16 Schlotterbeck; I am the Commissioner of
17 Public Property.

18 I'm here today to testify in
19 support of Bill No. 100842, an ordinance
20 authorizing me as, the commissioner, to
21 enter into a long-term agreement between
22 the City of Philadelphia and the Center
23 City District for Dilworth Plaza. The
24 purpose of the agreement is to permit the
25 Center City District to reconstruct

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Dilworth Plaza into a state-of-the-art urban park and open the space with better connections to the transportation system below Dilworth Plaza.

The improvements will include improvements to the substructure, landscaping, a water feature, a café, elevators to the transportation concourse level below. The project will not interfere in any way with SEPTA premises but will be heavily coordinated with SEPTA's anticipated rebuild of the transportation systems and corridors beneath City Hall.

The Administration has worked closely with the Center City District on all aspects of the redevelopment plan for Dilworth Plaza, including design, general coordination, and financing.

Specifically, we helped to secure a \$15.5 million Redevelopment Assistant Program (RCAP) award from the Commonwealth, which will be matched by a \$15 million transportation investment

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2 generating economic recovery, or Tiger
3 Grant, from the federal government.

4 These funds represent
5 significant work and planning by all of
6 the parties involved in order to create
7 the best product possible. It also
8 signifies the full support of the
9 Commonwealth and federal government are
10 for this project.

11 The Administration feels
12 strongly that the redevelopment of
13 Dilworth Plaza, in conjunction with the
14 renovation of the SEPTA City Hall
15 station, will greatly improve the
16 transportation and recreation amenities
17 in the City Hall area. Creating a more
18 attractive and functional Center City is
19 key to encouraging private investment in
20 Philadelphia and increasing economic
21 development.

22 On behalf of the Department of
23 Public Property, I respectfully ask that
24 City Council approve Bill No. 100184, as
25 it receives our full support.

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2 I am also requesting a
3 technical amendment to the bill to make
4 clear that no part of the City Hall
5 itself is included in the property which
6 the Center City district will develop.

7 I am also requesting a
8 suspension of the rules so as to allow
9 for the first reading at the next session
10 of Council.

11 Thank you. I'm here to answer
12 any questions and to allow Mr. Levy also
13 to testify also on this bill.

14 COUNCILMAN CLARKE: Thank you,
15 Commissioner.

16 Mr. Levy.

17 MR. LEVY: Good morning,
18 Chairman Clarke and members of Council.
19 Thanks very much for this opportunity.

20 I'm here to testify in favor of
21 Bill 100842 in order to facilitate the
22 redevelopment of Dilworth Plaza on the
23 west side of City Hall. I'm specifically
24 requesting, as you heard from
25 Commissioner Schlotterbeck, that City

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Council authorize the Department of
Public Property to enter into a lease of
the site to the Center City District.

The reason for this lease is to
fulfill a requirement for site control,
which is a condition of the \$15.5 million
RCAP Grant we have received from the
Commonwealth for this project.

The CCD has an executed
contract for this grant, and the grant is
currently being circulated for signature
in Harrisburg from all of the requisite
State Department approvals. We have
fulfilled the other major requirement
that was placed on the grant, evidence of
matching funds in the form you've heard
again from Joan of the \$15 million Tiger
Grant we received in October from the
Obama Administration, with very strong
support from Mayor Nutter and our entire
Congressional delegation.

Our reason for asking to act on
this lease now, during the last week of
this session, is that we do not want to

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2 leave any conditions unfulfilled on the
3 RCAP Grant and therefore create any risk
4 that a new administration in Harrisburg
5 might consider revoking the grant, given
6 their budget situation.

7 The funding sources and
8 timetable, I want to just contrast that.
9 The CCD will complete construction
10 documents by early spring of next year,
11 using over \$4 million in funding we
12 raised from all the adjacent property
13 owners, from the Knight Foundation and
14 the William Penn foundation, and from our
15 CCD operating budget.

16 In addition to the Tiger and
17 RCAP Grant for the construction funding,
18 which totalled \$30.5 million, we have
19 submitted applications to two major
20 Philadelphia foundations and are prepared
21 to submit to a third.

22 We are also in discussion with
23 SEPTA about their paying for structural
24 work that is common to both their
25 renovation of the City Hall station and

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the renovation of Dilworth Plaza, and that's particularly the elevators that go up and down from the surface level to the lower levels. We anticipate that these four funding sources, which will add up to approximately \$14 million will bring us very close to the final number.

The CCD then has in place a loan commitment from PNC Bank, which can serve as a source of construction funding because both the federal and state grant are reimbursement grants but will be our final gap financing in the event we don't raise the balance.

Assuming that we receive all required approvals of the federal, state, and city level in a timely manner, we're prepared to bid this project next spring, start construction in the fall of 2011, and be complete by the end of 2013.

Through this ordinance, the City will lease the site to the Center City District, which is a municipal authority created under the Municipality

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Authorities Act of 1945. I should note that this is the same structure that City Council approved for the very successful Café Cret on the 1600 block of the Parkway, where the CCD used grant revenues and its own resources to upgrade the park and build the café. All of the rents from that café are pledged to maintain the park. And it was a competitively-selected operator, and that is the same model we want to follow here.

To fulfill the State's site control requirement for Dilworth, the lease has to be for at least 20 years, which is the length of the bond issue that finances RCAP Grants.

During the construction process, the CCD and its contractors will maintain general liability insurance at levels required by the City and will indemnify the City.

We are firmly committed to providing opportunities for minority and female participation in the building and

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operation of this project. We have met with the City's Office of Economic Opportunity to prepare a formal plan, which we will execute. We will competitively bid all construction work and will incorporate into construction documents a City-approved economic opportunity plan for minority, female, and disabled participation.

In the operating phase, the City will continue to provide police services on the plaza and in the underground concourse.

Under the lease, the CCD will assume basic cleaning, site, and landscape maintenance responsibilities and will fund this from revenues raised through its assessments through private contributions and from rents paid by the café operator and other concessions I'll talk about in a moment.

As we did with Café Cret, the CCD will competitively bid café operations and all other concessions

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again, and all will be consistent with the EEOP plan.

Key to the success of this project will be the active programming and management of the site. Currently, the current plaza is a very difficult place to hold major events because of the sunken plaza, multiple stairways, numerous changes in elevations. In the new plan, the site will eliminate all stairs and become one flat plain on the level with the street.

As you will note in the site plan, and if you look at Exhibit A on page 3, the large area on the left side, which, on the top drawing, number 14, is shown as a fountain. This is a very thin sheet of water. Those of you who have seen Millennium Park in Chicago, it's a thin reflecting pool. Each of the panels can be drained so that in a moment's notice, you turn it off, and it can be drained and dry.

That is the site where we can

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2 do multiple events. And you see here
3 illustrations of a concert being held
4 there with a stand. You see the
5 opportunity for farmers markets and
6 winter ice-skating. All power will be
7 brought to that site to provide for each
8 of those activities.

9 The portion of the site -- I
10 should pick up the -- because this is
11 Public Property adjacent to City Hall, we
12 will work closely with the Public
13 Property Commissioner and the City
14 Representative's Office to develop an
15 events policy that meets all of the
16 City's needs.

17 I should say -- backup. I
18 skipped over one part of my testimony.
19 Just to clarify, that in approving this
20 lease, we still have all of the
21 requirements to get final approval from
22 the Historical Commission. We have
23 preliminary approval.

24 So in approving this lease, you
25 are in no way foregoing your rights and

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2 responsibilities as a city to take this
3 in front of the Art Commission and
4 Historical Commission for full approval.
5 That will follow in the spring.

6 We also then, from an operating
7 point of view, work with the Public
8 Property Commissioner and City
9 Representative's Office to have a policy
10 that meets all of the City's needs.

11 I should note that when you
12 look at the site itself, and if you go to
13 the illustrations and you go to the first
14 page, on page 2, this parcel is about
15 100,000 square feet. It's about
16 one-third the size of Rittenhouse Square,
17 just to give you a sense of that.

18 But the sunken area, which is
19 to the left, is about 16,000 feet --
20 excuse me, 12,000 square feet. The
21 oculus, the round circles, are around
22 3,000 square feet. There's another 3 to
23 4,000 square feet of stairways, all of
24 which become unusable space.

25 And so, we are adding capacity

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2 to this site for events. That is, there
3 will be much more space, about 20,000
4 more square feet of usable space, on this
5 plaza so that more can happen on this
6 plaza rather than less.

7 We fully expect this to be the
8 place for rallies when our sports teams
9 win. But as I said before, this will be
10 done in very close coordination with the
11 Public Property Commissioner and the City
12 Representative's Office.

13 I'd be glad to answer any
14 questions that.

15 COUNCILMAN CLARKE: Thank you,
16 Mr. Levy and Commissioner. A lot of my
17 colleagues have questions. Actually,
18 what I'm going to do is, I'm going to
19 defer to my colleagues first.

20 Councilman Rizzo.

21 COUNCILMAN RIZZO: Mr. Levy, I,
22 many months ago, learning the fact that
23 there's going to be this project,
24 communicated with the Planning Commission
25 and asked them specifically -- and I'm

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2 sure the Public Property Commissioner
3 will verify that there is a considerable
4 amount of money spent when we do events
5 out there like the Phillies rally, the
6 Eagles rally, for the portable stages --
7 set it up, take it down.

8 I heard you say that there's
9 going to be an area that will not require
10 the portable stage or the platforms.
11 Could you point that out on the diagram,
12 where that would be?

13 MR. LEVY: Sure. I think
14 the --

15 COUNCILMAN RIZZO: And I'm glad
16 that somebody was listening.

17 MR. LEVY: Right. On the first
18 page -- excuse me, on the second -- I'm
19 sorry, the first page of the attachments,
20 if you look at image number 3, what you
21 see in that large rectangle to the left
22 is where the fountain normally is, and
23 that can be turned off. That is the flat
24 area that will be fully equipped with
25 separately metered power so that any

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2 activity can occur there.

3 This can also accommodate
4 stages; I want to be clear about that.
5 This can hold events without a stage or
6 with a stage, but we won't need all of
7 those cables, you won't need to be
8 rolling cables for various events; it
9 will out all be built into the
10 infrastructure of the site.

11 COUNCILMAN RIZZO: So in the
12 plan, there is -- you used the word
13 "elevated area." So are you telling me
14 that if the Mayor -- or if we have a
15 Phillies rally, we have a X, Y, Z rally,
16 that we're still going to have to erect a
17 stage because we're not going to have an
18 area elevated for the public to gather
19 around?

20 MR. LEVY: That is correct. It
21 will be one flat plain, but it is
22 designed to carry a stage, and we will
23 have that stage as part of the
24 construction.

25 COUNCILMAN RIZZO: So it will

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2 still be required to --

3 MR. LEVY: We'll need to erect
4 a stage. I mean, this is a multipurpose
5 stage, which can be a fountain.

6 And this is the same location
7 if you look on the third page. On the
8 third page, you'll see that is also where
9 the ice-skating rink will be erected.

10 But as the Commissioner just pointed out
11 to me, those will not be City expenses;
12 those will be borne by ourselves in
13 managing this, and revenues from that
14 will come from the enterprises on the
15 site itself.

16 COUNCILMAN RIZZO: So if we
17 want to have a rally -- if Council wants
18 to have a rally for a particular issue,
19 we're going to have to pay the contractor
20 to have an event out there?

21 COMM. SCHLOTTERBECK: No.

22 MR. LEVY: No, absolutely not.
23 This is City property, and clearly, that
24 is what we mean by "working out a
25 policy." There will be City events that

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2 will have no rent to be paid on the site,
3 absolutely.

4 COUNCILMAN RIZZO: Okay. Do
5 you mean to say that the people that
6 designed this could not design something
7 that would give us that -- to avoid that
8 setup and breakdown cost? Because even
9 if it is -- you develop a policy for City
10 events, somebody's got to pay, and it's
11 probably going to be the City.

12 I mean, I just can't
13 understand. I mean, if you go to
14 downtown Manhattan -- and I forget the
15 exactly location where everybody gathers,
16 there's a stage there that requires
17 very -- that requires no setup or
18 breakdown.

19 Why can't we at least take a
20 look at that and have a stage that's
21 there, that requires no labor?

22 MR. LEVY: I think we can
23 certainly look at that. But what we're
24 trying to achieve is the maximum
25 flexibility in this space so that it can

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2 be for farmers market, it can be for
3 ice-skating, it can be for the Christmas
4 markets. So the goal was to have a space
5 that can be actively programmed for
6 multi-uses, not one use.

7 COUNCILWOMAN MILLER: Hi. Good
8 afternoon.

9 (Councilman Greenlee assumes
10 committee chairmanship at this point.)

11 COUNCILMAN GREENLEE:
12 Councilwoman Miller.

13 COUNCILWOMAN MILLER: I have
14 two questions.

15 I agree with Councilman Rizzo
16 regarding a stage. I think we should
17 build a stage, a position somewhere where
18 it can still be -- the space can still be
19 flexible.

20 We're building -- I'm building
21 a couple stages at playgrounds. And,
22 boy, you don't know how much relief that
23 will provide those particular sites.

24 MR. LEVY: Sure.

25 COUNCILWOMAN MILLER: And you

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2 don't have to go around looking for a
3 showmobile or any of those big stages to
4 accommodate whatever you're having.

5 That's number one.

6 And what about a area for,
7 like, tables for people that might want
8 to eat lunch outside? Or I see on the
9 diagram, you have like a ledge or this
10 big step where people can sit.

11 MR. LEVY: Right, right.

12 COUNCILWOMAN MILLER: What
13 about anything like that?

14 MR. LEVY: As to your first
15 question, as I said to Councilman Rizzo,
16 we're more than prepared to look at the
17 possibility for a stage. There are
18 places that could be accommodated.

19 As to I think what we have
20 shown in the diagram and in all the area
21 around the large green lawn are a whole
22 set of benches. What is not shown in the
23 renderings is, we will want to do what is
24 done in many parks with moveable chairs
25 that can be put out there. That will be

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2 part of [indiscernible] because people
3 like to move their chairs around on the
4 lawn. And that will all be part of the
5 site furnishings.

6 COUNCILWOMAN MILLER: Okay, all
7 right. Thank you.

8 COUNCILMAN GREENLEE: Thank
9 you.

10 I just had more of a general
11 question, Mr. Levy. I don't know if you
12 addressed this or not; I might have
13 missed it. What has there been and what
14 do you plan to have as far as public
15 input on this and public suggestions, if
16 you will?

17 MR. LEVY: Sure, yeah. Well,
18 we've been, through first of all, a very
19 extensive process, met repeatedly with
20 the adjacent property owners and
21 residents on the site.

22 We've repeatedly presented to
23 both the Avenue of the Arts organization,
24 to the Philadelphia Convention and
25 Visitors Bureau, to the Parkway Council,

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2 and to the board of the Convention Center
3 Authority.

4 We have presented in front of
5 the American Institute of Architects.
6 We've presented twice in front of the
7 Design Advocacy Committee.

8 And we have presented once for
9 information purposes in front of the
10 Planning Commission.

11 As I said, we've been in front
12 of the Historic Commission and their
13 architectural review committee and
14 received their preliminary approval.

15 And we presented, but did not
16 seek approval, of this in the front of
17 the Art Commission, and we'll be back
18 there again early next year.

19 COUNCILMAN GREENLEE: Now, as
20 you go forward, will there be any other
21 time where people can weigh in before
22 it's, like, finalized?

23 MR. LEVY: Absolutely. I mean,
24 again, we have been -- you know, in the
25 last two months, we have been delighted

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2 to get word from Washington of the
3 federal funding and of the Governor's
4 commitment to that site. And so, we are
5 finalizing.

6 There are a lot of comments we
7 got that have now been incorporated into
8 the design, which we'll be more than glad
9 to share with the public.

10 COUNCILMAN GREENLEE: Okay.

11 And some of those other organizations
12 that you mentioned, have they actually
13 gone onboard and been supportive yet? Or
14 some have, some haven't?

15 MR. LEVY: I don't want to
16 speak for them.

17 COUNCILMAN GREENLEE: Okay.

18 MR. LEVY: I know that the
19 second meeting we had with the Design
20 Advocacy Committee, there had been
21 questions in the first meeting.

22 COUNCILMAN GREENLEE: Mm-hmm.

23 MR. LEVY: There was no vote
24 taken, but I think there was -- I think
25 they recognize we had made major changes

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2 that they had requested.

3 COUNCILMAN GREENLEE: And I
4 guess -- just one last thing, just
5 generally. Were any of these groups,
6 organizations you talked that just
7 thought it was not a good idea to do
8 anything there? I mean, is there any --
9 anybody that said, We'd rather it be left
10 sort of an open area?

11 MR. LEVY: I think maybe one
12 individual is prepared to testify today.

13 COUNCILMAN GREENLEE: I know, I
14 know --

15 MR. LEVY: -- who has expressed
16 opposition to aspects of it, so I think
17 he should speak for himself.

18 COUNCILMAN GREENLEE: That
19 would be -- okay.

20 MR. LEVY: That's the only one
21 that we're aware of.

22 We've had questions raised
23 about the design.

24 COUNCILMAN GREENLEE: Right.

25 MR. LEVY: And this has been

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2 very much a back-and-forth process.

3 What you are seeing is at least
4 the third version of the development of
5 this. This has evolved over two-and-a-
6 half, three years.

7 COUNCILMAN GREENLEE: 'Cause
8 I'm one who thinks we should certainly do
9 something there.

10 MR. LEVY: Absolutely.

11 COUNCILMAN GREENLEE: But I
12 just wanted to get that on the record,
13 that there hadn't been much opposition --
14 or much feeling that it should be sort of
15 left fallow for lack of a better word.

16 Okay, thank you.

17 (Councilman Clarke resumes
18 committee chairmanship at this point.)

19 COUNCILMAN GREENLEE: Okay.

20 Thank you, Mr. Chair.

21 COUNCILMAN CLARKE: Thank you,
22 Councilman.

23 I had to step out for a minute.

24 Mr. Levy, my issues -- and I'm
25 sort of referencing them to you -- were

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2 operational responsibility, maintenance.

3 One of the things that I'm still unclear
4 is this whole notion about who ultimately
5 decides what type of events happen, who
6 initiates the ability for someone to have
7 an event, who has final say on the type
8 of events, certain criteria for events.

9 I'm still not clear on that.

10 Who -- 'cause I'm hearing conflicting
11 information. Who -- "ABC Group" wants to
12 do whatever on the plaza, and they go to
13 who?

14 COMM. SCHLOTTERBECK: Well,
15 councilman, right now, the approval for
16 any event on City property either comes
17 directly from the City Representative's
18 Office, depending on what the event is.

19 COUNCILMAN CLARKE: Right.

20 COMM. SCHLOTTERBECK: Or the
21 City's Managing Director's Office. We're
22 not going to give away those rights.
23 We're going to still maintain that
24 coordination with the Center City
25 District.

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2 So as I -- the way I can
3 explain it is, if the Philadelphia
4 Orchestra wanted to do an event and it
5 happened to be the day of the Mummers
6 Parade, the parade's on and the concert's
7 off. I mean, we're not giving away any
8 control of what happens on the site.

9 COUNCILMAN CLARKE: So the
10 Center City District, what you're saying,
11 is in no way involved in the
12 authorizations of events.

13 COMM. SCHLOTTERBECK: No, I
14 didn't say that.

15 COUNCILMAN CLARKE: All right.
16 What are you saying?

17 COMM. SCHLOTTERBECK: I'm
18 saying that the City will always have the
19 first place in terms of the use of the
20 plaza. In other words, whatever events
21 that we want, if Council has something
22 that they want that's a priority. The
23 ideal --

24 COUNCILMAN CLARKE: I'm not
25 talking about priorities; I'm talking

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2 about who -- I want to an event next week
3 on the plaza, after this is done, who do
4 I go to?

5 COMM. SCHLOTTERBECK: The
6 Center City District.

7 MR. LEVY: Yeah. I -- let me
8 just start with a simple analogy, which
9 is on the Café Cret; that entire site is
10 leased to us. At any time there is a
11 City parade, barricades are set up, and
12 whatever plan we may have had for that
13 park is superseded by the Parkway events,
14 et cetera. And that's an understanding
15 that's implicit in the agreement.

16 This is a space that has been
17 programmed for more activities. I again
18 want to emphasize that currently, most of
19 this site is not usable for events. And
20 just like in expanding the Convention
21 Center, we are giving the opportunity for
22 multiple events simultaneously.

23 This plaza now has two major
24 areas for two major events, if you will.
25 That is, the green lawn area can have

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2 platforms put down over it and events can
3 be there; and there can be events that
4 can happen with the fountain being turned
5 off our.

6 It is our plan that we would
7 have a regular schedule of events --
8 concerts, small-scale activities that
9 would be approved by the City as part of
10 the lease and that there would be
11 override provisions that the City would
12 have. We fully understand this is a
13 plaza immediately next to City Hall.

14 What we are bringing is
15 \$50 million that we have raised to
16 improve this site and a set of revenue
17 streams which will eliminate costs that
18 the City currently has for maintaining
19 this. And yet, in all of that, we
20 recognize fully that this is the City's
21 plaza and that City priorities will take
22 hold.

23 COUNCILMAN CLARKE: All right.
24 Well, I appreciate and I want to commend
25 you for getting the \$50 million. And I

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2 got to publicly admit that none of us
3 ever thought that you were going to do
4 this.

5 (Laughter.)

6 MR. LEVY: I understand. I had
7 doubts at the same time I said this.

8 COUNCILMAN CLARKE: Which was
9 why it was pretty easy to commit to you
10 three, four years ago, when you started,
11 "Yeah, Paul, we got your back, yeah."

12 MR. LEVY: I understand that.
13 I'm persistent, Councilman.

14 COUNCILMAN CLARKE: Nobody
15 thought you had any chance whatsoever,
16 and I want to congratulate you.

17 MR. LEVY: Well, thank you. I
18 appreciate that, I appreciate that.

19 COUNCILMAN CLARKE: But this is
20 a significant public space.

21 COMM. SCHLOTTERBECK: Right.

22 COUNCILMAN CLARKE: And this
23 whole issue about usage is extremely
24 important to me, and I'm sure it is to my
25 colleagues. And I asked a simple

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2 question, and I got a week response from
3 you, Commissioner and a long response
4 from you.

5 COMM. SCHLOTTERBECK: Well, how
6 can I clear it up?

7 COUNCILMAN CLARKE: Who do I go
8 to to start the process to use the plaza?

9 COMM. SCHLOTTERBECK: Well --

10 COUNCILMAN CLARKE: It's a real
11 simple question. Where do I physically
12 go?

13 COMM. SCHLOTTERBECK: I would
14 probably say you go to the Center City
15 District.

16 COUNCILMAN CLARKE: And I'm not
17 talking about who takes priority and who
18 gets to say, "Well, I think this should
19 take precedence over that."

20 MR. LEVY: Councilman --

21 COUNCILMAN CLARKE: Who do I go
22 to?

23 MR. LEVY: Sure. If I could
24 pick up on exactly what you just said,
25 which that we have all been working very

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2 hard to design this plaza, raise funds
3 for this plaza; and only in mid-October
4 did we really get the extraordinarily
5 good news from the federal government of
6 \$15 million.

7 We're also very conscious that
8 our governor is leaving office and there
9 are dollars that we need to nail down.

10 We fully have work in front of
11 us to work out all of the details of what
12 you have just asked. And so, if our
13 answers are not one hundred percent clear
14 at this moment, it's 'cause that's a bit
15 of discussion that has to go on.

16 But I do want to say that I
17 have been doing this job for 20 years,
18 working very closely with the City,
19 installing lights, improving parks.
20 We've never had one moment of conflict as
21 we've worked through those issues. We've
22 maintained concourses and train stations.

23 We are a municipal authority
24 that's authorized by the City. You give
25 us the authority to act, you supersede

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2 our authority; it's quite that simple.

3 COUNCILMAN CLARKE: Well, with
4 all due respect, Paul, you know, I know
5 you a long time.

6 MR. LEVY: Right.

7 COUNCILMAN CLARKE: I mean, we
8 have minimal influence on what you do,
9 other than saying no, as is today. If we
10 said, No, we're not going to do this.

11 MR. LEVY: No, I'm saying --

12 (Indiscernible; parties talking
13 over each other.)

14 COUNCILMAN CLARKE: On your
15 day-to-day operations, Paul, we don't
16 have any influence.

17 MR. LEVY: My point,
18 Councilman, was that in installing of
19 lights and in installing of public
20 improvements in the public environment,
21 we work hand-in-glove with the City.

22 No, you're not overseeing
23 direct operation, but there's nothing we
24 do in the public environment that doesn't
25 need to be approved either by the Streets

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2 Department, the Art Commission,
3 Historical Commission. We respect that.

4 We understand that our
5 authority is derived from this City
6 Council and from this government. And
7 so, you have our word.

8 And in working out that
9 operating agreement, what I envision will
10 happen is, we will put together -- and
11 we're talking about a day three years
12 from now, to be clear, okay? That is,
13 we're going to be under construction for
14 two years.

15 We will put together an annual
16 schedule of all known events, just as you
17 do for every other area, and that it will
18 be the agreed-upon schedule, and I
19 envision that will be an appendix to the
20 lease that will be the formal schedule
21 for the site.

22 Just as things happen by
23 surprise, that schedule will get
24 overwritten, as it does for lots of other
25 places, and the City will have the

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2 ability to override. I think that's the
3 concept we have.

4 I think to make this place
5 work, though, its failure today is not
6 only bad design and an inadequate budget
7 for maintenance; it's inadequate
8 programming of the space.

9 This space needs to be actively
10 programmed; that is what our intention is
11 to do. And we will defer, when the City
12 comes to us and says, We have this event,
13 it overrides. I think we understand
14 that.

15 COUNCILMAN CLARKE: All right.

16 COMM. SCHLOTTERBECK: And I
17 didn't mean to appear weak. What I was
18 trying suggest is that --

19 COUNCILMAN CLARKE: Well, I
20 shouldn't say that.

21 COMM. SCHLOTTERBECK: Yes.

22 COUNCILMAN CLARKE: I apologize
23 for that.

24 COMM. SCHLOTTERBECK: The
25 City Rep's --

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2 COUNCILMAN CLARKE: I couldn't
3 hear you.

4 COMM. SCHLOTTERBECK: The City
5 Rep's Office as well as the Managing
6 Director's role, I don't see those going
7 away. So I don't know whether the
8 schedule starts out on a yearly basis,
9 and then weekly there's a meeting. I
10 can't necessarily think what that would
11 look like or how it develops.

12 But, as you said, every day,
13 all day, I get told, Joan, we need a
14 microphone out on the apron, or we need
15 this done. So he knows that he has to be
16 flexible. And we know that when we make
17 our agreement and we go into that level
18 of detail, we will always maintain site
19 control. I mean, we will have the final
20 say on what happens.

21 COUNCILMAN CLARKE: Okay.

22 COMM. SCHLOTTERBECK: Whether
23 it's Public Property Commissioner,
24 whether it's the City Rep or Managing
25 Director, there has to be coordination.

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2 And as he said, I've worked on many
3 projects with the Center City District,
4 and the coordination is there, and they
5 have always yielded when we said it can't
6 happen.

7 And I just -- I don't -- I
8 don't -- right now, I don't foresee a
9 problem. I don't know all of the
10 answers, as Paul said, because we're
11 talking three years from now.

12 COUNCILMAN CLARKE: Well, I
13 understand that and I respect that.

14 COMM. SCHLOTTERBECK: Yeah.

15 COUNCILMAN CLARKE: And I
16 respect both of you all's positions in
17 the City and tenure. And I agree that
18 getting a final authorization on funding
19 in October gives you minimal time to
20 craft all of the necessary agreements.

21 But we come -- two weeks ago,
22 an ordinance comes to Council for
23 introduction, so we have less time to
24 make a decision on something that you've
25 been working on for quite some time.

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2 COMM. SCHLOTTERBECK:

3 Understood.

4 COUNCILMAN CLARKE: So you
5 understand why I'm asking these questions
6 now.

7 COMM. SCHLOTTERBECK: Yep.

8 COUNCILMAN CLARKE: Based on
9 the requested schedule, the first hearing
10 is today, and I know a lot of my
11 colleagues haven't seen any of this. A
12 couple of 'em, maybe ones that, you know,
13 represent parts closer to the Center City
14 may have seen glimpses of it.

15 MR. LEVY: Sure.

16 COUNCILMAN CLARKE: So to ask
17 them to say okay -- and, you know, I know
18 it's -- a whole District Council
19 prerogative thing works most times, but,
20 you know, this is City Hall.

21 COMM. SCHLOTTERBECK: I --

22 MR. LEVY: And --

23 (Indiscernible; parties talking
24 over each other.)

25 COUNCILMAN CLARKE: Let me

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2 finish.

3 COMM. SCHLOTTERBECK: Yeah,

4 yeah.

5 COUNCILMAN CLARKE: And, you

6 know, obviously, we don't want to be in a

7 position where we're going to lose the

8 opportunity to get \$45 million in

9 external funding for a plaza that most

10 people think that it's, you know, a

11 marked improvement.

12 My issue is -- is anyone from

13 the Law Department here?

14 COMM. SCHLOTTERBECK: Yes.

15 Yes, John Mondlak's here.

16 (Witness comes forward.)

17 MR. MONDLAK: John Mondlak,

18 City of Philadelphia Law Department.

19 COUNCILMAN CLARKE: How you

20 doing?

21 MR. MONDLAK: Good.

22 COUNCILMAN CLARKE: I bet you

23 never thought you were going to be here

24 today, right?

25 MR. MONDLAK: I was hoping not,

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2 but here I am.

3 (Laughter.)

4 COUNCILMAN CLARKE: All right.

5 MR. LEVY: Thanks.

6 COUNCILMAN CLARKE: I heard
7 you're quite skilled.

8 Question: Understanding the
9 timeline associated with being able to
10 craft all of the specifics of the
11 operating agreements, if a provision were
12 put in this particular ordinance that the
13 ordinance moved ahead, showing site
14 control, but there was a provision that
15 would say certain aspects of the
16 operations were subject to completion of
17 a separate document, which would be the
18 operational agreement, were put in here,
19 do you think that that would affect or
20 negatively impact this particular bill?

21 MR. MONDLAK: Can you say --

22 COUNCILMAN CLARKE: Did you
23 understand the question?

24 MR. MONDLAK: I get the
25 concept, but specifically the operational

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2 agreement that you were envisioning is
3 beyond the lease. That clearly has to be
4 negotiated and signed.

5 COUNCILMAN CLARKE: See, that's
6 what I'm not clear, 'cause I'm hearing
7 that and understanding --

8 (Indiscernible; parties talking
9 over each other.)

10 COUNCILMAN CLARKE: But we're
11 being asked to pass something without
12 that language in it. And I'm sure we're
13 going to all agree with it probably, but
14 I'm saying, if there could be a reference
15 to that in this particular bill.

16 COUNCILMAN DiCICCO: Point of
17 order?

18 COUNCILMAN CLARKE: Sure.

19 COUNCILMAN DiCICCO: Could
20 something be crafted similar to what we
21 do with other bills when there is a
22 community association involved where we
23 do a community benefits agreement,
24 something crafted similar to that, that
25 would give -- it's legal, it has standing

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2 and teeth. I'm just curious is that
3 would be an easier way.

4 MR. MONDLAK: The City has
5 tried to move away from agreements with
6 community groups in the last couple of
7 years just because of the problems they
8 come up with in enforcement.

9 I hear what you're saying; I'm
10 just not sure.

11 What we intend to do is flesh
12 out all of that. What you're saying is,
13 you want to see that level of detail.

14 COUNCILMAN CLARKE:

15 Understanding that that's not available
16 today and probably won't be available by
17 the passage of the bill, but if there was
18 some reference that that was going to be
19 forthcoming and the terms of that
20 agreement were referenced in the bill and
21 maybe the terms of that agreement shall
22 be signed off by whomever -- a resolution
23 by Council or whatever -- I just need
24 some assurances that, you know --

25 MR. MONDLAK: That you're

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2 satisfied with the terms, with the
3 detail.

4 COUNCILMAN CLARKE: I don't
5 know what they are.

6 MR. MONDLAK: Right.

7 MR. LEVY: Could I make a
8 suggestion? I mean, I'm not the attorney
9 here, but it seems to me -- I've always
10 envisioned that this lease has an
11 appendix, which is called "The Operating
12 Agreement" or "Calendar," and that we
13 have no problem in the next couple of
14 weeks putting together to the best of our
15 judgment all of the scheduled events that
16 we know the City has usually but on that
17 location, the ones that we're
18 envisioning, and we'll call that "The
19 Preliminary Agreement."

20 And as we get two or three
21 years down the road, we will know that
22 that will be a document that's amended,
23 but it will be the operating calendar of
24 the plaza.

25 COUNCILMAN CLARKE: I'm not

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2 necessarily concerned about the calendar.

3 MR. MONDLAK: You're not
4 concerned about events; you're concerned
5 about --

6 (Indiscernible; parties talking
7 over each other.)

8 COUNCILMAN CLARKE: I just want
9 to make sure who's -- I'm still not
10 clear, first of all, who's in charge of
11 operations on it.

12 MR. MONDLAK: The only concern
13 that I have is whether or not it disrupts
14 any of the funding.

15 COUNCILMAN CLARKE: Right.

16 MR. MONDLAK: And I don't know
17 the answer, unfortunately, because I
18 haven't seen any of the Tiger Grant
19 documents and the RCAP; I haven't seen
20 those as well.

21 So if it didn't affect those --
22 and, unfortunately, I can't answer that
23 question -- then it wouldn't be a problem
24 to come back.

25 If you grant the authorization

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2 to enter into a lease, however, you --
3 it's not going to be effective until you
4 sign off on the maintenance agreement.
5 That may in fact trigger some problems
6 because if you're a grant funder, you're
7 going to realize that, okay, well, maybe
8 this really isn't a done deal.

9 I don't know the answer, but
10 that's my concern.

11 COUNCILMAN CLARKE: And I don't
12 want to endanger the funding.

13 MR. MONDLAK: Is there specific
14 type of issues -- I know you want it all
15 resolved; that's clear. We want it all
16 resolved.

17 Is there something that you're
18 concerned about in particular, some area,
19 some general thing you're worried could
20 go wrong? Like provided that the City
21 steps up and --

22 COUNCILMAN CLARKE: I mean, I
23 think what I'm -- what I'm -- the kind of
24 questions I'm asking are pretty basic:

25 One, I want to do something on

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2 the plaza, who do I go to. Who has final
3 authorization -- or preliminary
4 authorization and who has final
5 authorization?

6 Two. Any potential -- and I
7 hadn't gotten to these yet, potential
8 lease opportunities for vending, for
9 retail opportunities.

10 I -- you know, those are the
11 kind of things -- I just need to know
12 what that process is, what the criteria
13 is going to be establishing that, and
14 ultimately whose responsibility it is.
15 Pretty basic stuff.

16 MR. MONDLAK: To the extent
17 that there are answers to those
18 questions -- although I'm not sure this
19 is the practice Council wants to get
20 into, but you can pass the bill subject
21 to the fact that the City has ultimate
22 control over public events on the site or
23 last say or something like that.

24 That you can do, and that would
25 not affect any of the funding because

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2 they just want to lock certain agreement.

3 They're not concerned about the details;

4 they want to know that it's done. It's

5 not so much -- the funders don't care who

6 ultimately is going to be responsible for

7 public events.

8 COUNCILMAN CLARKE: Correct.

9 MR. MONDLAK: That's something

10 that you can clearly put in.

11 COUNCILMAN CLARKE: Yeah, I

12 mean, I'm assuming they don't care; they

13 just want to see site control.

14 MR. MONDLAK: Exactly.

15 COUNCILMAN CLARKE: But we have

16 to care so --

17 MR. MONDLAK: I know. And I

18 think part of that -- I guess if the

19 Commissioner -- if you are clear to what

20 it is that you want and the Commissioner

21 is clear that she is absolutely going to

22 make sure that that happens, then that is

23 another way.

24 But if you're uncertain because

25 you don't know where you want it to go or

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2 you're uncertain that the Commissioner
3 will bring it in that direction, then --

4 COUNCILMAN CLARKE: I'm just
5 uncertain because I've asked a couple of
6 questions that I've yet to get answers
7 to, so --

8 MR. LEVY: Can I just make a
9 suggestion?

10 COUNCILMAN CLARKE: Answers
11 that were sufficient to me.

12 MR. LEVY: Councilman, can I --

13 COUNCILMAN CLARKE: Or
14 responses that were sufficient.

15 MR. LEVY: What we envisioned
16 clearly is that this is a lease that
17 references an operating agreement that's
18 incorporated in the lease. I've always
19 expected there's an operating agreement
20 incorporated into the lease as an
21 exhibit.

22 So if you're requesting this
23 lease, you're giving approval to the City
24 to enter into a lease agreement that has
25 an operating agreement that specifies

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2 those things. We're very comfortable
3 with that notion, that there's an
4 operating agreement incorporated in the
5 lease. I have no objections to that at
6 all.

7 COUNCILMAN CLARKE: Well --

8 MR. MONDLAK: And I think that
9 goes without saying, that those details,
10 absolutely, everybody is aware that they
11 have to go in; we haven't gotten to them.

12 I think what I've also heard
13 the Commissioner say is that ultimately,
14 it is going to be either her office or
15 somebody at the City that will, in fact,
16 have the final say on all events.
17 Whether or not you go to her office to
18 schedule your events is a different
19 question than who --

20 COUNCILMAN CLARKE: I mean I
21 don't really -- I just need to -- you
22 know, I need to know that there's some
23 process that's going to determine that --

24 MR. MONDLAK: And I -- and I --

25 COUNCILMAN CLARKE: -- and I

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2 don't see that.

3 MR. MONDLAK: And I think the
4 process will be dictated by what's the
5 most efficient. And if they're doing the
6 day-to-day programming, it probably makes
7 sense for them to work in all of the
8 bigger events, with the understanding
9 that if the City is not happy with any of
10 it, we have the opportunity to fix that
11 and correct that, we have the authority.

12 And I think that is fully
13 intended by what the Commissioner is
14 trying to articulate up here, that it
15 will be the City. It may not be her; it
16 may be the Managing Director, but it will
17 be the City.

18 COUNCILMAN CLARKE: Right,
19 okay.

20 MR. LEVY: Councilman, if I
21 could just address the other issue that
22 you --

23 COUNCILMAN CLARKE: Councilman
24 Rizzo.

25 COUNCILMAN RIZZO: What I'd

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2 like to discuss is the impact that this
3 project will have on existing venues.

4 An example: We all know
5 there's a Christmas village outside.
6 Will that be able to continue with this
7 configuration?

8 COMM. SCHLOTTERBECK: Yes.

9 MR. LEVY: Yeah. Councilman,
10 if you go to page 3 of the -- and look at
11 image 19, and then look at the center,
12 this is designed to carry what could be
13 farmers markets, it could be a Christmas
14 village. It will be physically laid out
15 a different way, but that is very much a
16 part of what we envision, all of those
17 activities, and we think that the site
18 will be much better designed for that.

19 COUNCILMAN RIZZO: And what
20 impact does this have on venues that
21 already exist on this -- in this area?
22 Do you have a list of venues that have,
23 let's say, in the last five years have
24 occurred? Because I think it would be
25 unfortunate if we start displacing --

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2 COMM. SCHLOTTERBECK: Yeah, I
3 do. We have that.

4 COUNCILMAN RIZZO: Displacing
5 venues by this configuration. So I think
6 you have to be considerate of what's gone
7 on out there for all these years and not
8 just drop it, because I also hear that
9 the community, in some cases, the
10 immediate neighbors have really not been
11 privy to what's going on. I don't know
12 if that's right or wrong. My --

13 MR. LEVY: That is not correct.

14 COUNCILMAN RIZZO: -- office
15 has gotten calls today saying that the --

16 MR. LEVY: I'm sorry. I missed
17 what you just said.

18 COUNCILMAN RIZZO: My office
19 has received calls today, Paul, saying
20 that there's not been a lot of
21 communication about this project.

22 MR. LEVY: Well --

23 COUNCILMAN RIZZO: The near
24 neighbors.

25 MR. LEVY: Well, the only

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2 immediate residential neighbors are the
3 residents at the Ritz, and we've spoken
4 at that location twice. All of the major
5 property owners, we've spoken to each one
6 of them. So we've communicated with all
7 of them.

8 COUNCILMAN RIZZO: Well, I'm
9 just being straight with you, that
10 there's been some -- so what about a list
11 of events --

12 COMM. SCHLOTTERBECK: Well,
13 councilman, I have a list of every event.

14 COUNCILMAN RIZZO: Well --

15 COMM. SCHLOTTERBECK: I mean,
16 I've been doing this for a long time.

17 COUNCILMAN RIZZO: So maybe
18 that will answer Councilman Clarke's
19 question: How do you approve an event
20 now, today?

21 COMM. SCHLOTTERBECK: What
22 happens is, I don't, I personally don't.
23 I'm the real estate owner, so I kind of
24 allow an event to happen after it's been
25 approved, either through the City Rep's

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2 Office or the Managing Director or both.

3 And that's going to remain -- what I'm
4 saying is, that's still the case.

5 It will be incorporated and
6 coordinated in the existing calendar for
7 other events that will happen because
8 this venue is so desirable.

9 When this is done -- and this
10 is totally different than what we have
11 out there right now. The opportunity to
12 do more is there and better and bigger.
13 And it's very flexible.

14 COUNCILMAN RIZZO: But it's
15 still not clear -- and I've been sitting
16 here listening of what that is going to
17 be. And all -- if you're telling me that
18 it's going to be -- I mean, you want this
19 thing out of this committee. So the
20 people that vote to get it out of
21 committee need to really, truly
22 understand what's going on here.

23 COMM. SCHLOTTERBECK: Mm-hmm.

24 COUNCILMAN RIZZO: Unless you
25 don't want it out of committee.

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2 But my point is that -- are you
3 telling me that the exact process that
4 you use today to approve an event out
5 there is what we're going to use in the
6 future?

7 MR. LEVY: Councilman, I think
8 the way that we have discussed this is
9 that we will sit -- there's a list of
10 events, as you said, that are occurring
11 out there. What we envision doing is,
12 we'll sit down and review that list, we
13 will make up a calendar.

14 And, as I've said, we are
15 virtually doubling the amount of
16 programmable space on this plaza. We
17 envision other events that currently
18 don't happen there like ice-skating, like
19 farmers markets on a regular basis.

20 And so, what we contemplate is
21 that the lease will have an operating
22 agreement that will list a set of events
23 that will occur and will establish the
24 protocols between the City and the Center
25 City District in terms of how you resolve

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2 conflicts. And we've just said that we
3 fully recognize that time City supersedes
4 our authority at that moment.

5 COUNCILMAN RIZZO: And --

6 MR. LEVY: So I think -- I
7 think that is the assurance, I think,
8 that you were looking for.

9 COUNCILMAN RIZZO: Yeah, okay.
10 But now my last question is, there is the
11 potential that some activity that occurs
12 there presently could get knocked out.

13 COMM. SCHLOTTERBECK: Not if we
14 don't want it to get knocked out. No, if
15 we -- whatever is currently going on --
16 we completely control what happens.
17 We're not going to eliminate things, no.

18 COUNCILMAN RIZZO: Okay.

19 COMM. SCHLOTTERBECK: In fact,
20 the whole --

21 COUNCILMAN RIZZO: In other
22 words, it's not going to be so fancy that
23 a certain "X, Y, Z Group" isn't going to
24 be acceptable to be out there, right?

25 COMM. SCHLOTTERBECK: No.

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2 COUNCILMAN RIZZO: All right,
3 okay.

4 COMM. SCHLOTTERBECK: And the
5 thing that the entire apron, if you will,
6 as we refer to it, that's still under the
7 complete jurisdiction and control of the
8 City of Philadelphia Public Property
9 Commissioner. Getting on and off,
10 getting the event there, everything
11 remains under our jurisdiction.

12 COUNCILMAN RIZZO: Okay.

13 COMM. SCHLOTTERBECK: We're not
14 giving away any of that. It's a public
15 space, and it will remain public.

16 COUNCILMAN RIZZO: Good to
17 hear.

18 COUNCILMAN CLARKE: Councilman
19 DiCicco.

20 COUNCILMAN DiCICCO: I don't
21 know if I even want to mention this, but
22 I'm just curious as to -- well, first of
23 all, I think you did mention,
24 Commissioner, and, Paul, you probably
25 mentioned it: We're going to have much

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2 more usable space --

3 MR. LEVY: Correct.

4 COMM. SCHLOTTERBECK: Correct.

5 COUNCILMAN DiCICCO: -- than we
6 have today.

7 COMM. SCHLOTTERBECK: Correct.

8 COUNCILMAN DiCICCO: And a more
9 practical way of using that space because
10 the elimination of staircases and the --
11 and I don't remember the big word you
12 used, Paul.

13 MR. LEVY: The oculus around
14 it. I learned that from an architect.

15 COUNCILMAN DiCICCO: Thank you,
16 thank you. I learned a new word too.

17 COMM. SCHLOTTERBECK: The
18 amount of time in delay getting people on
19 and off --

20 COUNCILMAN DiCICCO: Yeah, I
21 know.

22 COMM. SCHLOTTERBECK: -- the
23 ability to wheel up, plug in; we don't
24 have that now.

25 COUNCILMAN DiCICCO: I

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2 understand that.

3 COMM. SCHLOTTERBECK: I mean,
4 we're running wires, we're --

5 COUNCILMAN DiCICCO: Yeah. I
6 mean, notwithstanding the operational
7 issues that Councilman Clarke spoke to
8 and how that gets figured all out, I
9 don't know what's going on there other
10 than this Christmas village.

11 Occasionally I see a blowup machine that
12 somebody's advertising cell phones or
13 something.

14 I'm just curious as to what it
15 is we're worried about eliminating.

16 COMM. SCHLOTTERBECK: Well, we
17 have the -- we put up a lot of events for
18 the Thanksgiving stands, and we do the
19 Mummers out front there.

20 COUNCILMAN DiCICCO: I'm a
21 Mummer. I know -- I just don't never
22 remember ever using that.

23 COMM. SCHLOTTERBECK: Well, the
24 viewing stands.

25 COUNCILMAN DiCICCO: Oh, the

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2 viewing stands, all right, the viewing
3 stands.

4 COMM. SCHLOTTERBECK: That's
5 what it is.

6 COUNCILMAN DiCICCO: Okay.

7 COMM. SCHLOTTERBECK: But no, I
8 mean -- and that's the point. I'm not
9 trying to be reluctant in my answer.
10 What I'm saying is that the City's events
11 are a priority and the events that --

12 COUNCILMAN DiCICCO: I'm not
13 trying to interrupt you; I'm only trying
14 to make the point that I don't know what
15 we're giving up. If anything --

16 COMM. SCHLOTTERBECK: We're
17 not.

18 COUNCILMAN DiCICCO: -- it's
19 got to be a major improvement.

20 COMM. SCHLOTTERBECK:
21 Absolutely.

22 COUNCILMAN DiCICCO: -- because
23 it's -- other than the viewing stands for
24 parades and the Christmas/holiday
25 village, it's a dead zone.

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2 COMM. SCHLOTTERBECK: Not only
3 that --

4 COUNCILMAN DiCICCO: I mean,
5 it's not an inviting place to be.

6 COMM. SCHLOTTERBECK: -- it
7 will eliminate a lot of our liability.
8 We don't have --

9 COUNCILMAN DiCICCO: God
10 forbid, between lights on Market Street
11 and this plaza, we should do something to
12 make people want to come to Center City.

13 COMM. SCHLOTTERBECK: Right.

14 COUNCILMAN DiCICCO: I don't
15 know why we're doing this.

16 COMM. SCHLOTTERBECK: Okay.

17 COUNCILMAN CLARKE: Thank you,
18 Councilman.

19 What I'd like to do -- well,
20 first of all, thank you. Please remain
21 in the chambers.

22 What I'd like to do right now
23 is, we have two other individuals who are
24 listed to testify: John Gallery and
25 James Lindhart. Are they available?

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2 MR. LEVY: Councilman, can I --

3 COUNCILMAN CLARKE: We're
4 coming back to you.

5 MR. LEVY: Okay.

6 COUNCILMAN CLARKE: Don't
7 worry.

8 MR. LEVY: Okay.

9 (Councilman Greenlee assumes
10 committee chairmanship at this point.)

11 (Witness comes forward.)

12 COUNCILMAN GREENLEE: Good
13 afternoon, Mr. Gallery. If you could
14 just -- I think you know the procedure --
15 put your name on the record and proceed
16 with your testimony, please.

17 MR. GALLERY: My name is John
18 Gallery. I'm the Executive Director of
19 the Preservation Alliance.

20 I believe that it is premature
21 for this committee to be acting on this
22 bill and that it's also unnecessary for
23 this committee to be acting on this bill.

24 With respect to the unnecessary
25 part, Mr. Levy has testified that he has

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2 received the contracts from the State on
3 the State appropriation and that he's
4 executed them and returned them to
5 Harrisburg.

6 The contracts would not be
7 issued if this issue of ownership was a
8 requirement for the execution of those
9 contracts. The State has not established
10 any condition which requires this Council
11 to clarify the lease or licensing
12 agreement as a condition of those grants.

13 So, it is unnecessary for City
14 Council.

15 Mr. Levy said it would give
16 greater comfort, but I think there's a
17 bigger comfort level here, and that is
18 the questions that Councilman Clarke --
19 I'm sorry he had to leave -- has been
20 addressing, and that is the public
21 comfort about this arrangement.

22 Why is it premature. I've been
23 involved in every public meeting on
24 Dilworth Plaza in the last over two
25 years. I have not seen anything

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2 whatsoever in over a year, and there's
3 been no public presentation of anything
4 in over a year.

5 In all of the two years we
6 discussed this, there was never any
7 mention of the idea of turning control --
8 and this bill, frankly, the way it's
9 written right now, gives one hundred
10 percent control to Center City District.
11 There may be intentions to do something
12 different, but we don't have anything
13 before us which shows that. There's
14 never been any discussion of this before.

15 There have been many, many
16 groups -- in response to your question,
17 Councilman Greenlee -- who have appeared
18 at these public hearings and have
19 testified, expressing great concern about
20 the plans. That exhibit, which I have
21 never seen and which no one in the public
22 has ever seen that you have before you
23 there, contains plans which have never
24 been approved by the Art Commission.

25 A preliminary presentation was

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2 made to the Art Commission two years ago,
3 which the Art Commission was reviewing
4 for only an in-concept approval, and no
5 in-concept approval was even given by the
6 Art Commission. Many members of the Art
7 Commission made -- expressed concern
8 about the basic concepts in the plan.
9 And at least three members of the public,
10 myself included, representing other
11 organizations spoke about our concerns
12 about the plan.

13 So this is premature for a
14 number of reasons.

15 Number one, there's been no
16 time for anyone to really examine the
17 implications of this bill. The City
18 Planning Commission has not even had the
19 time to review this bill.

20 Secondly, as you've been
21 expressing in your own questions, the
22 details about this are not available,
23 there is no draft of a lease. Is it a
24 lease, or is it a license?

25 Commissioner Schlotterbeck told

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2 me on the phone yesterday it was a
3 license. Frankly, I don't understand
4 what the difference between those two
5 things are.

6 It was always my understanding
7 that City Council couldn't enter into
8 leases for longer than four-year terms.

9 I don't know what the
10 difference is in terms of relationships
11 with a municipal authority as the Center
12 City District is.

13 None of that information is
14 available to the public.

15 None of the -- the issues that
16 Councilman Clarke was raising are not
17 just about events; it's about a hundred
18 percent control, who has control. And
19 until there is some sort of a lease
20 operating agreement that can be publicly
21 reviewed, there is no way to answer that
22 question.

23 A third reason why this is
24 premature is what I made mention to a
25 minute ago: That design has not been

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2 approved by the critical public agencies
3 that need to approve it. And there is
4 still grave concern by a lot of groups
5 about that design, and that will be part
6 of the testimony when it comes back to
7 the Art Commission, which it has never
8 done in over two years since it was first
9 presented there.

10 It is inappropriate to be even
11 approving this on the basis of looking at
12 those plans and asking, is there a stage?
13 when those plans have not been approved,
14 you know, by the Art Commission in any
15 way, not even in a conceptual level.

16 COUNCILMAN GREENLEE: Sir, I
17 think Mr. Levy did say that he knows that
18 it would at least have to go to the Art
19 Commission. I think he did mention some
20 other organization.

21 MR. GALLERY: Yes, he did say
22 that.

23 COUNCILMAN GREENLEE: He did
24 say that?

25 MR. GALLERY: Yes, but it is

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2 not in the bill.

3 And our concern is that this --
4 a lease arrangement may be construed as a
5 way to avoid some of these reviews. And
6 since the Commissioner of Public Property
7 and Mr. Levy both have acknowledged that
8 those reviews are essential, we'd like to
9 see that written into the bill.

10 I don't know whether the
11 Exhibit A that we received as an
12 attachment to the bill is considered to
13 be a part of the bill, but we would like
14 to see written in that none of the City
15 reviews are waived in terms of this
16 arrangement, it doesn't waive any of the
17 City reviews.

18 We'd like to see -- make it
19 clear that there is no plan that's been
20 approved and, therefore, the bill should
21 not include a description of improvements
22 that are to be made because there are no
23 improvements that have been approved at
24 this point.

25 We'd like to have clarity on

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2 whether this is a license or a lease.

3 And we'd also like to be assured that the
4 City Council does, in fact, have the
5 authority to enter into a 20- or 30-,
6 whatever it is, license or lease under
7 the provisions of the Charter.

8 Because this was only
9 introduced last week, I sent all of you
10 copies of all of these questions; I sent
11 them to Councilman Clarke. This
12 information has just not been available.

13 I think this is an important
14 public space, it's an important public
15 issue, and these questions should be
16 available and understood and answered and
17 available to the groups that have been
18 concerned with this project for the last
19 two years.

20 And my request to you would be
21 to table this bill, wait and hear what
22 the City Planning Commission says,
23 whether there's other public testimony at
24 the Planning Commission, and to amend the
25 bill to clarify whether this is a lease

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2 or a license.

3 And also amend the bill to
4 clarify that all plans must go through
5 the mandatory review process, as everyone
6 has stated they would, but to put it in
7 the bill so that it is explicitly clear.

8 Thank you for the opportunity
9 to testify.

10 COUNCILMAN GREENLEE: Thank
11 you.

12 Let me just ask a general
13 question: Do you think that there should
14 be -- I mean, the general concept. I
15 hear your concern about a lot of the
16 details. But the general concept of
17 doing something in this nature at
18 Dilworth Plaza, what is your opinion on
19 that? Do you have an opinion or --

20 MR. GALLERY: When you say "in
21 this nature," you're referring to the plans
22 before you.

23 COUNCILMAN GREENLEE: Yeah.

24 MR. GALLERY: And the answer to
25 that is no.

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2 COUNCILMAN GREENLEE: Mm-hmm.

3 MR. GALLERY: I think there are
4 a great many deficiencies in that
5 particular plan.

6 If you're asking me the
7 question Should we do something to
8 improve Dilworth Plaza? the answer is
9 yes.

10 COUNCILMAN GREENLEE: Mm-hmm.

11 MR. GALLERY: But many, many
12 people have expressed strong concerns
13 about that plan. This is something which
14 has not been acknowledged.

15 And if you look at the Art
16 Commission discussion, you will see that
17 the Art Commission members are
18 representative of the Fairmount Park Art
19 Association, myself, the representative
20 of the Design Advocacy Group all spoke
21 expressing strong reservations. I don't
22 know what that plan looks like because
23 I've never seen it.

24 COUNCILMAN GREENLEE: Well --

25 MR. GALLERY: All spoke with

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2 strong reservations about the plans that
3 were presented at that time. Is that the
4 plan that was presented? I have no idea,
5 because that document that you have has
6 not been available to the public.

7 COUNCILMAN GREENLEE: Mm-hmm.

8 So they presented plans; you're not sure
9 if these are the same ones, though,
10 'cause you've never seen --

11 MR. GALLERY: I've never seen
12 what you've got.

13 COUNCILMAN GREENLEE: Okay.

14 MR. GALLERY: And I'm not going
15 to take 30 seconds and try to see if it's
16 the same plan.

17 COUNCILMAN RIZZO: There's the
18 plan.

19 MR. GALLERY: Thank you,
20 Councilman. I appreciate it.

21 COUNCILMAN GREENLEE:
22 Councilman DiCicco.

23 COUNCILMAN DiCICCO: Thank you.

24 Good afternoon, Mr. Gallery.

25 The last statement you made about you've

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2 never seen 'em, I think we have all
3 pretty much, safely I can say, have seen
4 some rendition, or renditions, of a
5 concept. It was even in the Inquirer.

6 MR. GALLERY: That's correct
7 I'm not disagreeing with that.

8 COUNCILMAN DiCICCO: I remember
9 seeing --

10 MR. GALLERY: I don't disagree
11 with you.

12 COUNCILMAN DiCICCO: Oh, you
13 don't disagree, okay.

14 MR. GALLERY: No, I don't
15 disagree with you.

16 COUNCILMAN DiCICCO: I'm also
17 looking at Mr. Levy's testimony. Do you
18 have a copy of that?

19 MR. GALLERY: No.

20 COUNCILMAN DiCICCO: Could
21 someone, uh...

22 MR. GALLERY: But I listened
23 pretty carefully. Go ahead.

24 COUNCILMAN DiCICCO: Going to,
25 I think, the design review section, I'd

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2 like to have another copy if I can get
3 one. Shawn, could you give me a copy of
4 Mr. Levy's testimony.

5 I underscored where Mr. Levy
6 testified that the CCD anticipates
7 returning to the Historical Commission
8 for review and final approval in February
9 of '11 and will follow with a
10 presentation to the Art Commission when
11 design of our public art concept is
12 complete -- meaning it's still a work in
13 progress.

14 And then the last sentence
15 says, "So I want to underscore" -- and
16 this is Paul Levy -- "that in approving
17 this lease, the City is still reserving
18 all of its rights and powers to approve
19 the final design and construction
20 documents for this project."

21 That seems to me to be pretty
22 consistent when we do leasing of City
23 property for development.

24 I assume -- and someone might
25 correct me if I'm wrong -- that we'll

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2 have to go to the Planning Commission
3 with a project plan, and your agency, the
4 Art Commission, and the Historical
5 Commission as well. I mean, it's in his
6 testimony.

7 MR. GALLERY: Then why not put
8 it in the bill?

9 COUNCILMAN DiCICCO: Well, it
10 becomes a part of the record as being
11 part of the bill. I'm not an attorney,
12 but I --

13 MR. GALLERY: I'm not, either.

14 COUNCILMAN DiCICCO: -- and
15 maybe the Law Department can correct me.
16 We can do that. I don't have a problem
17 with that; I don't think Mr. Levy would
18 have a problem with that as well.

19 Again, if it's a technicality
20 that that language be a part of the bill,
21 we could amend it to be included.

22 MR. GALLERY: Yes. And in
23 doing that, I would prefer that the
24 language say not that a presentation will
25 be made to the Art Commission, but the

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2 same language that is that the Art
3 Commission will have jurisdiction for a
4 final approval, just as the Historical
5 Commission.

6 It isn't just a presentation
7 for information; it's for their approval.

8 COUNCILMAN DiCICCO: Well, you
9 start with a presentation and a concept,
10 and then doesn't it get worked through
11 the various commissions as to what the
12 pros and cons are or what --

13 MR. GALLERY: All I'm saying
14 is, that hasn't happened with the Art
15 Commission.

16 COUNCILMAN DiCICCO: But it
17 hasn't happened because they don't have
18 control of the lease yet.

19 MR. GALLERY: That is not
20 correct, Councilman. That's not correct.

21 (Indiscernible; parties talking
22 over each other.)

23 COUNCILMAN DiCICCO: ... 'cause
24 I really appreciate all of the work you
25 do, and you and I have had a good working

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2 relationship over the years.

3 MR. GALLERY: I know.

4 COUNCILMAN DiCICCO: But I go
5 back to your first statement where you
6 mention something about this is not that
7 time-sensitive. I think it is, and I'll
8 tell you why.

9 MR. GALLERY: Mm-hmm.

10 COUNCILMAN DiCICCO: In about
11 five weeks, there'll be a new governor
12 sitting in Harrisburg. And all of the
13 comments -- and I'm not trying to be
14 critical of the governor, but all of the
15 comments I've read about where he's
16 taking this state and in terms of funding
17 projects, I think the RCAP Grant could be
18 in jeopardy, significantly be in
19 jeopardy, because it doesn't appear from
20 the comments I've heard from the
21 Governor-elect that he is going to go
22 down the path of economic development
23 just for the sake of doing projects.

24 We know it's important to
25 Philadelphia; I don't think he thinks --

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2 I can't get in his head, I'm not in his
3 head. But I don't think, based on what
4 I've been hearing, that he might approve
5 this; he may not. I don't want to take
6 that chance; I don't think it's worth
7 that chance.

8 Because if he's looking at
9 Governor Christie and, paraphrasing his
10 quote, Governor Christie is his mentor.
11 And I see that Governor Christie has
12 given back over \$300 million in federal
13 grants for the tunnel. I can't imagine
14 Corbett having -- losing any sleep over
15 pulling a \$15 million grant, or whatever
16 that number is, a \$15.5 million grant
17 back on the RCAP.

18 I just think it is more
19 time-sensitive.

20 MR. GALLERY: Right.

21 COUNCILMAN DiCICCO: If Rendell
22 were in for another year, we could have
23 more time to talk, but I don't think we
24 have that luxury right now.

25 MR. GALLERY: So let me just

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2 make this observation.

3 Mr. Levy testified that he has
4 the agreements from the State. He has
5 executed the agreements of the State.
6 The agreements do not contain any
7 requirement that City Council approve
8 this lease. Those agreements are back in
9 Harrisburg. The Governor will sign those
10 agreements.

11 COUNCILMAN DiCICCO: No.

12 Again, if you read his --

13 MR. GALLERY: I listened to
14 what he said, Councilman, and what he
15 said --

16 COUNCILMAN DiCICCO: Sometimes
17 we all --

18 (Indiscernible; parties talking
19 over each other.)

20 COUNCILMAN GREENLEE:

21 Mr. Gallery --

22 MR. GALLERY: What he said is
23 not what this writing says.

24 COUNCILMAN DiCICCO: Read
25 his -- I'm asking you to read it, 'cause

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2 sometimes I don't hear things correctly.

3 If you go on the first
4 paragraph, go down to the second or third
5 sentence: "The reason for this lease is
6 to fulfill the requirement for site
7 control, which is a condition of the
8 \$15.5 million RCAP Grant."

9 MR. GALLERY: Well, let me ask
10 to settle this in a reasonable way.

11 COUNCILMAN DiCICCO: I think
12 that's very clear.

13 MR. GALLERY: Can Mr. Levy
14 produce a document that shows that that
15 is the condition of the grant? Could you
16 ask him that?

17 COUNCILMAN DiCICCO: Well, I --

18 MR. GALLERY: Because that's
19 not what he said.

20 COUNCILMAN DiCICCO: Well,
21 John, as I've worked with you, I've
22 worked with Paul for 15 years, and I've
23 never known Paul to try to pull an end
24 run on anybody.

25 MR. GALLERY: I don't believe

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2 he does either, but when he testified --

3 COUNCILMAN DiCICCO: Well,
4 basically what you're saying is --

5 MR. GALLERY: He said something
6 different and I'm just asking --

7 COUNCILMAN DiCICCO: Well, I'm
8 not going to argue with you, John.

9 MR. GALLERY: If he has that
10 condition, I take away my comment.

11 COUNCILMAN DiCICCO: It's a
12 part of the testimony that is on the
13 record here, that that is the condition
14 that must be met in order for that RCAP
15 to be approved.

16 So I have two issues. One
17 is -- I believe that also fits into the
18 time-sensitive issue that I spoke about.
19 If we don't get this done before the next
20 governor's sworn in, there's a very
21 strong chance that this RCAP will go
22 away.

23 I'm not going to argue that
24 point; I'm only going by what I read here
25 and what I believe to be accurate,

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2 truthful information that is being
3 testified by Paul Levy. I can't rely on
4 anything else other than my experience of
5 working with him, as I do with you.

6 MR. GALLERY: I'm not
7 disagreeing with anything you've said.

8 COUNCILMAN GREENLEE: Okay.
9 Thank you.

10 Any other questions for
11 Mr. Gallery?

12 (No further questions.)

13 COUNCILMAN GREENLEE: I think
14 Mr. Levy would like to say something
15 else, please. Thank you.

16 (Witness comes forward.)

17 MR. LEVY: My name is Paul Levy
18 again. I just want to clarify that one
19 point.

20 The way that RCAP money works
21 is, the governor of the state designates
22 PIDC as the vehicle through which it
23 passes. We have an executed contract
24 with PIDC, and that now needs to be
25 improved in Harrisburg.

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2 So we have an executed contract
3 with PIDC. A condition of that is both
4 matching dollars and site control. It is
5 circulating in Harrisburg now for the
6 State's approval of that contract. And
7 absent site control, it will not have a
8 fully approved status.

9 COUNCILMAN GREENLEE: So it's
10 not fully approved, is the bottom line.

11 MR. LEVY: It's the condition
12 of the grants.

13 COUNCILMAN GREENLEE: So
14 according to what Councilman DiCicco
15 said, it still is in somewhat jeopardy.

16 MR. LEVY: The sole reason why
17 we've asked you to act more quickly on
18 that is that fear.

19 COUNCILMAN GREENLEE: Okay.

20 COUNCILMAN DiCICCO: And if I
21 can, just for the record, we recess on
22 the 16th and we don't come back until I
23 forget what date, but it's after the next
24 governor-elect is sworn in.

25 MR. LEVY: That's exactly what

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2 prompted us to do this.

3 COUNCILMAN DiCICCO: That's the
4 concern that I have about not approving
5 this lease agreement. Thank you. Thank
6 you, Mr. Levy.

7 COUNCILMAN GREENLEE: Thank
8 you.

9 Mr. Gallery, we'll give you one
10 more shot here; otherwise, we'll go back
11 and forth all day.

12 MR. GALLERY: I simply want to
13 ask a procedural question. I don't know
14 if there's anyone here who can answer it.

15 The City Planning Commission
16 has not taken an action on this bill.

17 COUNCILMAN GREENLEE: Mm-hmm.

18 MR. GALLERY: I believe, if I'm
19 correct, that the City Council needs 30
20 days after the Planning Commission makes
21 a recommendation before it can act.

22 COUNCILMAN DiCICCO: Yes.

23 MR. GALLERY: So the Planning
24 Commission will not be acting before
25 Tuesday, the 14th?

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2 COUNCILMAN DiCICCO: I --

3 MR. GALLERY: Which means that
4 you could not take an action this month;
5 am I correct, or am I incorrect?

6 COUNCILMAN DiCICCO: I -- I
7 don't --

8 MR. GALLERY: You're acting on
9 the 14th and you have to wait 30 days
10 after they act, don't you?

11 COUNCILMAN GREENLEE: I'm not
12 aware, I'm not sure, I don't know.

13 COUNCILMAN DiCICCO: I think we
14 could pass it.

15 COUNCILMAN GREENLEE: Yeah.

16 COUNCILMAN DiCICCO: And I
17 don't know. Maybe somebody from the Law
18 Department could answer that. In any
19 event --

20 MR. GALLERY: I was told by --

21 COUNCILMAN DiCICCO: -- if we
22 don't act -- here's my point. If we
23 don't act -- and maybe -- assuming you're
24 right, if we don't act, the conditions
25 that must be met will not have been met,

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2 and we lose that opportunity again

3 because the governor-elect --

4 MR. GALLERY: Again, I
5 completely understand what you're saying;
6 I'm just asking --

7 COUNCILMAN DiCICCO: That's my
8 concern.

9 MR. GALLERY: -- a procedural
10 question.

11 COUNCILMAN DiCICCO: Yeah. I
12 don't know --

13 MR. GALLERY: I was told by a
14 member of the City Planning staff that
15 City Council could not act for 30 days
16 until after the --

17 COUNCILMAN DiCICCO: On
18 approval.

19 (Indiscernible; parties talking
20 over each other.)

21 MR. GALLERY: Earlier than 30
22 days after the Planning Commission's
23 action.

24 COUNCILMAN DiCICCO: I think
25 you're con -- what that refers to is the

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2 plan of development. We're not talking
3 about a plan of development because it
4 hasn't been offered yet. What we're
5 talking about is legislation that will
6 lease this site.

7 The plan of development, you're
8 absolutely right. We could not act until
9 30 days after they've had an opportunity
10 to review it. They're not reviewing
11 anything -- I think I'm correct on
12 this -- as of yet. This is just an
13 action for us to lease that to CCD.

14 The plan and all of the other
15 things that need to occur in a process in
16 a timely manner will occur later on. The
17 question is: The RCAP Grant, is it in
18 jeopardy or not? In my opinion, it's in
19 jeopardy if we don't get it done.

20 MR. GALLERY: I understand
21 that. I was just trying to ask for a
22 point of clarification relative to the
23 Planning Commission's action.

24 COUNCILMAN CLARKE: All right.
25 Thank you for your testimony.

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2 COUNCILMAN DiCICCO: We're not
3 approving the plan; we're just approving
4 the lease.

5 COUNCILMAN CLARKE: We are
6 actually waiting for about five minutes.
7 There's going to be an amendment crafted,
8 so there will actually be two amendments.

9 (Short break taken.)

10 (Proceedings resume.)

11 COUNCILMAN CLARKE: Okay. The
12 committee on Public Property and Public
13 Works is back in session.

14 Commissioner, are you going to
15 be reading the proposed amendment?

16 COMM. SCHLOTTERBECK: Yes, I
17 am.

18 COUNCILMAN CLARKE: Actually,
19 it's two proposed amendments. One is
20 somewhat of a technical -- you already
21 talked about that?

22 COMM. SCHLOTTERBECK: Yes. I
23 talked about that at the beginning.

24 COUNCILMAN CLARKE: All right.
25 Can you present the...

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2 COMM. SCHLOTTERBECK: I am now
3 introducing a second amendment to
4 proposed Bill No. 100842. This will
5 include a Section 3, which will read as
6 follows:

7 "Provided that the agreement
8 authorized by this ordinance will include
9 a provision that ensures the operating
10 departments of the City that currently
11 control and license events on Dilworth
12 Plaza will continue to control and
13 license events on Dilworth Plaza."

14 COUNCILMAN CLARKE: Okay.

15 COMM. SCHLOTTERBECK: Period.

16 COUNCILMAN CLARKE: Great.

17 Thank you.

18 Any questions by members of the
19 committee?

20 (No further questions.)

21 COUNCILMAN CLARKE: There being
22 none, is there anybody to testify on this
23 bill?

24 (No response.)

25 COUNCILMAN CLARKE: There being

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2 none, this will conclude the public
3 hearing. We will now go into the public
4 meeting.

5 Councilman DiCicco, please give
6 me a motion on the amendment to Bill No.
7 100482.

8 COUNCILMAN DiCICCO: Thank you,
9 Mr. Chairman.

10 I move that the amendment that
11 has just been read into the record by the
12 Public Property be approved.

13 COUNCILMAN CLARKE: We actually
14 have two amendments.

15 COUNCILMAN DiCICCO: I'm sorry,
16 that the two amendments that have been
17 read into the record by the Commissioner
18 of Public Property be approved to Bill
19 No. 100842.

20 (Motion duly seconded.)

21 MR. GALLERY: Mr. Chair?

22 COUNCILMAN CLARKE: It's been
23 moved and seconded.

24 Those in favor of the
25 amendments to Bill No. 100842 say aye.

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2 Those opposed?

3 The ayes have it.

4 Councilman DiCicco, can you
5 please give me a motion on the amended
6 Bill 100842.

7 COUNCILMAN DiCICCO: Thank you,
8 Mr. Chairman.

9 I move that Bill No. 100842, as
10 amended, be reported out of this
11 committee with a favorable recommendation
12 and that the rules of Council be
13 suspended so as to permit first reading
14 at our next session of Council.

15 (Motion duly seconded.)

16 COUNCILMAN CLARKE: It's been
17 moved and seconded.

18 All in favor?

19 Those opposed?

20 The ayes have it.

21 Bill No. 100842 is reported out
22 of committee with a favorable
23 recommendation and a rules suspension to
24 allow for first reading at the next
25 session of Council.

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2 Thank you. Thank you for your
3 time.

4 (Proceedings end at 2:06 p.m.)

5 * * *

C E R T I F I C A T E

I HEREBY CERTIFY that the
proceedings of the City of Philadelphia
Council Committee on Public Property and
Public Works are contained fully and
accurately in the stenographic notes taken by
me on Wednesday, December 8, 2010, and that
this is a true and correct statement of same.

JOSEPHINE CARDILLO
Registered Professional Reporter

(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.)