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COUNCIL OF THE CITY OF PHILADELPHIA

3

PUBLIC HEARING

4

COMMITTEE ON COMMERCE & ECONOMIC DEVELOPMENT

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Room 696, City Hall
Philadelphia, Pennsylvania
Thursday, March 27, 2003
9:23 a.m.

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BILL 020816 - An Ordinance amending Title 21 of the
Philadelphia Code...

BILL 020827 - An Ordinance amending Title 17 of the
Philadelphia Code...

BILL 030125 - An Ordinance repealing Chapter 1-500
of the Philadelphia Code...

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15 PRESENT:

COUNCILMAN MICHAEL NUTTER, Chair
COUNCILMAN DARRELL CLARKE
COUNCILMAN ANGEL ORTIZ
COUNCILWOMAN BLONDELL REYNOLDS BROWN
COUNCILWOMAN MARIAN TASCO

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1 03/27/03 - COMMERCE - BILLS 020816, 020827, 030125
2 COUNCILMAN NUTTER: This is the
3 Committee on Commerce and Economic Development
4 reconvening from last Friday's hearing. The members
5 in attendance are Councilman Ortiz, Councilman
6 Clarke, Councilwoman Reynolds Brown, and
7 Councilwoman Tasco.

8 Having established a quorum, let me ask
9 in the continuation of our public hearing is there
10 any further testimony to be taken on Bills 020816,
11 020827, 030125?

12 (No response.)

13 COUNCILMAN NUTTER: Seeing no one, we
14 will move now into our public meeting.

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COUNCIL OF THE CITY OF PHILADELPHIA

PUBLIC MEETING

COMMITTEE ON COMMERCE & ECONOMIC DEVELOPMENT

- - -

Thursday, March 27, 2003

- - -

Public Meeting conducted by the
Committee on Commerce and Economic Development, held
in Room 696, City Hall, Philadelphia, Pennsylvania,
on the above date, to consider action on the
following:

BILLS 020816, 020827, 030125.

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PRESENT:

COUNCILMAN MICHAEL NUTTER, Chair
COUNCILMAN DARRELL CLARKE
COUNCILMAN ANGEL ORTIZ
COUNCILWOMAN BLONDELL REYNOLDS BROWN
COUNCILWOMAN MARIAN TASCO

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2 COUNCILMAN NUTTER: The bill sponsors
3 have a variety of amendments to their bills. I
4 believe Councilman Clarke has two bills, 020827 and
5 020816. And the Chair will recognize Councilman
6 Clarke for his amendments.

7 COUNCILMAN CLARKE: Thank you, Mr.
8 Chairman. With respect to Bill No. 020827, there is
9 an amendment on page 4.

10 COUNCILMAN NUTTER: Councilman, you
11 circulated the amendments, right?

12 COUNCILMAN CLARKE: Yes, we have
13 circulated the amendments. On page 4(1)(c), we put
14 the DAP Program in as one of the organizations that
15 we are referencing as it relates to the
16 apprenticeship program.

17 Mr. Chairman, one of the Members of the
18 Committee asked for a brief explanation.

19 COUNCILMAN NUTTER: Sure.

20 COUNCILMAN CLARKE: This particular bill
21 is a bill that deals with compliance, particularly
22 of existing regulations associated with low and
23 income individuals and contractors in neighborhoods.
24 And what we've done is essentially put a
25 noncompliance portion in the bill that would

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2 potentially disbar any companies or businesses or
3 contractors who do not comply with the various
4 regulations associated with participation in the
5 City of Philadelphia. That noncompliance will
6 deemed by the Procurement Commissioner and then that
7 individual business will be deemed as a
8 non-responsible bidder and they can be disbarred
9 from doing contracts with the City of Philadelphia.

10 Mr. Chairman, on Bill No. 020816 on Page
11 1, Section 2, we have changed the selection process
12 with respect to the members of the task force.
13 Prior to that, we had indicated that the Mayor will
14 make all 10 selections. We have changed the
15 amendment to allow the first six members will be
16 appointed by the Mayor, and those six will select
17 the following four members. But we maintain the
18 levels of categories.

19 That is all the amendments on those two
20 bills, Mr. Chairman.

21 COUNCILMAN NUTTER: Thank you,
22 Councilman Clarke.

23 The Chair recognizes Councilwoman Tasco.

24 COUNCILWOMAN TASCO: I'm sorry, I was
25 not present for the hearing. And I just want to

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2 know what the differences are in the three bills, if
3 you all could explain that to me.

4 COUNCILMAN CLARKE: If I may, Mr.
5 Chairman.

6 COUNCILMAN NUTTER: The Chair recognizes
7 Councilmember Clarke.

8 COUNCILMAN CLARKE: With respect to the
9 second bill that we just offered an amendment to --

10 COUNCILMAN NUTTER: 020816, Councilman?

11 COUNCILMAN CLARKE: Yes. It is actually
12 a companion bill to 020827, and it is creating a
13 task force. That task force will also have a
14 resource council. The thought behind it was to, to
15 some degree kind of mirror the task force that was
16 set up for the stadiums, but it would essentially
17 allow participation of more categories of
18 individuals, people who are not necessarily
19 affiliated with government. It will also create a
20 resource council. That resource council will be
21 comprised of various entities within the government
22 to provide information to that task force. That
23 task force, on a periodic basis, will make
24 recommendations to the Procurement Commissioner and
25 the Mayor; in addition to which, it will also be

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2 responsible for monitoring, to some degree, the
3 compliance bill that we put in. We thought it was
4 more important to have additional resources as it
5 relates to our ability to make sure that people
6 comply with the existing laws and the make those
7 recommendations to the Procurement Commissioner.

8 So if an individual or a company or
9 business did not comply with the laws associated
10 with participation --

11 COUNCILWOMAN TASC0: Is that the
12 participation in 827?

13 COUNCILMAN CLARKE: Correct.

14 COUNCILWOMAN TASC0: So your bill is to
15 establish an economic opportunity task force to
16 monitor the enforcement of 020827?

17 COUNCILMAN CLARKE: Correct.

18 COUNCILWOMAN TASC0: And 030125, how
19 does that fit in?

20 I'm sorry. I have the wrong bill.

21 So the 816 and 827 are your two. All
22 right.

23 The question I ask -- I had the wrong
24 bill. How do these two bills impact on 125? How do
25 these two bills, the economic opportunity bills,

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2 work in conjunction with your bill?

3 COUNCILMAN NUTTER: The Chair recognize
4 Councilman Ortiz.

5 COUNCILMAN ORTIZ: The key issue is on
6 the comprehensive bill. The Mayor has to annually
7 do a disparity report by contractual areas, such as
8 construction, services, so on down the line and then
9 detail what is available in terms of minority
10 enterprises to fill the contracts within those
11 areas. Anyone -- and then they set goals based on
12 that disparity report. And those goals have to be
13 met and those individuals that bid get a contract
14 and do not meet those goals, they are very definite
15 sanctions that will taken away, from taking away the
16 contract to all the way down the line, you know, not
17 being able to bid for contracts.

18 COUNCILWOMAN TASCO: Okay. Thank you.

19 COUNCILMAN NUTTER: Councilwoman Tasco.

20 COUNCILWOMAN TASCO: Thank you very
21 much.

22 COUNCILMAN NUTTER: The Chair would also
23 recognize the presence of Councilman DiCicco and
24 Councilman Goode. I think we'll start having
25 Commerce and Economic Development Committee hearings

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2 on Thursday mornings. We get a tremendous level of
3 participation.

4 Councilman DiCicco, did you have a
5 question.

6 COUNCILMAN DICICCO: I just have a
7 question on the amendments to Bill 020816. Six
8 members to be appointed by the Mayor and four
9 members to be selected by a two-third votes of the
10 six appointees; what makes that any different than
11 what was previously in the bill before it was being
12 amended? Basically, the Mayor gets to do all 10; am
13 I reading that correctly?

14 COUNCILMAN NUTTER: Yes, Councilman. I
15 don't mean to answer for the sponsor, but he's tied
16 up in a conversation.

17 As I read it, I think the only
18 difference is that the original bill had the Finance
19 Director and 10 other members appointed by the
20 Mayor, and I think there was a period there at the
21 end of that sentence. Now we have six being
22 directly appointed by the Mayor and the other
23 four --

24 COUNCILMAN DICICCO: Selected by the six
25 members that the Mayor appoints.

COUNCILMAN DICICCO: To me, that still

COUNCILMAN NUTTER: You are correct.

What I would recommend, though, in the

Councilman Ortiz, you have amendments --

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2 but actually before we do that, I would actually
3 like to ask the Procurement Commissioner a question
4 with regard to Councilman Clarke's bill on 827,
5 which goes back to actually the original creation of
6 the legislation.

7 Good morning, my I am William Gamble,
8 Procurement Commissioner.

9 COUNCILMAN NUTTER: Commissioner, my
10 question is the Bill 020827 amends the Philadelphia
11 Code from legislation that had been passed
12 previously. I'm quite sure this was before your
13 time. But what I'd like to know from you, there is
14 a provision already in the Code that makes reference
15 -- maybe Mr. Roundtree should be up here as well.
16 It talks about MBEC's authority and respond shall be
17 to, and then there's a letter "N," issue a report to
18 City Council every six months that outlines the
19 participation of minority, female, and disabled
20 owned businesses and socially and economically
21 disadvantaged individuals in contracts with the
22 City, its agencies, and all quasi public agencies.

23 What I'm now trying to search my mind on
24 is whether or not this particular reporting
25 requirement has been followed since the passage of

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2 the legislation which was more than a few years ago.

3 MR. GAMBLE: Councilman Nutter, no, it
4 wasn't. I was not aware of this until a couple of
5 weeks ago when you brought it to my attention.

6 COUNCILMAN NUTTER: Is this one the
7 reporting requirements that we raised when you were
8 here couple weeks ago.

9 MR. GAMBLE: Yes, it is.

10 COUNCILMAN NUTTER: Okay. Then I will
11 asking yourself, Mr. Roundtree and the Finance
12 Director, Ms. Davis, for an update on the variety of
13 reporting requirements and I think we detailed at
14 that hearing a couple weeks ago and I would
15 appreciate it if you would respond in writing as to
16 any reports that have been issued. Or if no reports
17 have been issued, I would appreciate some amount of
18 explanation as to why we have not been following
19 these reporting requirements. And tell I'd like you
20 to tell us when you plan to start.

21 MR. GAMBLE: Okay.

22 COUNCILMAN NUTTER: Thank you,
23 Commissioner.

24 Councilman Ortiz, you have some
25 amendments to --

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2 COUNCILMAN ORTIZ: Technical amendments
3 I'm going ask Council to read them into the read.

4 COUNCILMAN NUTTER: Okay. Councilman,
5 do you have copies?

6 MS. BRICKMAN: Shoshana Brickman from
7 the City Council technical staff. The amendments
8 are all of a technical nature. And I apologize, on
9 the summary of the amendments, there's a typo. It's
10 Section 17-502(2)(d), and that section will be
11 deleted as duplicative.

12 The next one is section 502(4)(a), and
13 that one will add after the word "owned," it will
14 say "owned and controlled."

15 The third one is 17-502(4)(b), and after
16 the word "\$5 million," the three words added in
17 three consecutive years.

18 Number four is section 17-502(6), and
19 after the words "eminent domain" we've added "land
20 or property acquisition."

21 The next one is 17-504(1), and after the
22 words "goals for," the words "levels or amounts of
23 DBE participation for" have been added.

24 The next one is 17-504(2)(e), and a typo
25 has been corrected to make the section number

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2 Section 17-505.

3 After that is 17-504(3). That section
4 has been eliminated. And the subsequent sections
5 have been re-numbered to reflect the elimination.

6 The next one is the new re-numbered
7 Section 17-504(6)(a). After the words "the
8 bidders," it says "and all others seeking City
9 contracts."

10 The new re-numbered section 17-504(6)(b)
11 (IV), the numbering has been corrected to have a
12 "c", it's section 17-504(6)(c).

13 And the final amendment is also a
14 numbering issue. It's section 17-511 has been
15 changed to section 17-510. And then the subsequent
16 sections are re-numbered to reflect that.

17 COUNCILMAN NUTTER: Okay. Any questions
18 on the proposed amendments to Bill 030125, all of
19 which are technical in nature, cleaning up either
20 re-numbering required or typographical error
21 corrections and phraseology added to sentences?

22 (No response.)

23 COUNCILMAN NUTTER: Any questions on any
24 of the amendments proposed to any of the bills?

25 (No response.)

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2 COUNCILMAN NUTTER: Seeing none, the
3 Chair recognizes Councilman Clarke for a motion
4 regarding amendments to Bill 020816.

5 COUNCILMAN CLARKE: Thank you, Mr.
6 Chairman. Mr. Chairman, I make a motion that for
7 the amendments of Bill No. 020816.

8 (Duly seconded.)

9 COUNCILMAN NUTTER: It's been moved and
10 properly seconded the proposed amendment to Bill
11 020816.

12 All in favor, indicate by saying aye.

13 (Aye.)

14 COUNCILMAN NUTTER: Any opposed, say
15 nay.

16 COUNCILWOMAN BROWN: Nay.

17 COUNCILMAN DICICCO: No.

18 COUNCILMAN NUTTER: The amendment is
19 approved 5 to 2.

20 The Chair recognizes Councilman Clarke
21 for a motion on Bill 020816, as amended.

22 COUNCILMAN CLARKE: Thank you, Mr.
23 Chairman. I make a motion that Bill No. 020816, as
24 amended, be reported out of committee with a
25 favorable recommendation.

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2 (Duly seconded.)

3 COUNCILMAN NUTTER: All in favor
4 indicate by saying aye.

5 (Aye.)

6 COUNCILMAN NUTTER: Any opposed, say
7 nay.

8 COUNCILMAN DICICCO: No.

9 COUNCILWOMAN BROWN: No.

10 COUNCILMAN NUTTER: The Chair notes that
11 the motion to move the bill out of Committee is
12 approved 5 to 2.

13 The Chair recognizes Councilman Clarke.

14 COUNCILMAN CLARKE: Thank you, Mr.
15 Chairman. I make a motion that amendments be
16 approved on Bill No. 020827.

17 COUNCILMAN NUTTER: Is there a second on
18 the amendments to Bill 020827?

19 (Duly seconded.)

20 COUNCILMAN NUTTER: It's been moved and
21 properly seconded.

22 All in favor indicate by saying aye.

23 (Aye.)

24 COUNCILMAN NUTTER: Any opposed, say
25 nay.

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2 (No response.)

3 COUNCILMAN NUTTER: The bill has been
4 amended.

5 The Chair recognizes Councilman Clarke
6 for a motion on Bill 020827, as amended.

7 COUNCILMAN CLARKE: Thank you, Mr.
8 Chairman. I move that Bill No. 020827, as amended,
9 be reported out of Committee with favorable
10 recommendation.

11 (Duly seconded.)

12 COUNCILMAN NUTTER: It's been moved and
13 properly seconded --

14 (Discussion held off the record.)

15 COUNCILMAN NUTTER: The Chair recognizes
16 Councilman Clarke for a motion.

17 COUNCILMAN CLARKE: Mr. Chairman, I make
18 a motion that Bill No. 020827, as amended, be
19 reported out of Committee with favorable
20 recommendation and a request for a suspension the
21 Rules.

22 COUNCILMAN NUTTER: Is there a second?

23 (Duly seconded.)

24 COUNCILMAN NUTTER: All in favor
25 indicate by saying aye.

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2 (Aye.)

3 COUNCILMAN NUTTER: Any opposed, say
4 nay.

5 (No response.)

6 COUNCILMAN NUTTER: Bill 020827, as
7 amended, will be reported out of Committee with a
8 favorable recommendation and a recommendation for a
9 suspension of the Rules.

10 COUNCILMAN NUTTER: We need to revisit
11 the motion for reporting out Bill 020816.

12 The Chair recognizes Councilman Clarke.

13 COUNCILMAN CLARKE: Thank you, Mr.
14 Chairman. Mr. Chairman, on Bill No. 020816, as
15 amended, I would like to request a rules suspension.

16 (Duly seconded.)

17 COUNCILMAN NUTTER: All in favor,
18 indicate by saying aye.

19 (Aye.)

20 COUNCILMAN NUTTER: Any opposed, say
21 nay.

22 (No response.)

23 COUNCILMAN NUTTER: Bill 020816 will be
24 reported out of the committee with a suspension of
25 the rules.

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2 The Chair recognizes Councilman Ortiz
3 for a motion on amendments to Bill 030125.

4 COUNCILMAN ORTIZ: Mr. Chairman, I move
5 that the amendments as read into the record be
6 approved.

7 (Duly seconded.)

8 COUNCILMAN NUTTER: All in favor
9 indicate by saying aye.

10 (Aye.)

11 COUNCILMAN NUTTER: Any opposed, say
12 nay.

13 (No response.)

14 COUNCILMAN NUTTER: The bill has been
15 amended.

16 The Chair recognizes Councilman Ortiz
17 for a motion on Bill 030125, as amended.

18 COUNCILMAN ORTIZ: Mr. Chairman, I move
19 that Bill 030125, as amended, be moved out of a
20 Committee with favorable recommendation and a
21 recommendation that the Rules of Council be
22 suspended as to permit first reading.

23 (Duly seconded.)

24 COUNCILMAN NUTTER: All in favor
25 indicate by saying aye.

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2 (Aye.)

3 COUNCILMAN NUTTER: Any opposed, say
4 nay.

5 (No response.)

6 COUNCILMAN NUTTER: Bill 030125, as
7 amended, will be reported out with a favorable
8 recommendation and a Rules suspension.

9 I believe that concludes the business of
10 the Committee on Commerce and Economic Development.
11 Thank you very much.

12 (Council adjourned at 9:45 a.m.)

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

I HEREBY CERTIFY that the foregoing
proceedings of the Council of the City of
Philadelphia of March 27, 2003, were reported fully
and accurately by me, and that this is a correct
transcript of the same.

RE: COMMITTEE ON COMMERCE AND ECONOMIC DEVELOPMENT

Lisa C. Bradley, RPR
and Notary Public