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COUNCIL OF THE CITY OF PHILADELPHIA

3

COMMITTEE OF THE WHOLE

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Room 400, City Hall
Philadelphia, Pennsylvania
Thursday, December 6, 2007
12:00 p.m.

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PRESENT:

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COUNCIL PRESIDENT ANNA C. VERNA

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COUNCILWOMAN JANNIE BLACKWELL

COUNCILWOMAN CAROL ANN CAMPBELL

COUNCILMAN DARRELL L. CLARKE

COUNCILMAN FRANK DiCICCO

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COUNCILMAN W. WILSON GOODE, JR.

COUNCILMAN WILLIAM GREENLEE

12

COUNCILMAN JACK KELLY

COUNCILMAN JAMES F. KENNEY

13

COUNCILWOMAN JOAN L. KRAJEWSKI

COUNCILWOMAN DONNA REED MILLER

14

COUNCILMAN BRIAN J. O'NEILL

COUNCILMAN JUAN RAMOS

15

COUNCILWOMAN BLONDELL REYNOLDS BROWN

COUNCILMAN FRANK RIZZO

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COUNCILMAN DANIEL SAVAGE

COUNCILWOMAN MARIAN B. TASCO

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BILLS 070994, 070605, 070606, 070607, 070608,

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070609, 070610, 070611, 070612, 070613,

070614, 070615, 070616, 070722, 070723,

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070724, 070725, 070726, 070727, 070728,

070729, 070730, 070732, 070733, 070734,

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070735, 070736, 071013, 071014, 071015,

071016, 071017, 071018, 071019, 071020,

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071021, 071022, 071023, 071024, 071025,

071026, 071027, 071028, 071029 and 071030

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Litigation Support Services

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Eleven Penn Center

1835 Market Street, Suite 600

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Philadelphia, Pennsylvania 19103

215.561.2220 215.567.2670

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COUNCIL PRESIDENT Verna: Can I

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have everyone's attention, please.

4

This is a continued public

5

hearing of the Committee of the Whole

6

regarding Bill No. 070994.

7

I would ask Mr. McPherson to

8

please read the title of the bill.

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MR. McPHERSON: An ordinance

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authorizing the Director of Finance,

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Commissioner of Public Property and other

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officials of the City to execute either

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directly or through the Philadelphia

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Authority for Industrial Development

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various agreements, instruments of

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conveyance and other transactional

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documents by and among the City, the

18

Commonwealth of Pennsylvania and the

19

Pennsylvania Convention Center Authority.

20

COUNCIL PRESIDENT Verna: May I

21

ask the City Solicitor to approach the

22

witness table, please.

23

Mr. Solicitor, it is my

24

understanding that you have spent a great

25

deal of time and patience, I'm sure.

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2 MR. DIAZ: It's been an
3 interesting six days, Madam Chair.

4 COUNCIL PRESIDENT VERNA: I am
5 absolutely certain of it.

6 Would you explain what we're
7 doing now that we weren't doing at our
8 last hearing.

9 MR. DIAZ: Thank you, Madam
10 Chair. I'm Romulo L. Diaz, Jr., City
11 Solicitor.

12 You'll recall that we had a
13 previous set of amendments related to
14 indemnification. The second set of
15 amendments that we had proposed, "we"
16 being the team, including the City, the
17 Authority and the Commonwealth, related
18 to the Economic Opportunity Plan and the
19 covenants associated with that for both
20 the Convention Center agreement and the
21 operating agreement.

22 With respect to the Economic
23 Opportunity Plan, we have been working
24 very diligently throughout the night, in
25 fact, last night to prepare the document

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2 before you. In concept, it is
3 essentially the same as what has been
4 previously testified to by the various
5 witnesses with, I think, two generally
6 important respects. The first is that we
7 have specifically addressed the concerns
8 of Councilman Goode and others with
9 respect to minority participation and not
10 only created an aspirational goal with
11 respect to minority workforce utilization
12 and contracting, but we have also created
13 minority sub-goals.

14 Specifically in connection with
15 the Economic Opportunity Plan, which is
16 dated December 6th, if you turn to Page
17 3, you will see in the Section II,
18 Construction Opportunities, you'll see in
19 the first paragraph under that section on
20 the bottom of Page 3 that we have created
21 a workforce utilization aspirational goal
22 of 40 percent. That has within it an
23 aspirational goal of 25 percent workforce
24 utilization of African-Americans, ten
25 percent with respect to

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2 Hispanic-Americans and five percent with
3 respect to Asian-Americans and ten
4 percent with respect to women.

5 COUNCIL PRESIDENT VERNA:
6 Excuse me just a moment.

7 Does everybody have a copy of
8 the new amendments?

9 Sharon, were they distributed?

10 MR. DIAZ: We have additional
11 copies.

12 COUNCIL PRESIDENT VERNA: If
13 you don't mind waiting just a moment,
14 please, until they're distributed.

15 COUNCILMAN GOODE: Point of
16 order.

17 COUNCIL PRESIDENT VERNA: The
18 Chair recognizes Councilman Goode.

19 COUNCILMAN GOODE: Thank you,
20 Madam President. There is a typo on the
21 first page of the amendment that I
22 pointed out. Section C, in the last
23 sentence, it says "contacts." It should
24 say "contracts." So I want to make sure
25 that's changed in the final version.

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2 MR. DIAZ: That's correct.

3 That same typo occurs on Page 3 of the
4 amendment in Paragraph F. I think we
5 were a little bleary-eyed this morning,
6 Councilman, when we were trying to do the
7 final review, but I see that you have
8 fresh eyes. Thank you.

9 Shall I proceed, Madam Chair?

10 COUNCIL PRESIDENT VERNA: Since
11 no one had a copy when you were
12 testifying, would you mind reiterating
13 your statement, please --

14 MR. DIAZ: Absolutely.

15 COUNCIL PRESIDENT VERNA: -- on
16 Page 3.

17 MR. DIAZ: On Page 3 you will
18 see II, Construction Opportunities;
19 Aspirational Participation Goals. And
20 there are two sets of aspirational goals.
21 There is one for workforce utilization,
22 and that is set for minority workers at
23 40 percent, with a 25 percent
24 aspirational goal for African-American
25 workers, ten percent with respect to

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2 Hispanic-Americans and five percent with
3 respect to Asian-Americans. Those are
4 new, and the goal is higher than was seen
5 before. There is also a change with
6 respect to workforce utilization of women
7 workers in that paragraph, which is now
8 shown as ten percent.

9 In the next paragraph, which
10 continues onto Page 4, we have contract
11 dollar aspirational goals, and with
12 respect to the contract dollars, the
13 minority participation goal is 35 percent
14 and for women it is 15 percent. There
15 are contracting dollar sub-goals with
16 respect to African-Americans, which is 20
17 percent -- you'll see a correction to
18 that effect hopefully in your copy -- ten
19 percent for Hispanic-Americans and five
20 percent for Asian-Americans, all of that
21 adding up to 35 percent. And, again, for
22 women, contract dollar participation goal
23 aspirationally is 15 percent.

24 That is the major change to
25 reflect the concerns that were expressed

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2 at, I believe it was, Tuesday was the
3 last time we discussed this issue.

4 The second major area of change
5 but has not changed the concept is really
6 to walk through all of the operational
7 steps to review the kinds of concerns
8 that were raised with regard to
9 compliance. We believe that we have a
10 strong and appropriate role for the
11 oversight committee, which includes a
12 representative of City Council. All the
13 reporting to be done in that committee is
14 to include reports to City Council. So
15 you will be in the loop as the
16 implementation of the construction
17 activities are underway.

18 But we tried to be careful and
19 respectful of the Authority's
20 responsibility as the owner and
21 construction manager relative to some of
22 the enforcement activities. Those
23 responsibilities remain with the
24 Authority. However, at every step along
25 the way, in identifying potential issues

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2 and trying to address them through
3 conciliation and mediation and trying to
4 develop investigation tools and
5 attempting to develop the punitive
6 actions, if any are warranted, all of
7 those compliance steps will incorporate
8 an opportunity for consultation with the
9 oversight committee, and, again, City
10 Council will be a member of that and City
11 Council will receive any reports that are
12 developed for the oversight committee or
13 by the oversight committee.

14 I think we have addressed the
15 major concerns as I heard them in our
16 previous discussions. We have worked
17 with one member in connection with
18 additional amendments, but I will stop
19 there in connection with my testimony and
20 I'd be happy to answer any questions,
21 Madam Chair.

22 COUNCIL PRESIDENT Verna: Thank
23 you.

24 Councilman DiCicco, your light
25 is on. Did you want to be recognized?

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2 COUNCILMAN DiCICCO: Yes.

3 Thank you, Madam President, and good
4 afternoon.

5 Good afternoon, Mr. Diaz.

6 MR. DIAZ: Good afternoon,
7 Councilman.

8 COUNCILMAN DiCICCO: Page 3,
9 when we talk about the aspirational
10 participation goals, I do have a problem
11 with the word "aspirational." I
12 certainly don't claim to be an expert on
13 the English language, but aspirational
14 seems to me to be hopes and dreams and
15 goals, and I think it's been this
16 Council's hope and dream and goals for a
17 number of years going back to when I
18 first came here when we did the stadium
19 deal that we would be able to get a much
20 greater participation by minorities and
21 women in the field of labor and the
22 workforce in the City of Philadelphia
23 when it comes to union jobs.

24 Forty percent, what I'm not
25 clear on, is that hours?

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2 MR. DIAZ: That is correct.

3 COUNCILMAN DiCICCO: The number
4 of hours?

5 MR. DIAZ: That is correct.

6 COUNCILMAN DiCICCO: So,
7 hypothetically, if there are 500 people
8 who are employed in the construction
9 phase of the expansion, they're
10 construction employees, for lack of a
11 better term, and let's say 50 of those
12 were minorities. You can get to the 40
13 percent by working pretty much to death
14 those 40 people or 50 people, but it
15 doesn't necessarily mean that the number
16 of people would get to 40 percent of the
17 workforce. There would not be 40 percent
18 of the workforce that would be minority
19 employees. It just means that 40 percent
20 of the hours would be attributed to those
21 numbers that are actually on the job
22 site. Is that --

23 MR. DIAZ: Councilman, I'm
24 going to ask my colleagues on this team
25 that has included the City, the Authority

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2 and the Commonwealth, but the Authority
3 to address those issues.

4 MR. MEZZAROBA: Albert
5 Mezzaroba, President and CEO of the
6 Pennsylvania Convention Center Authority.

7 COUNCILMAN DiCICCO: I don't
8 think you're on.

9 MR. MEZZAROBA: Am I on?

10 Councilman, it's going to be a
11 combination, because the reverse of that
12 would also be true, which is you can hire
13 40 or 50 or 100 people for a day, get to
14 your number and then the next day they're
15 not there. It will be an even balance.
16 We have to do it by hour as well because
17 with the hours worked, it is really a
18 true determination. We don't feel that
19 any contractors, it's in their best
20 interest to work people to death, because
21 you don't get the productivity out of
22 them.

23 But it will be a combination.
24 I don't believe we'd allow 40 people to
25 work enough hours to make up in your

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2 scenario the percentages, nor would we
3 allow them to hire people for one day to
4 get to their percentage and then the next
5 day those people disappear.

6 COUNCILMAN DiCICCO: I
7 appreciate your answer, and I guess it's
8 hard for me to either articulate or get
9 to the answer, because I think the devil,
10 as they say, is in the details. It seems
11 to me that although this is a good-faith
12 effort and I appreciate the City
13 Solicitor and my colleagues, Councilman
14 Goode and Blondell Reynolds Brown, in
15 trying to get a higher percentage, I
16 think for me it's just a simple question.
17 Will there be more minority folks working
18 on this project than has been
19 traditionally the case on other public
20 works projects? And I need to know how
21 we get that, since -- I could be wrong,
22 and maybe when Mr. Gillespie gets up to
23 testify, I'd like to know the number of
24 people who are in the minority category
25 who are members of the Building Trades,

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2 has that number increased and are they
3 journeymen or are they apprentices.

4 I mean, I think everybody knows
5 where I'm going with this. That number
6 never seems to change. We kind of play
7 with these percentages, but the number of
8 people of color never seems to be any
9 greater today than what it was ten, 15,
10 20 years ago. And that, I think, for me
11 is one of the big issues and I know it's
12 a big issue for a number of other folks
13 as well.

14 MR. MEZZAROBBA: Councilman, I
15 guess you've kind of summed it up pretty
16 well. Where we're at is, we will employ
17 as many City residents, as many minority
18 and women in the Trades as we can and
19 that are available at the time of
20 construction. We further have an
21 apprenticeship program in which we intend
22 on getting 50 percent of all the
23 apprenticeship hours and they will come
24 from feeding organizations, which we hope
25 to increase minority and women

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2 representation into the Trades through
3 new apprentices.

4 COUNCILMAN DiCICCO: What
5 happens if the union contractors are not
6 able to hire the number of people to
7 reach these numbers? Would we then look
8 for non-union contractors?

9 MR. MEZZAROBBA: Not as it's
10 presently laid out. We're in the process
11 of doing a PLA. This will be a union
12 job, and by the time we know whether the
13 contractor can meet those utilization
14 numbers, they'd already have been awarded
15 the contract. And then there's a series
16 of good-faith efforts that the contractor
17 would have to go through to prove that
18 they've done everything they can to meet
19 the numbers of -- I think it's a total of
20 40 percent.

21 MR. DIAZ: And, Councilman, the
22 best good-faith efforts are reflected
23 beginning on Page 5, Paragraph B. In
24 other words, the goal is as stated by me
25 earlier, but if you fall short of that

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2 goal, you must demonstrate that you fell
3 short despite your best and good-faith
4 efforts, and the examples that are to
5 demonstrate that began on Page 5,
6 continue onto Page 6, and there may be
7 additional documentation that can be
8 required in the event you failed to
9 demonstrate best and good-faith efforts.
10 Then there are enforcement mechanisms in
11 here. That's one of the reasons why
12 there is a covenant as well in both of
13 the agreements.

14 COUNCILMAN DiCICCO: And I know
15 there's a number of my colleagues that
16 have questions. Let's assume that for
17 whatever reason we prove that there's not
18 been a good-faith effort and they come up
19 short. Is this enforceable under the
20 law? Can we really do something about
21 this? I'm not an attorney. And what is
22 it we can do?

23 MR. MEZZAROBBA: Councilman, at
24 the workforce utilization stage, we would
25 have a contract. Within that contract

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2 would be the number as to what the
3 minority participation would be, not only
4 in the contracting portion but also on
5 workforce utilization. At that point,
6 they'd have to create -- cross a higher
7 threshold to prove good faith, and if
8 they don't, the contractor would be held
9 liable, and it would be a breach of
10 contract at that point, no different than
11 if you were supposed to put a wall and
12 they didn't.

13 COUNCILMAN DiCICCO: I will
14 yield at this time. I'm probably going
15 to come back later on, but thank you.
16 Thank you.

17 Thank you, Madam President.

18 COUNCIL PRESIDENT VERNA:
19 You're welcome.

20 At this time, the Chair
21 recognizes Councilman Goode.

22 COUNCILMAN GOODE: Thank you,
23 Madam President.

24 When I originally pushed my
25 button, I just wanted to simply thank all

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2 of the people who put so much hard work
3 into this. I'm glad we got to where I
4 think we needed to be, and it's been a
5 pleasure doing business with you.

6 Lastly, let me just say to
7 clarify the issues raised by Councilman
8 DiCicco, I believe they will continue to
9 be raised. At the end of the day, I'm
10 more comfortable using workforce hours
11 rather than workers for the reason that
12 Mr. Mezzaroba clearly explained, and it
13 works in reverse as well. If we said we
14 want 50 percent of the workers to be
15 minority, that doesn't guarantee they're
16 going to get 50 percent of the workforce
17 hours. And at the end of the day, the
18 way this is structured in terms of
19 contracts and jobs, it's structured to --
20 when you say "contracts," it means
21 contract dollars. When you say "jobs,"
22 it means workforce hours to make sure
23 that basically the dollars and the
24 workforce hours go where they're supposed
25 to go.

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2 And so this is somewhat of a
3 tried and true method in terms of looking
4 at both options and which is a better way
5 to go. So I'm very pleased we got to
6 some fairly aggressive aspirational
7 goals, and as you said, in the end, the
8 devil is not only in the details, the
9 devil is also in the implementation.

10 And so I think we're doing some
11 other things here through other
12 amendments, some offered by Councilwoman
13 Miller, that makes sure the reporting
14 requirements are put in there, that we'll
15 be able to track this continually,
16 amendments suggested by Councilwoman
17 Brown in terms of reporting requirements.
18 I think it will help get us there as well
19 in terms of constantly knowing what's
20 going on in terms of reaching these goals
21 and having the oversight committee in
22 place and having enforcement mechanisms
23 in place that's in the oversight
24 committee.

25 So, once again, I want to thank

1 12/6/07 - WHOLE - BILL 070994, ETC.

2 the people who worked hard to get us to
3 more aggressive aspirational goals, and I
4 think it's a much better place that we're
5 at now than we were last Friday. So
6 thank you.

7 COUNCIL PRESIDENT VERNA: Thank
8 you.

9 The Chair recognizes
10 Councilwoman Brown.

11 COUNCILWOMAN BROWN: Thank you,
12 Madam President.

13 Let me too just underscore
14 Councilman Goode's acknowledgment of
15 listening and hearing our concerns around
16 MBE/WBE/DBE participation.

17 For the record, we've had the
18 side bar, but I do want to put on the
19 record why procedurally it's not possible
20 for the oversight committee to have the
21 far-reaching ability to impose penalties,
22 fines, et cetera, for contractors who do
23 not meet the ideals of this EOP plan.

24 MR. DIAZ: I believe that -- I
25 should be clear. There is a far-reaching

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2 role for the oversight committee, but the
3 contracting parties are, on the one hand,
4 the Authority and, on the other hand, the
5 people who are actually going to do the
6 construction work.

7 COUNCILWOMAN BROWN: Repeat
8 that, please.

9 MR. DIAZ: On the one hand it's
10 going to be the Authority as the owner
11 and on the other hand it's going to be
12 the actual contractor doing the
13 construction work. And so what we tried
14 to avoid is putting a non-contracting
15 party in the middle. And so because you
16 have legal rights and remedies that you
17 can enforce against if you are a
18 contracting party, the Authority is the
19 one that has to do that job. But every
20 time the Authority is doing its job, it's
21 going to be doing it in direct
22 consultation at every step of the
23 compliance process in consultation with
24 the oversight committee.

25 So we have tried to build in a

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2 very robust opportunity for the oversight
3 committee not just to be involved, but to
4 be directly involved in every important
5 step that is taken at a regular periodic
6 interval so that we proactively avoid a
7 situation where the effort is already
8 completed on a contract and then you find
9 out these people didn't meet their goals.
10 So we haven't put in exactly what the
11 period for review is, but the intention
12 is at least on a monthly basis and
13 perhaps even more regularly, depending
14 upon the nature of the work and the
15 issues that come up, that the oversight
16 committee is going to be directly
17 consulted and involved in deciding is
18 this a problem.

19 Certainly the oversight
20 committee can raise a concern in terms of
21 an allegation of a problem. It will be
22 consulted as well in connection with is
23 this an opportunity for
24 conciliation/mediation to try to address
25 it. Maybe there's a problem.

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2 We talked earlier today in our
3 group about perhaps 80 percent of the
4 work is done. Is that a time now to
5 release 80 percent of the funds
6 associated so that subcontractors could
7 get paid. All of those are appropriate
8 kinds of things you might consider at a
9 conciliation/mediation step.

10 The next step is investigation,
11 and if it turns out that a formal
12 investigation is warranted, the oversight
13 committee is going to be involved in
14 that. And if it turns out that after a
15 formal investigation it appears that
16 something really is wrong and some kind
17 of enforcement is called for, the
18 oversight committee is going to be
19 directly involved in that process as
20 well, not as the building owner, but as a
21 party to be consulted and have an
22 opportunity to advise the building owner
23 in connection with what those enforcement
24 penalties might be.

25 So we think we've built in a

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2 very far-reaching and appropriate role
3 for the oversight committee.

4 COUNCILWOMAN BROWN: Thank you
5 for your testimony.

6 Thank you, Madam President.

7 COUNCIL PRESIDENT VERNA:

8 You're welcome.

9 Councilwoman Miller's light is
10 on.

11 COUNCILWOMAN MILLER: Yes.

12 Thank you, Madam President.

13 Madam President, we looked over
14 the EOP plan that we had prior to today
15 and met with the Authority and the Law
16 Department and agreed on a series of
17 amendments that we believe strengthens
18 the monitoring and the reporting
19 requirements, and we did pass those
20 amendments out and everyone should have a
21 copy of those amendments. And we'd
22 actually like to -- we've already
23 discussed them with pretty much everybody
24 at the table and we circulated them to
25 all Councilmembers, and we would like

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2 these to be included with the vote today.
3 It basically deals with the monitoring,
4 with certified payrolls, with prompt
5 payment and the documentation of minority
6 and female participation and reporting
7 requirements and also the fact that these
8 records are all public.

9 COUNCILWOMAN BROWN: Point of
10 information.

11 COUNCIL PRESIDENT Verna: I'm
12 sorry. I can't hear you.

13 COUNCILWOMAN BROWN: I do have
14 a question for the sponsor of the
15 amendment, Councilwoman Donna Miller.

16 COUNCILWOMAN MILLER: Yes.

17 COUNCILWOMAN BROWN: Thank you,
18 Council Lady.

19 This indeed does strengthen a
20 lot of the discussion around the
21 oversight committee a couple of days ago.
22 What I do not see here -- and maybe it's
23 covered in what our City Solicitor has
24 indicated around fines and penalties --
25 for those who don't honor, for example,

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2 submitting documents by the 15th day of
3 the month, then what happens?

4 COUNCILWOMAN MILLER: Right.
5 Our amendment does not deal with that,
6 and I'm not sure either whether it's in
7 the new document that was submitted, but
8 penalties has to be a part of anything.
9 I think there was something around
10 penalties -- oh, there is a whole section
11 on non-compliance on Page 9 in the new
12 document that we received this morning.

13 COUNCILWOMAN BROWN: So,
14 Mr. City Solicitor, this amendment would
15 capture the description you provided
16 about the role of the oversight
17 committee. Where there is non-compliance
18 with this amendment, then the oversight
19 committee's concerns or recommendations
20 around this type of issue, those
21 procedures you just described will kick,
22 correct?

23 MR. DIAZ: My testimony,
24 Councilwoman, was as to the
25 non-compliance provision, which is found

1 12/6/07 - WHOLE - BILL 070994, ETC.
2 on Page 9 of the EOP that we talked about
3 earlier, VII. What Councilwoman Miller
4 has circulated would further enhance that
5 effort and the team. And I keep
6 referring to it as a team because we've
7 got three parties to this deal, the City,
8 the Commonwealth and the Authority. We
9 have had the opportunity, and we
10 appreciate it, to work directly with
11 Councilwoman Miller on this, and we
12 believe that these are not only workable,
13 but they are appropriate and helpful.

14 COUNCILWOMAN MILLER: Let me
15 just say one sentence. This is an early
16 warning signal that there are problems.

17 COUNCILWOMAN BROWN: Would you
18 say, City Solicitor, that this is an
19 improvement from what we went through
20 with the building of the stadiums around
21 the honoring of and the assurance that
22 MBEs and WBEs were being involved and
23 paid all the way through the completion
24 of the project?

25 MR. DIAZ: Well, you may recall

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2 that I wasn't here then in the City. I
3 had the misfortune to only move here five
4 and a half years ago. I should have
5 moved here sooner.

6 But everything that I have
7 heard, Councilwoman, tells me that what
8 we have prepared here in direct response
9 to the concerns expressed by
10 Councilmembers, further assisted by the
11 amendments circulated by Councilwoman
12 Miller, makes this really precedent
13 setting and raises the bar, and, quite
14 frankly, I believe that you should
15 feel -- we should all feel proud about
16 the kind of goals that are being set and
17 the enforcement mechanisms created, I
18 think very much along the lines of what I
19 heard Councilman Goode express a few
20 minutes ago.

21 COUNCILWOMAN BROWN: Thank you,
22 Mr. Solicitor.

23 Thank you, Madam President.

24 COUNCIL PRESIDENT VERNA:

25 You're welcome.

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2 Councilwoman Miller.

3 COUNCILWOMAN MILLER: Most of
4 these were put together as a result of
5 phone calls that we receive as
6 Councilmembers from contractors over the
7 course and life of some of these
8 contracts. So I guess it's an attempt to
9 make things run smoother and address some
10 of the concerns that we've heard year
11 after year after year, and it's the best
12 effort. I hate to even use those words,
13 but that's what it is, because I think
14 good faith and all those things are very
15 vague, hard to measure, but if you break
16 it out and just put it in black and white
17 and on paper, then hopefully it's a good
18 start.

19 Thank you.

20 COUNCIL PRESIDENT Verna:

21 You're welcome.

22 The Chair recognizes Councilman
23 Clarke.

24 COUNCILMAN CLARKE: Thank you,
25 Madam President. I'll be real brief,

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2 because I know we actually do have City
3 Council today.

4 COUNCIL PRESIDENT VERNA: Yes,
5 we do.

6 COUNCILMAN CLARKE: I almost
7 forgot.

8 First, Madam President, I would
9 just like to thank everyone involved in
10 this process. Where we came from from
11 the first day of the hearing to where we
12 are today is, frankly speaking, extremely
13 significant. I want to thank all the
14 members of Council who worked on this
15 particular issue in a very diligent way.
16 But there's a certain reality here, and
17 given what we've been successful in
18 achieving in terms of goals over the last
19 several months with projects that have
20 come before this Council in particular
21 and ones that haven't quite come before
22 this Council, there are probably going to
23 be a significant number of large-scale
24 developments over the next several years
25 happening throughout the City of

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2 Philadelphia, and actually when
3 Councilwoman Reynolds Brown asked the
4 question about the stadiums, having
5 participated in that oversight committee,
6 one thing that came about is that we
7 actually had better success in getting
8 contracts for African-Americans and all
9 other minorities related to the goals,
10 but the underlying problem was that we
11 didn't have this level of success, not
12 even close to the level of success of
13 meeting the goals for employees, and at
14 the end of the day, it was simply
15 because, one, that was a union job; two,
16 there are just not enough minorities in
17 the unions in the City of Philadelphia to
18 meet those particular goals.

19 My concern is -- and we in this
20 Council and all of the pertinent parties
21 need to probably the first of the year
22 aggressively try to figure out some
23 strategy, because if we're talking about
24 50 percent at the Cira and Fox Chase
25 doing 30, 35 percent, 40, 50 percent here

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2 and who knows what's going to happen with
3 the casinos, Councilman DiCicco, if in
4 fact they, my good friend, if in fact
5 they get built, they place some
6 significant goals. Because Councilman
7 DiCicco always has something up his
8 sleeves, that's why I have to say in the
9 speculative terms.

10 There is going to be a
11 requirement for a whole lot of minority
12 workers, and in all honesty, I don't see
13 where they're at in the City of
14 Philadelphia. So if we want to make this
15 work, we're going to have to come up with
16 something very, very, very, very
17 significant in terms of out-of-the-box
18 thinking, because the reality is although
19 there is a commitment for 50 percent of
20 the apprentices, that's not going to get
21 it done. And I say that to everybody
22 involved, the Trades, government,
23 everybody. We really better think about
24 a way of getting people in the workforce
25 in an expedited way if we're going to

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2 meet these goals that we've been setting
3 in this Council throughout the City of
4 Philadelphia in the next couple of years.

5 So I just want to say I thank
6 everybody, but I'm going to ask that
7 everybody be as diligent after we pass
8 this legislation, because I will be
9 voting for it, in coming up with the next
10 phase, which will be figuring out a way
11 that this will work and all of the other
12 large-scale projects will work in the
13 City of Philadelphia as it relates to
14 goals for diversity on all these various
15 projects.

16 So I just want to thank Madam
17 President for that, but it's going to
18 take a lot of work to make this happen,
19 some very creative thinking. So thank
20 you.

21 COUNCIL PRESIDENT VERNA: Thank
22 you.

23 Thank you very much.

24 MR. MEZZAROBBA: Thank you,
25 Madam President.

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2 COUNCIL PRESIDENT VERNA: Are
3 there any other questions from members of
4 the Committee for the City Solicitor?

5 (No response.)

6 COUNCIL PRESIDENT VERNA: Thank
7 you.

8 MR. DIAZ: Thank you.

9 COUNCIL PRESIDENT VERNA: Do we
10 have anyone else to testify on this bill?

11 It's my understanding that a
12 couple of the Councilmembers did want
13 Mr. Gillespie to come in.

14 We have someone at the table.
15 Did you want to testify also?

16 MS. ZAMPITELLA: Yes, ma'am.

17 COUNCILMAN DiCICCO: Point of
18 order.

19 COUNCIL PRESIDENT VERNA: Yes.

20 COUNCILMAN DiCICCO: Was not
21 the Chairman of the Redevelopment
22 Authority also requested to be here
23 today? That was my understanding. I
24 didn't make the request. Did anyone --

25 COUNCILMAN GOODE: Yes.

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2 MS. ZAMPITELLA: May I
3 approach?

4 COUNCIL PRESIDENT VERNA:
5 Please.

6 MS. ZAMPITELLA: Good
7 afternoon, ladies and gentlemen. My name
8 is Katherine Zampitella. I'm also known
9 as Lady Tri-axle Trucking. I am the
10 first female dump truck driver in the
11 Philadelphia Building and Construction
12 Trades as a dump truck driver. I'm
13 certified WBE for the State of
14 Pennsylvania, the City of Philadelphia.

15 I have been discriminated
16 against, harassed on 99.9 percent of
17 these major projects going on, and I'm
18 from the City of Philadelphia all my
19 life, the section of Port Richmond. And
20 I've been seeing a lot of tri-axle dump
21 trucks that are Philadelphia-based
22 businesses getting deprived of the
23 Convention Center.

24 AM/PM Dump Truck Tri-axle
25 Service and myself had tried numerous

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2 times to get a little bit of work out of
3 Geppert Brothers at the Convention Center
4 and they just -- they all discriminate,
5 Children's Hospital, and I've got proof.

6 It needs to stop. I think that
7 the City needs to crack down on the
8 contractors to make sure that they are
9 not discriminating against little WBEs
10 like myself. I think the contract should
11 be broken down into smaller pieces so the
12 little people can have a little bit of it
13 instead of all of the Jersey contractors
14 coming over, getting all this big work
15 and bringing their small people in.

16 The ratio is too low. They're
17 not working enough Philadelphia-based
18 businesses. And I can only speak on
19 behalf of the dump trucks that are doing
20 the first phase of all the major jobs in
21 the City here. There's
22 Philadelphia-based businesses that aren't
23 getting any of this work, because you got
24 all the contractors from New Jersey, as I
25 said, bringing all those dump trucks

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2 over, while you got guys out at Mt. Airy,
3 Germantown, 22nd and Huntingdon, you
4 know. Mr. Pullins goes out of business,
5 God bless him. Why? Discrimination.

6 COUNCIL PRESIDENT VERNA: Thank
7 you.

8 The Chair --

9 MS. ZAMPITELLA: Thank you,
10 ma'am.

11 COUNCIL PRESIDENT VERNA: Just
12 a moment, please.

13 Any questions of this witness?

14 COUNCILWOMAN TASCO: Yes.

15 COUNCIL PRESIDENT VERNA: The
16 Chair recognizes Councilwoman Tasco.

17 COUNCILWOMAN TASCO: You
18 underscore the sentiment of the members
19 of this Council, and we've always tried
20 to get contracts broken down so that
21 smaller businesses can certainly
22 participate in the business of the City,
23 and it's been difficult, but the
24 effort --

25 MS. ZAMPITELLA: Because a lot

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2 of them aren't abiding by the contracts
3 when they get them.

4 COUNCILWOMAN TASC0: We
5 understand. Thank you.

6 COUNCIL PRESIDENT VERNA: The
7 Chair recognizes Councilwoman Brown.

8 COUNCILWOMAN BROWN: Yes, Madam
9 President. I need to underscore the
10 remarks of Councilwoman Tasco.

11 Thank you for putting a face on
12 this issue here today. It's one thing to
13 read it in text and it's another thing to
14 hear it.

15 MS. ZAMPITELLA: The ratio is
16 too low. The Philadelphia certified
17 businesses should get the work before the
18 outsiders come in.

19 COUNCILWOMAN BROWN: How long
20 have you been certified?

21 MS. ZAMPITELLA: Three years
22 I've had my own tri-axle, but I'm one of
23 the first female dump truck drivers in
24 the Philadelphia Building Trades, trained
25 under Pennsylvania Department of

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2 Transportation, under James D. Morrissey
3 Contractors. I have a certificate in
4 heavy highway training and building
5 construction.

6 COUNCILWOMAN BROWN: Good for
7 you.

8 MS. ZAMPITELLA: God bless
9 Cindy Stovall. She was the first black
10 female in the Operating Engineers, and
11 when she died two years ago on May 24th,
12 she said to me, Kathy, just keep
13 fighting, girl. Twenty-six years that
14 woman had in and she died of ovarian
15 cancer. God bless her.

16 Thank you very much.

17 COUNCILWOMAN BROWN: Thank you
18 for your testimony.

19 COUNCIL PRESIDENT Verna:
20 You're welcome. Thank you.

21 Mr. Gillespie.

22 MR. GILLESPIE: Patrick
23 Gillespie, Business Manager of the
24 Philadelphia Building Trades Council.

25 COUNCIL PRESIDENT Verna: All

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2 right.

3 Councilwoman Tasco.

4 COUNCILWOMAN TASCO: Yes.

5 Mr. Gillespie, are the Building Trades in
6 support of this new Economic Plan that's
7 set forth by the Council?

8 MR. GILLESPIE: I haven't seen
9 it, but the Building Trades has been
10 involved in every initiative that we
11 provide diversity in the construction
12 industry.

13 COUNCILWOMAN TASCO: Through
14 the years every time we've put forth a
15 City project, we have an Equal
16 Opportunity Plan or we require minority
17 participation, but at the end of the day,
18 we don't see any improvement in the
19 number of women and minorities in the
20 construction trades. We have to start
21 all over again with a plan like this to
22 be inclusive.

23 We get the apprenticeship and
24 the apprentices on the jobs. They work
25 that job, but they never become

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2 journeymen. Could you kind of explain
3 why that happens?

4 MR. GILLESPIE: Well, number
5 one, that doesn't happen. That simply
6 doesn't happen. And the picture being
7 drawn here by a number of people, you and
8 Councilman Clarke and other people, that
9 we haven't met goals or that the Building
10 Trades unions were not at the forefront
11 of meeting goals or that the complexion
12 of the Building Trades is all white or
13 something, I mean, it's just simply
14 incorrect.

15 I don't have any specific
16 numbers per union, but I do know that the
17 initiatives that we've embarked on
18 ourselves, our Diversified Apprenticeship
19 program, which was our idea, the Housing
20 Authority program that the painters and
21 the carpenters embark in and the plumbers
22 embark in, they have had fabulous
23 results. We have an awful lot of people
24 who are now members of our unions in the
25 Trades because of those.

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2 When we first built the
3 Convention Center, as far back as that,
4 the unions sided with the Affirmative
5 Action program, which at the time came
6 under serious scrutiny by the federal
7 court because of Judge Bechtel's ruling
8 that was sustained by the Supreme Court
9 that forbad the kind of set-aside
10 program. So we crafted a strategy
11 through Ahmeenah Young, and we helped and
12 defended that strategy and made sure that
13 it was lived up to on the job. I mean,
14 that's what the unions do.

15 Now, I know we're an easy
16 target, but, you know, people should,
17 before they make statements like that
18 publicly and on the record, they should
19 figure out whether or not they're true.

20 COUNCILWOMAN TASCO: Well --

21 COUNCILMAN DiCICCO: Point of
22 order, Madam President.

23 COUNCIL PRESIDENT VERNA: The
24 Chair recognizes Councilman DiCicco for a
25 point of order.

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2 COUNCILMAN DiCICCO: Thank you,
3 Madam President.

4 Mr. Gillespie, you're saying
5 that we're targeting the unions. You
6 also said that you don't have specifics,
7 but I need to ask you some specific
8 questions. Hopefully you could answer
9 that.

10 How many unions does your
11 Council represent, Building Trades?

12 MR. GILLESPIE: In the
13 five-county area, 42 local unions.

14 COUNCILMAN DiCICCO: Do you
15 know the number of people that make up
16 that membership, approximately?

17 MR. GILLESPIE: I do not.

18 COUNCILMAN DiCICCO: Would you
19 happen to know the number of minorities
20 who are represented by the Building
21 Trades in the five-county region?

22 MR. GILLESPIE: Zero. We don't
23 represent anyone. The unions do.

24 COUNCILMAN DiCICCO: The
25 unions. Do you know how many minorities

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2 are represented by the unions that are
3 members of the Council?

4 MR. GILLESPIE: No. I don't
5 have any of that data.

6 COUNCILMAN DiCICCO: And I
7 suspect you wouldn't have the number of
8 females, women, that are participants?

9 MR. GILLESPIE: I don't have
10 any of that.

11 COUNCILMAN DiCICCO: Didn't you
12 know that this hearing was pretty much
13 based on the minority participation and
14 female participation, that that's why
15 this bill did not move for the last two
16 hearings? Didn't you think that maybe it
17 would be important to --

18 MR. GILLESPIE: Councilman, I
19 was asked --

20 COUNCILMAN DiCICCO: Let me
21 finish my question.

22 MR. GILLESPIE: I was asked --
23 well, I know what your question is. Go
24 ahead.

25 COUNCILMAN DiCICCO: I'm not

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2 finished.

3 Didn't you think it was
4 important for you to bring some
5 statistics to address those concerns that
6 have been raised at the last two meetings
7 that are relevant to what we're talking
8 about today and be able to address the
9 issue on minority and female
10 participation within the Trades?

11 MR. GILLESPIE: Councilman, I
12 was asked -- I didn't know the status of
13 this bill. I was asked to stay away from
14 here. That was the strategy. I was
15 asked yesterday by Stephanie Naidoff that
16 said -- called my secretary and said that
17 Councilman Goode would like me to be here
18 today to testify on behalf of this bill.

19 I'm here to tell you that I
20 think the bill will work. I think the
21 project will work. I don't know who has
22 the data. I don't know whether that even
23 exists, the data that you're asking for.
24 I don't know who compiles that stuff.

25 COUNCILMAN DiCICCO: Well --

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2 MR. GILLESPIE: I don't know.

3 COUNCILMAN DiCICCO: Who would
4 have that? You don't know how many
5 members --

6 MR. GILLESPIE: I don't know.

7 COUNCILMAN DiCICCO: You don't
8 know how many members are represented in
9 the five-county region?

10 MR. GILLESPIE: No.

11 COUNCILMAN DiCICCO: So how can
12 then we stand here today and approve a
13 document that's going to get us to a 40
14 percent participation when we don't even
15 know what the number of people are who
16 may be in that pool or not in that pool?

17 MR. GILLESPIE: Well, you can
18 look at our track record. You can look
19 at what we've done before.

20 COUNCILMAN DiCICCO: With no
21 disrespect, it's the track record that
22 brings us to this position that we're in
23 today.

24 MR. GILLESPIE: Then apparently
25 your track record and the real track

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2 record -- your assessment of our track
3 record is incorrect.

4 COUNCILMAN DiCICCO: Then show
5 me the proof.

6 MR. GILLESPIE: What empirical
7 data did you look at when you drew your
8 conclusions that we didn't live up to our
9 record, didn't live up to what we said we
10 would do?

11 COUNCILMAN DiCICCO: I think
12 the facts, the numbers would prove that
13 I'm right.

14 MR. GILLESPIE: Well, I don't
15 know who has those facts, but I do know
16 that if a certain amount of hours are set
17 aside for a construction project for
18 minority participation, I do know that we
19 see to it that that is done.

20 COUNCILMAN DiCICCO: You know,
21 you said the strategy was for you to stay
22 away. I don't know whose strategy that
23 was. You're certainly welcome, as far as
24 I'm concerned. I think the strategy was
25 to prohibit 500 people from coming in and

12 MR. GILLESPIE: I'm sorry that
13 you're so sensitive, Councilman.

23 MR. GILLESPIE: Well,
24 Councilman, I was at that hearing and
25 just for the record, from my view, there

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2 weren't 300 people there. And from,
3 again, from my record, I saw both you and
4 Senator Fumo giving as good as they got.

5 COUNCILMAN DiCICCO: We
6 shouldn't have to engage in that,
7 Mr. Gillespie.

8 MR. GILLESPIE: But you
9 initiated it, Councilman, you and Senator
10 Fumo.

11 COUNCILMAN DiCICCO: Yeah.
12 Absolutely. Yeah.

13 MR. GILLESPIE: That's what I
14 saw.

15 COUNCILMAN DiCICCO: Yeah, we
16 always initiate these things. We're the
17 guys that get the work done to create the
18 jobs for the Building Trades and we're
19 initiating it.

20 MR. GILLESPIE: And we
21 appreciate that.

22 COUNCILMAN DiCICCO: Yeah, I
23 know. Some appreciation we've gotten
24 around here for the last 12 years. Some
25 appreciation.

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2 There aren't any numbers, so I
3 don't know how we can even entertain
4 these percentages if we don't even know
5 if there are enough people that are in
6 the Trades that can fill this goal, or
7 it's the aspirations again, the hopes and
8 dreams.

9 MR. GILLESPIE: Let me just
10 say, Councilman, that our track record
11 is, where we agree to provide people of
12 color and women on projects at a certain
13 level, we do our level best to do that,
14 and we have done that. You look at the
15 Post Office job down on Lindbergh
16 Boulevard. That was a job where we had
17 to go and enforce the procedures and had
18 to get pretty rough with a couple of
19 contractors, simply because they didn't
20 want to hire additional people. That's
21 what this comes down to.

22 COUNCILMAN DiCICCO: Well,
23 without statistics, again, I don't know
24 how we can sit here today and make these
25 decisions without having statistics, if

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2 we can ever get to those goals that we
3 all would aspire to get to.

4 I have no further questions,
5 Madam President.

6 COUNCILWOMAN TASC0: Madam
7 President, I think I was asking
8 questions.

9 COUNCILMAN DiCICCO: I'm sorry.
10 Thank you for allowing me --

11 COUNCILWOMAN TASC0: You just
12 said that the contractors have to hire
13 additional people. If the workforce of
14 the trade unions were diverse, would you
15 have to hire additional people to fulfill
16 the requirements on the project?

17 MR. GILLESPIE: Let me explain
18 the construction process as I know it.
19 If you have a goal of 50 percent
20 minority, a goal of 50 percent women,
21 Asian and African-American on a project,
22 and your first contractor shows up, who
23 is your concrete placement contractor,
24 and he shows up with six people and only
25 one of them is in that minority category,

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2 then right at that moment you've got to
3 insist that they correct that, that they
4 hire additional people. Because
5 unfortunately for us, as our people go to
6 work, they work themselves out of a job.
7 So you don't want to -- so that's where
8 strict monitoring and adherence. And
9 what we did at the Convention Center the
10 first time was, we were on top of that
11 pretty quickly.

12 COUNCILWOMAN TASC0: Do they
13 get --

14 MR. GILLESPIE: And that's why
15 we were able to achieve the goals that we
16 said we could achieve.

17 COUNCILWOMAN TASC0: But the
18 contractor gets the employees from the
19 union shop, right?

20 MR. GILLESPIE: The contractor
21 gets their employees from the union or
22 from elsewhere and they become union.

23 COUNCILWOMAN TASC0: Mostly
24 from the unions in Philadelphia, right?

25 MR. GILLESPIE: Right.

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2 COUNCILWOMAN TASC0: And so if
3 the concrete people were diverse and you
4 knew you had to have so many minorities
5 on the job, wouldn't you send them out
6 from the union hall?

7 MR. GILLESPIE: Councilwoman --

8 COUNCILWOMAN TASC0: If the six
9 people were from the union hall --

10 MR. GILLESPIE: Just so you
11 understand, when this contractor started
12 this job, those six people were all
13 unemployed. They were not working. So
14 now they're working. So what you have to
15 do, they want to start with six and then
16 maybe move to 12. Don't start with --
17 start with 12, but make sure your racial
18 component, make sure your minority
19 commitment is lived up to from the very
20 beginning. That's when it then
21 becomes -- it is not a problem to do.

22 COUNCILWOMAN TASC0: But what
23 if the job only requires six people? How
24 do you deal with the diversity with the
25 six people?

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2 MR. GILLESPIE: Well, we insist
3 that the job requires more than six
4 probably. We'll probably try to get more
5 people hired, because that's what we try
6 to do.

7 COUNCILWOMAN TASC0: Well, if
8 I'm doing a job for you and I only need
9 six people to lay concrete, why would I
10 hire 12? Why couldn't the six people be
11 diverse?

12 MR. GILLESPIE: Well, then he
13 has to have the six to -- he has to know
14 that he has to get there. He has to know
15 he has to do that, or she.

16 COUNCILWOMAN TASC0: Well, if
17 you get them out from the union hall,
18 shouldn't that workforce of six people be
19 diverse?

20 MR. GILLESPIE: The way the
21 union hall is structured, it's usually on
22 who has been out of work the longest.
23 They get out first.

24 COUNCILWOMAN TASC0: You talked
25 about empirical data for us to prove that

1 12/6/07 - WHOLE - BILL 070994, ETC.
2 the sites lack diversity. Well, just
3 like you don't have the numbers for the
4 various unions in terms of the diversity
5 of their membership, but we do have some
6 empirical data because we can see it as
7 we walk the streets and the people in our
8 community walk the streets and see these
9 job sites and that they do not reflect
10 the diversity of the City. The question
11 for -- and I've known -- we've been doing
12 this for years round and round and round,
13 but we never see any improvement in the
14 labor force that comes from the Building
15 Trades.

16 What are you all doing to
17 increase the number -- to diversify your
18 membership and what happens to all those
19 apprentices that we put on these jobs and
20 we never see them again on the next job?

21 MR. GILLESPIE: Well --

22 COUNCILWOMAN TASC0: What
23 happens to them?

24 MR. GILLESPIE: You do have
25 data. You do have access to data where

1 12/6/07 - WHOLE - BILL 070994, ETC.

2 records are kept. So it is available to
3 you through --

4 COUNCILWOMAN TASC0: No. I'm
5 talking about your membership. You can't
6 tell us the makeup of membership of the
7 various trades. That's what you said.
8 You couldn't tell us the -- we ask all
9 the time what is the makeup of the
10 membership of various trades, and nobody
11 has that information. That's what I'm
12 talking about.

13 MR. GILLESPIE: Well, I don't
14 have that information. I can't
15 manufacture it, but you do have
16 information --

17 COUNCILWOMAN TASC0: But you
18 have --

19 MR. GILLESPIE: You do have
20 information as the government, because we
21 have those records of who worked on the
22 stadium projects, who worked on the
23 Convention Center, who worked on the Post
24 Office, anywhere where we've had an
25 affirmative action program.

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2 We just started our affirmative
3 action -- our program with the School
4 District where we've taken in close to
5 400 new apprentices who were graduates
6 from the School District of Philadelphia.
7 A large number, close to 300 of those,
8 are African-American. They're all
9 apprentices. Unfortunately, all they are
10 right now is, most of them are unemployed
11 because they're just apprentices.
12 They're just going to school at the
13 apprenticeship school, because we don't
14 have projects at the School District to
15 send them to or other projects, because
16 we have a significant unemployment right
17 now.

18 COUNCILWOMAN TASC0: So by the
19 time the schools that are in construction
20 now are finished, those young people who
21 are in the apprenticeship program through
22 the School District will not have worked
23 on the School District project. The
24 projects will be done.

25 MR. GILLESPIE: They may never

1 12/6/07 - WHOLE - BILL 070994, ETC.

2 work on a School District project ever.

3 COUNCILWOMAN TASC0: Will they
4 work on any other projects?

5 MR. GILLESPIE: Of course, yes.

6 COUNCILWOMAN TASC0: Will they
7 work on any other projects that are not
8 publicly funded?

9 MR. GILLESPIE: Yes. That's
10 what the beauty of the apprenticeship is.
11 That's what it is. You become a
12 journey person in that craft.

13 COUNCILWOMAN TASC0: Thank you.

14 COUNCILWOMAN MILLER: Point of
15 order.

16 COUNCIL PRESIDENT VERNA: Yes.
17 The Chair recognizes Councilwoman Miller
18 for a point of order.

19 COUNCILWOMAN MILLER:
20 Mr. Gillespie, who ends up being their
21 sponsor? Don't they need a sponsor to
22 succeed or even become an apprentice?

23 MR. GILLESPIE: Some crafts
24 require -- I know the carpenters require
25 an employer to sponsor an apprentice, and

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2 I believe the carpenters have taken in
3 well over 100 apprentices this year from
4 the Philadelphia School District, all of
5 which have sponsors, all of which are
6 employed.

7 COUNCILWOMAN MILLER: So that's
8 included in the 300 number, the 100?

9 MR. GILLESPIE: Yes. Yes.

10 COUNCILWOMAN MILLER: So how
11 many total apprentices do they have? How
12 many total -- I don't want to say the
13 School District, because you've said that
14 that's 400, but total.

15 MR. GILLESPIE: Well, from what
16 I believe, the apprentices this year that
17 were taken in were close to 500, 400 of
18 which were School District graduates.

19 COUNCILWOMAN MILLER: And 300
20 of them --

21 MR. GILLESPIE: Now, a number
22 of them came from our diversified
23 apprenticeship program, went through the
24 School District and then through our
25 diversified apprenticeship program. A

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2 number of them came from our Housing
3 Authority program also.

4 COUNCILWOMAN MILLER: So with
5 the Housing Authority and School District
6 program, those are separate programs
7 other than the regular normal
8 apprenticeship program?

9 MR. GILLESPIE: They're a
10 pre-apprenticeship program, like our DAP
11 program is.

12 COUNCILWOMAN MILLER: So how do
13 they work out the sponsoring corporation
14 or business that would end up being that
15 sponsor, that person's sponsor?

16 MR. GILLESPIE: Well, the
17 person can get hooked up. The union can
18 hook them up with a contractor. I mean,
19 that's the way that works with the
20 carpenters.

21 COUNCILWOMAN MILLER: Does the
22 union do that?

23 MR. GILLESPIE: Yes. The
24 carpenters do that. They require a
25 sponsor. I believe they're the only ones

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2 that require a sponsor. That keeps those
3 students employed for four or I think
4 it's five years now.

5 COUNCILWOMAN MILLER: Okay.

6 MR. GILLESPIE: Through their
7 schooling.

8 COUNCILWOMAN MILLER: Well, you
9 know, earlier you said that when people
10 say you haven't met the goals, then we
11 don't have correct information. Do you
12 remember that statement?

13 MR. GILLESPIE: Yes. It was
14 said that goals were not met, and we
15 certainly did meet them.

16 COUNCILWOMAN MILLER: Right.
17 Well, can we have the information that
18 helps us know?

19 MR. GILLESPIE: You have it. I
20 mean, it's your information.

21 COUNCILWOMAN MILLER: Who has
22 it?

23 MR. GILLESPIE: Whatever City
24 agency is required to monitor that. I
25 guess it's the --

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2 COUNCILWOMAN MILLER: The
3 unions don't know?

4 MR. GILLESPIE: I don't know.

5 COUNCILWOMAN MILLER: Council
6 President, do we know what agency has
7 that information so we can stop saying
8 incorrect statements?

9 COUNCIL PRESIDENT VERNA:
10 Personally, I don't know.

11 MR. GILLESPIE: MBEC or
12 somebody like that. I don't know who
13 they work for. They work for the City.

14 COUNCIL PRESIDENT VERNA:
15 Mr. Solicitor, would you know who would
16 have the information that the
17 Councilmembers are seeking?

18 COUNCILWOMAN TASC0: Point of
19 information.

20 I really need to ask. Each
21 project there is an oversight -- Greater
22 Philadelphia Urban Affairs Coalition may
23 be the monitor for the project.

24 MR. GILLESPIE: That's it.

25 COUNCILWOMAN TASC0: They will

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2 have the information for that project.

3 COUNCIL PRESIDENT VERNA: That
4 particular project.

5 COUNCILWOMAN TASC0: But at the
6 end of the day, with all of this work
7 going on with the apprenticeship program
8 and all of that, our bottom line is,
9 Madam President, none of these young
10 people who are apprentices move to
11 journeymen. They don't --

12 MR. GILLESPIE: Excuse me.
13 Where is that?

14 COUNCILWOMAN TASC0: Well --

15 MR. GILLESPIE: That's simply
16 not true.

17 COUNCILWOMAN TASC0: Can you
18 tell us how many journeymen you have?

19 MR. GILLESPIE: If a person
20 becomes an apprentice, the natural
21 ascension is to become a journeyperson.

22 COUNCILWOMAN TASC0: It seems
23 to me that each time we come here with a
24 project --

25 MR. GILLESPIE: The

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2 unfortunate --

3 COUNCILWOMAN TASC0: -- that we
4 ask the same question --

5 COUNCIL PRESIDENT VERNA:

6 Mr. Gillespie, let the Councilwoman
7 finish her question, please.

8 COUNCILWOMAN TASC0: It seems
9 to me that the Trades would come in and
10 you and the representatives from the
11 Trades will come in with information to
12 demonstrate to the Council that as we
13 move through this project, that the young
14 people in Philadelphia who live in
15 Philadelphia, who could have access to
16 these \$60-an-hour jobs to keep them off
17 the street, to keep them from killing
18 each other, that there's some effort by
19 the Building Trades to get these young
20 people permanently on these jobs. We see
21 them on public service jobs only for a
22 moment, and when it's over, they are not
23 employed, can't get employment and are
24 left out in the street. That is our
25 frustration.

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2 MR. GILLESPIE: Well, in all
3 due respect --

4 COUNCILWOMAN TASC0: And you
5 don't give us -- you don't have the
6 numbers. You don't know the racial
7 makeup of these Building Trade unions.
8 You can't give us this. How many members
9 do you have? How many of them are
10 minority? How many of them are women?

11 Well, we don't keep that
12 information.

13 So you'll never know what the
14 workforce is. And then they are sent out
15 on the street at the discretion of the
16 union hall and at the end of the day,
17 they do not get the work, and that is the
18 frustration that at least I'm
19 experiencing, have always experienced in
20 not having the young people who live in
21 this City -- because we see the Jersey
22 cars coming over here getting all of the
23 work.

24 So that's all I have to say
25 about it.

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2 MR. GILLESPIE: Well,
3 unfortunately, the sad thing is when a
4 project is finished, everyone is out of
5 work, but they are now union members and
6 their name is placed on a list, and it's
7 not at the union's discretion. It's
8 because of that list. It's their
9 placement on the list and their skill
10 level which would then -- they get the
11 next job. That's how it works. That's
12 just the nature of our business. We work
13 ourselves out of jobs all the time. Our
14 unemployment figures are much higher than
15 the norm because it's the nature of the
16 industry. That's why, unfortunately, you
17 have people here that are often times
18 full of emotion, because they are
19 unemployed.

20 COUNCIL PRESIDENT Verna: The
21 Chair recognizes Councilwoman Brown.

22 COUNCILWOMAN BROWN: Thank you,
23 Madam President.

24 Good afternoon.

25 MR. GILLESPIE: Good afternoon.

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2 COUNCILWOMAN BROWN: Tell us,
3 are the Operating Engineers a part of the
4 Building Trades?

5 MR. GILLESPIE: Yes, they are.

6 COUNCILWOMAN BROWN: I'm going
7 to shift gears for a moment and seize the
8 moment since you're here.

9 Yesterday City Council
10 Committee discussed and actually passed a
11 bill sponsored by Councilman Darrell
12 Clarke dealing with hate crime issues on
13 construction sites. Are you familiar
14 with the issue of the young man,
15 Mr. Robinson, I believe his name was, who
16 dealt with a hate crime issue at the
17 Comcast site about three weeks ago who
18 has been benched, meaning not working for
19 the last more than 21 days?

20 MR. GILLESPIE: I am familiar
21 with three incidents of evil that
22 occurred, and I would applaud and I laud
23 City Council for their efforts, but I
24 don't think you should limit it just to
25 the construction industry. I think

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2 people should identify -- when someone
3 waves a noose at an African-American
4 person, I imagine it means something
5 awful. I know for an Irish Catholic in
6 the union business it means something
7 awful, because the establishment at one
8 time used to hang business agents and
9 union organizers. So I know what that
10 hate is, and I think that it's
11 appropriate that City Council and the
12 government of the City point that out and
13 say that that should not stand.

14 I also know what we did about
15 the incidents. The first incident
16 happened -- it happened to be an
17 operating engineer who had the noose. He
18 was fired. And we did everything that we
19 could to prevent him from getting hurt
20 physically on the job. We had to escort
21 him out.

22 The next incident occurred on
23 that job to that operating engineer, and
24 the genesis of that was -- that's a
25 wonderful project over there, a project,

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2 by the way, that's hitting all of its
3 minority requirements as far as
4 employment is concerned that I'm very
5 proud of.

6 But my business agent went down
7 there and immediately demanded that that
8 worker be fired. Then my business agent
9 wound up getting into an altercation with
10 the union, who came down to represent
11 their worker, who said he didn't do it.
12 We didn't blink. The guy is still off
13 the job. He was still off the job. So
14 that's what we did.

15 Now, as far as the operating
16 engineer being out of work, again -- and
17 this is unfortunate in our business --
18 from what I understand, the machine that
19 he was working was disassembled, is no
20 longer there.

21 COUNCILWOMAN BROWN:

22 Disassembled at the time that he reported
23 the incident to the authorities?

24 MR. GILLESPIE: No, no. He
25 took someone else's job. Someone else on

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2 that job who was operating that equipment
3 got fired because -- I don't want to say
4 they were entrepreneurial. They were
5 running materials up and down, and that
6 machine was designated for specific
7 material and when other people in their
8 quest either to get a ride up to the 52nd
9 floor or the 54th floor or something like
10 that, he would give them a ride up. And
11 you can't -- the rules are that you can't
12 do it. He got caught doing that a couple
13 of times and he lost his job. So this
14 operating engineer was the rehire there,
15 and he came in. And that machine was
16 scheduled to be taken down. It wasn't
17 taken down -- because I saw the whistle
18 blower comments, and I know that maybe he
19 feels that way and I hope he gets a job
20 someplace. Maybe if we can get moving
21 here, he can get the work for Geppert or
22 something, if we can get these projects
23 moving along.

24 But I read with interest or I
25 saw with interest that people wanted to

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2 characterize this as, Well, is this some
3 kind of union thing. No. We're appalled
4 at that kind of stuff. We won't let that
5 stand. And we were out there when people
6 had their -- had the demonstration. We
7 were there to demonstrate with them.

8 Evil is evil, and that
9 shouldn't stand anywhere. And you knew
10 the guy who did it knew he did something
11 wrong, because right away he went to say,
12 Oh, it was a joke.

13 No, no joke, you're off the
14 job. The Building Trades Union Council
15 insisted that that guy be gone. And then
16 we had a confrontation with one of our
17 unions because of it. But we didn't
18 blink.

19 COUNCILWOMAN BROWN: And so
20 standard operating procedure is one where
21 you deal with the offender, in this case
22 that person is terminated?

23 MR. GILLESPIE: Yeah. They're
24 gone from that job, and the Driscoll
25 Company then adopted a policy that we've

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2 all signed on to that says that this is
3 evil.

4 COUNCILWOMAN BROWN: You say
5 he's gone from that job. Is that to
6 suggest he has an opportunity to go to
7 another job?

8 MR. GILLESPIE: He's a skilled
9 craftsman. He's going to work somewhere.

10 COUNCILWOMAN BROWN: So what
11 happens with the skilled craftsman who
12 had to deal with the racism?

13 MR. GILLESPIE: Well, he should
14 go get counseling. He should go figure
15 out the back side of racial. We can't do
16 anything about that.

17 COUNCILWOMAN BROWN: Including
18 not provide him assistance in getting
19 relocated to another job?

20 MR. GILLESPIE: He gets his own
21 job. He got his job on his own.

22 COUNCILWOMAN BROWN: Forgive
23 me?

24 MR. GILLESPIE: He gets his job
25 on his own.

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2 COUNCILWOMAN BROWN: Speak to
3 us in greater detail about the School
4 District agreement wherein those
5 discussions actually started in this
6 Council with the former head of the SRC.
7 Tell us the status of that agreement to
8 date.

9 MR. GILLESPIE: It's kind of
10 interesting. The proposal that we gave
11 the School District never changed from
12 2003. It was enacted in 2006. I don't
13 know what took so long, but we never
14 changed a comma or semicolon. That was
15 our proposal, and I know a lot of people,
16 they did this, did that. This was the
17 Building Trades proposal, to do this, to
18 get kids from the schools into the
19 crafts. That's on record.

20 What the unions will get for it
21 is the work that -- the capital
22 improvement work that the School District
23 has to do. Unfortunately, they
24 haven't -- I think they only have one or
25 two projects started since then. They're

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2 kind of in a paralysis there with all
3 the --

4 COUNCILWOMAN BROWN:

5 Transition.

6 MR. GILLESPIE: I guess that's
7 the proper word. Whatever is going on
8 over there. But nonetheless, there were
9 a number of small minority contractors
10 who work for the School District, like
11 neighborhood guys. Those neighborhood
12 guys were brought in -- the people who
13 work for them were brought into the
14 unions or afforded union membership in
15 their particular disciplines. And we've
16 had some rough spots there, but for the
17 most part, it's working out pretty good.

18 COUNCILWOMAN BROWN: So is
19 there a possible career path for those
20 young people who enter into this program
21 you just outlined?

22 MR. GILLESPIE: Yeah. The
23 career path is, they become an apprentice
24 in one of our trades. They get into the
25 electricians union. They become an

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2 electrician. They get into the plumbers
3 union. They become a plumber after their
4 education.

5 COUNCILWOMAN BROWN: And I've
6 learned that the next step after that is
7 journeyman. So what criteria, what
8 credentials, what do they need to move to
9 the --

10 MR. GILLESPIE: Education.
11 They learn their skills. They learn how
12 to be proficient, how to -- so they can
13 command. I'm glad we set the level at
14 \$60 an hour. I wish we could scribe that
15 down so we can get all our agreements
16 there. That's where we want to be. We
17 want to get up into that stratosphere,
18 but yet you learn how to be a productive
19 employee of an employer so you can --

20 COUNCILWOMAN BROWN: My final
21 question is, what advice or
22 recommendation would you offer to the
23 lady, the Trucking LLC, given the reality
24 she portrayed?

25 MR. GILLESPIE: Well, she's so

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2 right in what she says. She has one
3 truck, and that whole business is
4 abusive. And what happens to her next is
5 the same thing that happened to a number
6 of our smaller contractors at the
7 stadiums. They wound up -- they go and
8 they work like crazy, like our dear
9 friend Luis Cruz. He worked like hell,
10 pardon my language, on the stadium
11 construction and they weren't paying him
12 and he's having -- he's calling to
13 complain to me, I have trouble putting
14 fuel in my equipment because I can't get
15 a line of credit.

16 It's a tough business, the
17 construction industry, and so he gets put
18 in a position and she gets put in a
19 position where she has to settle for, if
20 they owe her, settle for 90 cents on the
21 dollar. That's what happened up on Broad
22 Street on that Broad Street project, that
23 Torcon project that just got finished.
24 All those small contractors, all those
25 minority contractors, I mean, a number of

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2 them had to settle for like 75 cents on
3 the dollar, because they were owed so
4 much money, they have to decide, Well,
5 what do I -- so essentially they worked
6 that whole project for next to nothing.

7 That's the business. It's real
8 tough. If we could put some kind of --
9 legislate some way to prevent it a little
10 better, it would be nice.

11 Thank you.

12 COUNCILWOMAN BROWN: Thank you,
13 Madam President.

14 COUNCIL PRESIDENT VERNA: The
15 Chair recognizes Councilman Clarke.

16 COUNCILMAN CLARKE: Thank you,
17 Madam President. Madam President, can I
18 have a representative of the Convention
19 Center at the table, please?

20 Thank you. A couple of quick
21 questions.

22 MR. GILLESPIE: He didn't want
23 the middle mike.

24 COUNCILMAN CLARKE:
25 Mr. Mezzaroba, this particular project,

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2 correct me if I'm wrong, is required to
3 pay prevailing wages?

4 MR. MEZZAROBBA: That's correct.

5 COUNCILMAN CLARKE: Is it
6 required to have a union workforce?

7 MR. MEZZAROBBA: I don't believe
8 so. Let me just -- the answer is no.

9 COUNCILMAN CLARKE: So if there
10 is a bid solicitation issue and a
11 minority or female-owned contractor
12 responds to the bid solicitation and that
13 contractor is deemed qualified, extremely
14 qualified, and that's the low bid, what
15 happens?

16 MR. MEZZAROBBA: I believe prior
17 to that we're in the process of signing a
18 PLA, which --

19 COUNCILMAN CLARKE: The Project
20 Labor Agreement?

21 MR. MEZZAROBBA: If I could
22 confer with counsel for one second, I can
23 have an accurate answer for you.

24 COUNCILMAN CLARKE: Certainly.

25 (Pause.)

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2 MR. MEZZAROBBA: Sorry,
3 Councilman. The answer simply is, once
4 we sign a PLA, it's a contract that we
5 would have with the unions. If a
6 non-union contractor is the low bid and
7 qualified --

8 COUNCILMAN CLARKE: Are you
9 sure? I know in the PLA it says that --

10 MR. MEZZAROBBA: It doesn't have
11 to be a union contractor.

12 COUNCILMAN CLARKE: It does not
13 have to be?

14 MR. MEZZAROBBA: No, but they
15 would have to sign a union agreement at
16 least for this job and their workforce
17 would come from the union halls. That's
18 what I've been told.

19 COUNCILMAN CLARKE: Are you
20 sure of that? I'm going to ask for the
21 document. I'm going to ask for a copy of
22 the PLA.

23 MR. MEZZAROBBA: Okay. We're in
24 the process of negotiating and we'll send
25 you a draft that we have.

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2 COUNCILMAN CLARKE: When will
3 you have it negotiated?

4 MR. MEZZAROBBA: My
5 understanding, Councilman, is that I
6 believe we've negotiated the terms of the
7 PLA. There are two attachments that were
8 still in the process. One is the
9 PALM/Built-Rite program and the second is
10 our apprenticeship program.

11 MR. GILLESPIE: The
12 apprenticeship program is in the PALM.

13 COUNCILMAN CLARKE: What
14 apprenticeship program?

15 MR. MEZZAROBBA: The
16 apprenticeship program that we've been
17 talking about here.

18 COUNCILMAN CLARKE: I thought
19 you said, Mr. Gillespie, that you are
20 not -- are you privy to the
21 apprenticeship program and all of the
22 nuances of it, the 50 percent?

23 MR. GILLESPIE: No. I haven't
24 seen it. It's not --

25 COUNCILMAN CLARKE: How do you

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2 know it's being negotiated as a part of
3 the PLA if you don't know anything about
4 it?

5 MR. GILLESPIE: It's an
6 appendix to the agreement and I haven't
7 seen it yet.

8 COUNCILMAN CLARKE: But you
9 know that that's a part of the PLA?

10 MR. GILLESPIE: Well, in the
11 agreement, it referenced that appendix.
12 But just to get to your point, if you
13 have, Councilman, a minority contract --
14 one of the problems that we're having
15 right now is finding contractors large
16 enough to take this project on. This is
17 not --

18 COUNCILMAN CLARKE: But, see, I
19 don't want to get caught up -- in all due
20 respect, Mr. Gillespie, you're getting
21 ready to take me in another path. And I
22 do respect you. I'm asking a very
23 specific legal question, and if you're
24 going to negotiate a PLA -- and I
25 actually don't think that's -- and I'm

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2 going to ask for a copy of that, because
3 that's not my understanding of this in
4 its entirety -- that requires that you be
5 a union workforce -- and I don't know how
6 you do that, frankly speaking. I know
7 that you can ask the person to sign on
8 per the job -- then you're basically
9 creating an environment where, one, it
10 has to be a union job site; two, as a
11 result of that, you're going to limit
12 your ability to get minorities and
13 females on the job site as both
14 contractors and employees, because we've
15 already agreed and I think everybody will
16 acknowledge that there's a limited number
17 of union minority contractors and union
18 female contractors. So why would you
19 negotiate a PLA that essentially limits
20 your ability?

21 MR. MEZZAROBBA: Because the PLA
22 also gives you workforce harmony, and
23 that's probably the biggest issue that
24 both the Authority and the state --

25 COUNCILMAN CLARKE: Non-strike

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2 and all of that.

3 MR. MEZZAROBBA: And we never
4 contemplated, to be honest with you,
5 Councilman, that this would be anything
6 but a union job. So the Commonwealth had
7 insisted and we agree that if this is
8 going to be a union job, the PLA is
9 necessary.

10 COUNCILMAN CLARKE: I need to
11 see that information, because in all due
12 respect with what you're telling me right
13 here --

14 MR. MEZZAROBBA: I can get it
15 for you.

16 COUNCILMAN CLARKE: -- until I
17 see that, I just don't simply believe
18 that the Commonwealth of Pennsylvania
19 will require in writing that you make
20 this a union job. I don't know how you
21 do that legally.

22 MR. MEZZAROBBA: Okay. I'll get
23 that for you.

24 COUNCILMAN CLARKE: How long
25 will that take?

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2 MR. MEZZAROBBA: Well, we may
3 have it. If not, I'll have it couriered
4 over.

5 COUNCILMAN CLARKE: Who is
6 working on it?

7 MR. MEZZAROBBA: Excuse me?

8 COUNCILMAN CLARKE: Who is
9 working on it?

10 MR. MEZZAROBBA: Joe Resta from
11 our staff, our Project Executive, is one
12 of the lead negotiators. I don't know if
13 he's brought those documents with him.

14 COUNCILMAN CLARKE: I really
15 need to see that. That's a fundamental
16 question. In the minority community and
17 the female-owned community, there are a
18 substantial number of individuals and a
19 substantial number of contractors who are
20 extremely qualified and they just happen
21 not to be union. So they are limited in
22 terms of their ability to get on a lot of
23 significant contracts in the City of
24 Philadelphia. And they don't want to
25 sign these PLA agreements because it then

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2 creates financial problems for them,
3 particularly the small contractors,
4 because all of a sudden, they have to
5 increase the level of benefits associated
6 to the employees and they just simply
7 can't do that.

8 So as I mentioned earlier, in
9 terms of our ability to meet these goals
10 and all these other goals that we're
11 sitting in here setting for the last few
12 months, unless we start getting creative
13 and figuring out a way to get these
14 people, these contractors who are
15 extremely qualified and who are not union
16 or a lot of these employees, some of whom
17 are 40, 50 years old who are not going to
18 go through some apprenticeship program,
19 unless we can figure out a way to get
20 creative and get them directly on the job
21 site, if they're qualified, because I
22 don't want anybody that's not qualified,
23 without going through this long and
24 arduous process called apprenticeship and
25 subject to these PLAs. So that's why I

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2 need to see what this PLA is calling for.

3 MR. MEZZAROBBA: I will get a
4 copy of the PLA, Councilman. If you
5 recall, I think, at Tuesday's hearing,
6 Councilman DiCicco had distributed a
7 letter from Budget Secretary Masch, along
8 with a list of requirements that were
9 prerequisites for us to go to get funding
10 and go to bid, and I believe one of those
11 prerequisites is a PLA. What I will do
12 is, I will --

13 COUNCILMAN CLARKE: I was too
14 focused on the casino portion of that
15 amendment, so I honestly didn't see that.

16 MR. MEZZAROBBA: But I'll have
17 that information for you shortly.

18 COUNCILMAN CLARKE: Shortly as
19 in what?

20 MR. MEZZAROBBA: Shortly is, I
21 will speak to counsel right now and we'll
22 find out who actually has the document
23 that's quickest to get here.

24 COUNCILWOMAN CLARKE: And are
25 you saying that the state has required

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2 that you negotiate a PLA --

3 MR. MEZZAROBBA: For this job,
4 yes.

5 COUNCILMAN CLARKE: -- that
6 requires that it be a union job? Because
7 that's what you said. I don't think you
8 meant to say that.

9 MR. MEZZAROBBA: The PLA is a
10 Project Labor Agreement with the Building
11 Trades and the underlying unions. In
12 exchange for certain no-strike clauses
13 and other favorable clauses to the job,
14 in return you agree that your workforce
15 will pull from the Building Trades
16 unions, that is correct.

17 COUNCILMAN CLARKE: Right, but
18 does it bind you to only hiring union
19 contractors?

20 MR. MEZZAROBBA: No, but that
21 union contractor has to pull their
22 manpower from the unions.

23 COUNCILMAN CLARKE: No. Does
24 that PLA bind you -- does it prohibit you
25 from hiring a non-union contractor?

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2 MR. MEZZAROBBA: It does not,
3 no, but --

4 COUNCILMAN CLARKE: That was my
5 question.

6 MR. MEZZAROBBA: Correct. You
7 can be a non-union contractor, but if you
8 have a staff, you cannot -- if that staff
9 is not union, you cannot bring them onto
10 the job.

11 COUNCILMAN CLARKE: So why
12 would we negotiate something like that?
13 Because that's the way it's always been?

14 MR. MEZZAROBBA: It was a
15 requirement. It also, I think, on a job
16 of this size, with two and a half million
17 dollars a month --

18 MR. GILLESPIE: Can I get a
19 point of order?

20 MR. MEZZAROBBA: Sure.

21 MR. GILLESPIE: Councilman, if
22 there are such contractors -- and what
23 we've done at the School District is
24 where there were a number of small
25 contractors, we not only insisted that

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2 they become union, that was part of the
3 deal, but also that their employees
4 become union, that there's no change in
5 workforce.

6 COUNCILMAN CLARKE: Well, of
7 course you would do that, because you
8 want everybody to be in your union.

9 MR. GILLESPIE: I think it's
10 important that every worker has the
11 protection of a collective bargaining
12 agreement so we don't run up against an
13 employer that says, Well, I don't want to
14 pay you, I can't pay you this healthcare
15 benefit. That's what we have going on.
16 I think having the protection of a
17 collective bargaining agreement is a good
18 thing.

19 COUNCILMAN CLARKE: I
20 understand your position, but my concern
21 is that if a person never gets on the
22 job, then none of that matters. You
23 don't have any healthcare benefits or any
24 other things that you all require to make
25 sure that they get, because they don't

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2 have a job. And I'm trying to figure out
3 a way to get people on the job site that
4 are not union, and if you're saying
5 that -- if a non-union contractor is low
6 bid, comes in, none of the employees are
7 union contractors, these people will
8 automatically go in the union and work on
9 that job site, and you're not going to
10 say, Well, wait a minute, I got people in
11 the hall that have been unemployed, you
12 can't bring this workforce?

13 MR. GILLESPIE: What we've
14 done -- I didn't say that, but if that's
15 what you're suggesting --

16 COUNCILMAN CLARKE: I'm asking.

17 MR. GILLESPIE: -- we can look.
18 We've done that before. That's not
19 unprecedented, what you just suggested.
20 That has been done. We did it with our
21 School District agreement.

22 COUNCILMAN CLARKE: I want it
23 to be clear. If the bid solicitations
24 are sent out by the Convention Center --
25 I guess I'm mentioning it to everybody --

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2 and a non-union minority or female-owned
3 contractor comes in as the lowest
4 responsible bidder and that contractor
5 wants to bring their entire workforce
6 onto the job site, those people will go
7 into the union immediately as what?

8 MR. GILLESPIE: Well, as what
9 they are.

10 COUNCILMAN CLARKE:
11 Apprenticeship?

12 MR. GILLESPIE: They can't be
13 apprentices.

14 COUNCILMAN CLARKE: So they're
15 going to go in as journeymen?

16 MR. GILLESPIE: They're going
17 to be paid as journeymen, yeah.

18 COUNCILMAN CLARKE: All right.
19 Convention Center, you guys
20 agree with that?

21 MR. MEZZAROBBA: Under the
22 current PLA, I don't believe that that
23 would be the case. It would be a call by
24 the union if -- currently if we signed
25 this PLA, we would have to hire from the

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2 members of the Philadelphia Building
3 Trades Council. If the Building Trades
4 Council agrees that this non-union bidder
5 can also bring in their own employees and
6 be paid prevailing wage, that could
7 happen.

8 MR. GILLESPIE: They'll be paid
9 union wage.

10 MR. MEZZAROBBA: Union wage,
11 yeah. That could happen.

12 COUNCILMAN CLARKE: So is your
13 PLA done?

14 MR. MEZZAROBBA: It's been
15 finalized to the extent that we've sent
16 it to the Building Trades Council. I'm
17 not sure where it stands in there, and it
18 has not been ratified by my Board, so
19 it's not fully executed.

20 COUNCILMAN CLARKE: So if the
21 Chairman of the Building Trades is saying
22 that if the lowest responsible bidder is
23 selected as a contractor for the job and
24 that lowest responsible bidder is
25 prepared to sign the PLA, the Project

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2 Labor Agreement, then the Building Trades
3 would accept that contractor and its
4 members in --

5 MR. GILLESPIE: No. I'm not
6 going to say that, because what you just
7 said -- my view is, you characterize this
8 as a small contractor coming in with five
9 or six people to do a specific piece of
10 work. What you're just saying now is
11 that a non-union general contractor from
12 Atlanta can come --

13 COUNCILMAN CLARKE: I didn't
14 mention the word "general." I didn't
15 mention the word "Atlanta." I said a
16 qualified responsible contractor responds
17 to a bid solicitation --

18 MR. GILLESPIE: What I'm
19 telling you is that we will afford the
20 non-union contractor, who is a
21 subcontractor to the general contractor.
22 That's who --

23 COUNCILMAN CLARKE: So you were
24 talking about you only agree if it's a
25 sub?

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2 MR. GILLESPIE: Yeah. I won't
3 agree if it's a general contractor, no.

4 COUNCILMAN RIZZO: Point of
5 information. Madam President, point of
6 information.

7 COUNCIL PRESIDENT VERNA: The
8 Chair recognizes Councilman Rizzo.

9 COUNCILMAN RIZZO:
10 Mr. Mezzaroba, is it a fact, is it a
11 given that a non-union contractor would
12 even get an opportunity? Would you be
13 sending bids to non-union contractors?

14 MR. MEZZAROBA: Well, our
15 process has been and based on our
16 statute, we have to open solicit. So
17 what we've done is, we've put it in local
18 newspapers in Philadelphia, Harrisburg
19 and Pittsburgh, as well as the Dodge
20 Report and several other engineering
21 records and several other industry
22 papers.

23 COUNCILMAN RIZZO: So you'd
24 accept bids from non-union contractors?

25 MR. MEZZAROBA: We have to.

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2 Whoever qualifies, Councilman, because we
3 pre-qualify, whoever qualifies, based on
4 their finances and their ability to
5 complete the job, will get a package to
6 bid.

7 COUNCILMAN RIZZO: Doesn't the
8 PLA, though, write them out of the deal?

9 MR. MEZZAROBBA: What the PLA
10 does is, it ensures that the people that
11 they hire, the workforce that this
12 contractor would come in and hire, would
13 be a union workforce. They're not
14 precluded. It makes it more difficult,
15 but they're not precluded.

16 COUNCILMAN RIZZO: I thought I
17 just heard that that non-union contractor
18 would have to become union even beyond
19 hiring union employees.

20 MR. MEZZAROBBA: They'd have to
21 sign the PLA, because they'd have to have
22 an agreement in place with the local
23 Building Trades.

24 COUNCILMAN RIZZO: Thank you.

25 COUNCILMAN CLARKE: And the

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2 local Building Trades is not going to
3 sign off on the PLA because they don't
4 want a non-union contractor getting the
5 job. Let's just stop playing with
6 ourselves. All right?

7 MR. MEZZAROBBA: If a non-union
8 contractor is low bid and they're
9 qualified and responsive, the unions, I
10 don't believe, would have an option but
11 to take that non-union contractor and
12 they would sign the PLA, no different
13 than --

14 COUNCILMAN CLARKE: You're
15 saying two different things. First you
16 said that you have to get the sign-off
17 from the Building Trades. That implies
18 that they have veto power. Now you're
19 saying you don't require it.

20 MR. MEZZAROBBA: No, no. The
21 original question was if a non-union
22 contractor came in and wanted to use
23 non-union employees, that would require
24 an agreement from the Building Trades.
25 But if we sign the PLA --

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2 COUNCILMAN CLARKE: If it's a
3 contractor, the assumption is that the
4 contractor has employees already.

5 MR. MEZZAROBBA: Not all the
6 time. They could be supervisory, but the
7 workforce that will be doing the actual
8 physical work, hanging the Sheetrock,
9 pouring the concrete, laying the rods,
10 all have to --

11 COUNCILMAN CLARKE: Well, all I
12 know is that the people that I deal with
13 that are non-union, they have people that
14 work for them.

15 MR. MEZZAROBBA: Correct.

16 COUNCILMAN CLARKE: These
17 people might do work on the side or
18 whatever, but they're not going to go out
19 there and be a responsible bidder and not
20 be able to identify a workforce.

21 MR. MEZZAROBBA: It makes it
22 very difficult for a non-union company to
23 come in --

24 COUNCILMAN CLARKE: We make it
25 very difficult.

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2 MR. MEZZAROBBA: -- and bid a
3 job that has this PLA.

4 COUNCILMAN CLARKE: We make it
5 very difficult.

6 MR. MEZZAROBBA: That is
7 correct.

8 COUNCILMAN CLARKE: We make it
9 very difficult.

10 MR. MEZZAROBBA: That is
11 correct.

12 COUNCILMAN CLARKE: So what I
13 need to do is see the PLA, that it sounds
14 like to me you're requiring in that PLA
15 that if anybody is the lowest responsible
16 bidder and the Convention Center -- the
17 lowest responsible bidder has the
18 wherewithal to do this job, Building
19 Trades, you have to accept them in the
20 trades as a union workforce, along with
21 their employees or unless it's below
22 five? I'm just trying to get some
23 clarity here. Because if you want to
24 talk about getting people in the union in
25 a significant way and in an expedited

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2 manner, you can't just depend on
3 apprentices. It's never going to happen.
4 So if you're going to say --

5 MR. GILLESPIE: Well,
6 Councilman, I disagree that it's never
7 going to happen. It is happening and it
8 has been happening. It's just
9 unfortunate that --

10 COUNCILMAN CLARKE: It hasn't
11 happened. I don't know what history
12 you're looking at. It hasn't happened in
13 the City of Philadelphia. I mean, it
14 just hasn't happened.

15 MR. GILLESPIE: The experience
16 that you have had as a Councilperson
17 here, you've seen it happen. You've seen
18 it happen on both stadiums. You've seen
19 it happen on the Post Office.

20 COUNCILMAN CLARKE: I was on
21 both oversight committees of the two
22 stadiums.

23 MR. GILLESPIE: And we hit
24 our --

25 COUNCILMAN CLARKE: And we did

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2 not hit our employee goals.

3 MR. GILLESPIE: Yes, we did.

4 COUNCILMAN CLARKE: We did not,
5 Pat.

6 MR. GILLESPIE: I'm sorry. We
7 did.

8 COUNCILMAN CLARKE: I sat on
9 both of the oversight -- we got very
10 close to our contract goals, but what we
11 had was minority contractors could not
12 identify the workforce to meet their
13 employee goals. I'm telling you, I sat
14 there, I came to every meeting, so I'm
15 aware of the history.

16 So unless you're prepared to
17 accept another process that gets people
18 into the union above and beyond the
19 apprenticeship process, then you're never
20 going to meet all of these goals. That's
21 all I'm saying. And that's just based
22 off of history.

23 But I won't belabor it. We do
24 have Council. I'd like to see the
25 Project Labor Agreement, Mr. Mezzaroba.

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2 I'm assuming other members of Council
3 would like to see it also.

4 MR. MEZZAROBBA: We're seeing if
5 we can get it off the BlackBerry. If
6 not, we'll have to send somebody back to
7 the office.

8 COUNCILMAN CLARKE: Thank you.

9 COUNCIL PRESIDENT VERNA:
10 Councilwoman Miller, your light is on.
11 Did you want to be recognized?

12 COUNCILWOMAN MILLER: Yes.
13 Thank you, Madam President.

14 I wanted to ask Mr. Gillespie
15 before he left, I believe I've been here
16 in City Council now about 13 years and I
17 believe through the stadiums, Craverna
18 and all this stuff, it's extremely
19 frustrating, and maybe we've been
20 misinformed. No one has the data that
21 I'd like to see. You keep saying that we
22 don't have -- that we have been
23 misinformed, that the numbers have been
24 met, but I have never seen that, and I
25 was wondering if -- I'm going to request

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2 that is it possible for you and, what is
3 it, about 26 -- how many trades is it?

4 COUNCILWOMAN BROWN: 42.

5 COUNCILWOMAN MILLER: 42?

6 Okay.

7 MR. GILLESPIE: Well, there are
8 14 trades. There are 42 local unions in
9 the Building Trades Council.

10 COUNCILWOMAN MILLER: Is it
11 possible that we could continue this
12 discussion so we could better understand
13 and better figure out how we can work
14 together to increase, if needs to be
15 increased, to figure out what is it -- I
16 guess mainly it's around clarification of
17 issues, how can we help begin to deal
18 with the issue of minority participation,
19 how can we help address that female's
20 problem with the dump truck issue, what
21 is it that maybe she's not doing that
22 keeps her from getting contracts, just
23 some way that we can form some committee
24 where we can actually talk, discuss and
25 work together on this.

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2 MR. GILLESPIE: Sure.

3 COUNCILWOMAN MILLER: And I
4 thought maybe you could bring some
5 leadership of some of the unions or all
6 the unions.

7 MR. GILLESPIE: I'd be happy to
8 do that. I'd be happy to do that, and
9 they'd be willing to come.

10 COUNCILWOMAN MILLER: Excuse
11 me. I'm sorry?

12 MR. GILLESPIE: I'd be happy to
13 do that. They would be willing to come,
14 yes.

15 COUNCILWOMAN MILLER: Okay.
16 And maybe even -- well, that could be a
17 beginning. Then maybe later we could
18 maybe include some of the contractors.
19 And I think it's important. I know that
20 I've helped people get placed, and they
21 have been harassed on the jobs,
22 particularly if it's only one minority on
23 a job with all non-minorities. There
24 have been issues, and it's time for that
25 to stop. This is 2007. It's time to

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2 stop. We have to move forward in this
3 City. And public means everybody. We
4 share in that, and particularly
5 Philadelphia residents.

6 I can't figure out why that
7 young lady can't get a contract. She's
8 from Philadelphia. She's certainly doing
9 something that I don't know that many
10 people do in terms of females having dump
11 trucks. Why can't she get a contract?
12 That's crazy.

13 With all the millions and
14 billions of dollars worth of work that's
15 going to come through the City, we have
16 to begin to figure out ways to -- you say
17 we don't need to improve because you have
18 numbers. We think we do need to improve
19 because we don't know the numbers.

20 So that's all I wanted to ask,
21 Council President. I'm not going to drag
22 this on, but it's been very frustrating
23 for me over 12 or 13 years of still going
24 over the same thing, contract after
25 contract, project after project. And

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2 maybe it's improved. I don't know.

3 COUNCIL PRESIDENT Verna: Thank
4 you.

5 The Chair recognizes
6 Councilwoman Tasco.

7 COUNCILWOMAN TASC0: I'd like
8 to add to that request that they bring
9 the membership numbers so they could tell
10 us how many minorities are members of
11 these unions.

12 COUNCIL PRESIDENT Verna:
13 Mr. Gillespie?

14 MR. GILLESPIE: I'll request
15 it. I know I don't have them. They
16 certainly have them.

17 COUNCILWOMAN MILLER: Well, how
18 do you know we don't know the numbers if
19 you don't ask?

20 COUNCILWOMAN TASC0: Don't go
21 there. Don't go there.

22 MR. GILLESPIE: I'll request
23 that they bring their numbers.

24 COUNCILWOMAN MILLER: Fine.

25 COUNCILWOMAN TASC0: Okay.

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2 We'll have the meeting.

3 COUNCIL PRESIDENT VERNA:

4 Councilman Clarke, do you want to wait
5 for the --

6 COUNCILMAN CLARKE: No.

7 COUNCIL PRESIDENT VERNA: --

8 Project Labor Agreement before we
9 continue?

10 COUNCILMAN CLARKE: No. We
11 have to have Council today, Madam
12 President.

13 COUNCIL PRESIDENT VERNA: All
14 right. The Chair recognizes Councilman
15 DiCicco.

16 COUNCILMAN DiCICCO: Madam
17 President, were you going to be taking a
18 break right after this, or no?

19 COUNCIL PRESIDENT VERNA: I
20 think that we've had Sister sitting here
21 since 9:30 to give an invocation. I know
22 she said it's quite an education for her,
23 but she's going to have to be out of here
24 by 3 o'clock. So I thought that what we
25 could do is conclude our public hearing

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2 and public meeting of the Committee of
3 the Whole, have Sister deliver the
4 invocation, since we all need some
5 guidance here, and we would break for 15
6 minutes, come back, do caucus and
7 Council, and it would give the staff
8 enough time to move the table and do
9 whatever has to be done.

10 COUNCILMAN DiCICCO: With that,
11 I appreciate that. I just have a brief
12 comment. I will be withdrawing the
13 amendment that I introduced on Tuesday.
14 Having said that, I still want the record
15 to reflect that I have not yet received
16 any correspondence from the Governor that
17 he is committed to releasing the funds
18 for this Convention Center expansion and
19 that his lack of communication for the
20 better part of a year with me is
21 insulting. And for too many years, we
22 have allowed the Governor to tell
23 everyone exactly what they want to hear,
24 without any follow-through, and I, for
25 one, am tired of hearing his promises,

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2 but for some reason he won't answer the
3 question on will you release the funds
4 for this project, which leads me to
5 believe that it's not that time
6 sensitive, because I think that there are
7 a number of people in this body who
8 believe that if we don't get this done
9 today, the project will go away, and
10 that's not the case. And because of the
11 Governor, this project, as I said a
12 couple days ago, has almost doubled, and
13 that's not fair to the taxpayers.

14 I am going to ask that this
15 body -- that I will not ask for this bill
16 to be brought up. I will ask that this
17 bill be held until Mr. Gillespie provides
18 this body with the information and data
19 and materials that we've asked him for in
20 terms of the number of people in the
21 unions, the number of minorities and
22 women who are in these unions. I don't
23 think it's appropriate for us to move on
24 this, on these amendments in particular
25 to reach certain goals, which I do not

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2 believe are attainable. That's it.

3 COUNCIL PRESIDENT VERNA:

4 Mr. Gillespie, I don't know if you heard
5 Councilman DiCicco.

6 MR. GILLESPIE: I'm sorry. I
7 did not.

8 COUNCIL PRESIDENT VERNA: I
9 know you were busy back there in
10 conversation with that very attractive
11 young woman.

12 MR. GILLESPIE: Let the record
13 show it was all business, please.

14 COUNCIL PRESIDENT VERNA: I
15 don't know about that. What kind of
16 business?

17 MS. ZAMPITELLA: But he didn't
18 answer my questions either. He wouldn't
19 answer --

20 MR. GILLESPIE: Either. She
21 said either.

22 COUNCIL PRESIDENT VERNA:
23 Councilman DiCicco is making a request
24 that Council not consider this bill until
25 such time as you provide Councilmembers

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2 with the requests that they have
3 apparently consistently made today to
4 tell us how many minority are in each of
5 the unions. How long would it take you
6 to make a few phone calls to get us that
7 information?

8 MR. GILLESPIE: I could
9 probably have it to you by January.

10 COUNCIL PRESIDENT VERNA: How
11 about next, let's see, June?

12 COUNCILMAN DiCICCO: Fine by
13 me. I'll wait until January.

14 COUNCIL PRESIDENT VERNA: How
15 long would it take really?

16 MR. GILLESPIE: I don't know.
17 I mean, I don't know how you get this
18 information. I could call and ask, Send
19 your rosters down. To who? To the
20 President of City Council? I don't know
21 whether the unions have a racial
22 breakdown themselves. I don't know that.

23 COUNCIL PRESIDENT VERNA: You
24 don't know that the unions have it?

25 MR. GILLESPIE: I do not know

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2 that. I don't know whether they have it
3 or not. I honestly don't know that.

4 COUNCILMAN DiCICCO: That goes
5 to the heart of this whole discussion
6 today. And, you know, this is our last
7 opportunity, probably one of the last
8 opportunities we will have.

9 COUNCILWOMAN TASCO: Point of
10 information.

11 Again, how do you reach the
12 goals? Because if you call for this
13 and -- if you call Jane Brown, how do you
14 know whether she's black, white, Asian
15 or Mexican? How do you know? How do you
16 meet the goals?

17 MR. GILLESPIE: I don't know
18 that they have that. I will try to get
19 that for you.

20 COUNCIL PRESIDENT VERNA: We're
21 going to hear a little more testimony on
22 this bill. I feel very badly that Sister
23 has been waiting. Though, she's very
24 comfortable back there. And then we're
25 going to recess. In the interim, I would

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2 ask you to please make phone calls today.

3 MR. GILLESPIE: I will try.

4 COUNCIL PRESIDENT VERNA: And
5 I'm sure that at least a couple of unions
6 will have information that Councilmembers
7 are asking for. I think we have had,
8 what, three hearings on this issue?

9 So you could feel free to go
10 into the Chief Clerk's Office, use the
11 phone there, take a seat, get a desk and
12 make your phone calls.

13 MR. GILLESPIE: You're
14 missing -- all right. Okay. Fine.

15 COUNCIL PRESIDENT VERNA: I'm
16 missing what?

17 MR. GILLESPIE: No, no. That's
18 all right. Listen, if you don't want to
19 expand the Convention Center, that's
20 fine. I'll try to get your information.
21 I will really try, but you're asking
22 people -- some of them don't even care
23 either.

24 COUNCIL PRESIDENT VERNA: Some
25 what?

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2 MR. GILLESPIE: Some of the
3 unions don't care to build the Convention
4 Center either.

5 COUNCILMAN DiCICCO: That's not
6 fair, Mr. Gillespie.

7 MR. GILLESPIE: I'm sorry,
8 Councilman?

9 COUNCILMAN DiCICCO: That's not
10 fair. There's no suggestion that we
11 don't want to move with expansion.

12 MR. GILLESPIE: You just
13 said --

14 COUNCILMAN DiCICCO: You just
15 said we don't want to build it. That's
16 not fair.

17 MR. GILLESPIE: Councilman,
18 everything you've done here --

19 COUNCILMAN DiCICCO: We have
20 the right to ask questions.

21 MR. GILLESPIE: -- today is a
22 canard.

23 COUNCILMAN DiCICCO: We have --

24 MR. GILLESPIE: You wind up --
25 I come here and I tell you --

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2 COUNCIL PRESIDENT VERNA: We're
3 going to hear one person speak at a time,
4 please.

5 MR. GILLESPIE: I come here and
6 tell you we will live up as we have lived
7 up to every goal that we've set. When we
8 first built the Convention Center, this
9 is what we've done, and what do I get
10 back? Oh, well, let's see the numbers.
11 Well, I don't have the numbers. And
12 there's some perception here that the
13 Building Trades is populated by all white
14 people. The President of the Building
15 Trades is an African-American. There are
16 40 business agents within the Building
17 Trades union. Twenty-two of them are
18 African-American.

19 I mean, you know, I'm just at a
20 loss, but if you put the regulations,
21 you're just -- I come down. I'll answer
22 questions. We'll live up to our
23 commitments. We've taken many, many
24 initiatives to include people of color
25 into the Building Trades, initiatives

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2 that were our own, our diversified
3 apprenticeship, all those others that I
4 mentioned. We've done all that, and now
5 you're saying, Look, we don't believe
6 you, let's see the numbers. Well --

7 COUNCILMAN DiCICCO:

8 Mr. Gillespie, I appreciate your recent
9 comments, but because we ask questions
10 doesn't necessarily -- you shouldn't be
11 drawn to the conclusion that we don't
12 want the Convention Center expansion to
13 move forward. We went through this with
14 the stadiums. Your membership would pack
15 these Chambers and shout us down every
16 time we asked similar types of questions.
17 At least today we're being able to get
18 through this in a much more civil way.

19 I was the one who introduced
20 this bill. I sit on the Board along with
21 you. I am for Convention Center
22 expansion, but I'm not for it at the sake
23 of cutting people short who could be a
24 part of this expansion process; namely,
25 minorities and people who live in the

1 12/6/07 - WHOLE - BILL 070994, ETC.
2 City of Philadelphia being part of that
3 workforce. And if I'm asking you
4 questions that you don't have answers
5 for, we're asking you to go get us some
6 answers.

7 Now, I can tell you, as I
8 believe every other District Councilman
9 could, the racial makeup of the people
10 that we represent, and we all represent
11 somewhere in excess of 150,000 people.
12 Now, I have those numbers. And I can't
13 imagine why the unions would not have the
14 numbers of people that they represent
15 broken down between minorities and women.
16 I find that very difficult to believe.
17 You may not have it, but I can't
18 understand why they would not have that.

19 MR. GILLESPIE: And I imagine
20 they have it. I don't know that they
21 have it, but what I do know is that
22 they're autonomous groups in my Council.
23 They don't have to share it with anyone,
24 and they may not want to share it. So
25 when I say I will try to get it, I'll try

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2 to get it. But I kind of resent the
3 idea, Well, either get it or we're not
4 going to expand the Convention Center.

5 COUNCILMAN DiCICCO: Never said
6 that.

7 MR. GILLESPIE: I think we're
8 up against --

9 COUNCILMAN DiCICCO: I never
10 said that.

11 MR. GILLESPIE: When I said I'd
12 get it to you in January, you said that's
13 fine.

14 COUNCILMAN DiCICCO: I'll wait.
15 I'd like to have the numbers.

16 MR. GILLESPIE: The trouble is,
17 we have to get this process moving.

18 COUNCILMAN DiCICCO: The
19 process is moving and this is part of
20 that process. There's no drop-dead
21 deadline on this. The Governor held it
22 up, as you know, for three years. What's
23 another couple weeks going to matter?

24 Thank you, Madam President.

25 COUNCIL PRESIDENT VERNA:

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2 You're welcome.

3 The Chair recognizes

4 Councilwoman Campbell.

5 COUNCILWOMAN CAMPBELL: Good
6 morning.

7 COUNCIL PRESIDENT VERNA: Good
8 morning -- good afternoon.

9 COUNCILWOMAN CAMPBELL: Well, I
10 really should say good afternoon.

11 Mr. Gillespie, I respect you as
12 a union leader, but you also have to
13 respect us as elected officials. We have
14 a moral responsibility to the
15 constituencies that we represent.

16 My voice is not good, so I did
17 not intend to say anything, but it
18 troubled me when you appeared to take
19 lightly whether or not the unions are
20 cognizant of the minority representation
21 in the organizations. This has been a
22 very dominant, prevailing problem in
23 Philadelphia for years, and I would like
24 to think that the unions comprehend the
25 seriousness of this problem to my people.

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2 But it's not anything to be taken
3 lightly, because our people comprise a
4 great percentage of this City and we make
5 a lot of things happen and a lot of
6 things possible. And the same way I've
7 had nothing but great respect for the
8 unions, I would expect that to be
9 reciprocal. And I feel that we do have a
10 right to know the percentages. I really
11 can't believe the great union leader that
12 you are that you cannot reach out and get
13 those statistics for us.

14 Thank you.

15 MR. GILLESPIE: Councilwoman, I
16 appreciate the confidence that you have
17 in me, and I have great respect for you
18 as a Councilwoman and as a political
19 leader in our community for quite some
20 time, and I appreciate the efforts that
21 you do in West Philadelphia. I will try
22 to get that information, but I know that
23 a lot of the unions will feel that it's
24 proprietary and they just won't share it,
25 but I will try to get it.

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2 COUNCIL PRESIDENT VERNA: The
3 Chair recognizes Councilman Goode.

4 COUNCILMAN GOODE: Thank you,
5 Madam President.

6 Good afternoon, Mr. Gillespie.

7 MR. GILLESPIE: Good afternoon.

8 COUNCILMAN GOODE: I had not
9 intended to question you, but I changed
10 my mind.

11 Can you tell me the official
12 name of your organization?

13 MR. GILLESPIE: Philadelphia
14 Building and Construction Trades Council.

15 COUNCILMAN GOODE: Philadelphia
16 Building?

17 MR. GILLESPIE: And
18 Construction Trades Council.

19 COUNCILMAN GOODE: I want you
20 to look into the future for a second.
21 Let's say we were to form a new
22 Philadelphia Building and Construction
23 Trades Council, with trained labor, that
24 we control the training and supply of,
25 that met the demographics of Philadelphia

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2 in terms of residents being trained, in
3 terms of African-Americans being trained,
4 in terms of Latinos being trained, in
5 terms of Asians being trained, in terms
6 of women being trained, and that new
7 Philadelphia Building and Construction
8 Trades Council told us who was in it,
9 could guarantee that we knew that it was
10 representative of Philadelphia. Who do
11 you think we'd do business with?

12 MR. GILLESPIE: Well --

13 COUNCILMAN GOODE: The old
14 Philadelphia Building and Trades Council
15 or the new Philadelphia Building and
16 Trades Council?

17 MR. GILLESPIE: You would do
18 business with your hypothetical.

19 COUNCILMAN GOODE: And so the
20 real goal here, because I want to move
21 forward on this legislation -- and I'm
22 going to say this for the first time
23 publicly. I've said it privately several
24 times -- is to move to a new Philadelphia
25 Building and Construction Trades Council.

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2 It's to end your monopoly.

3 Thank you.

4 COUNCIL PRESIDENT VERNA: Thank
5 you.

6 Any other questions or
7 statements of Mr. Gillespie?

8 (No response.)

9 COUNCIL PRESIDENT VERNA: All
10 right, Mr. Gillespie.

11 MR. GILLESPIE: Thank you.

12 COUNCIL PRESIDENT VERNA: You
13 know where the Chief Clerk's Office is.

14 MR. GILLESPIE: Yeah. I will
15 try. Thank you.

16 COUNCIL PRESIDENT VERNA: And I
17 think that our next witness will be Tom
18 Muldoon, who has asked to testify. Right
19 after Mr. Muldoon, Mr. Gillespie, right
20 after Mr. Muldoon testifies -- I don't
21 think we have anyone else to testify on
22 this bill. Do we?

23 (No response.)

24 COUNCIL PRESIDENT VERNA: Is
25 there anybody else that wants to testify

1 12/6/07 - WHOLE - BILL 070994, ETC.

2 on the bill?

3 (No response.)

4 COUNCIL PRESIDENT VERNA:

5 Seeing no one --

6 COUNCILMAN DiCICCO: Just one
7 question.

8 COUNCIL PRESIDENT VERNA: Yes.

9 COUNCILMAN DiCICCO: While
10 Mr. Gillespie is going to try to
11 ascertain that information, he also
12 mentioned that there are a couple unions
13 that don't want to even see this built.
14 I'd like to know the name of those unions
15 when he gives us that information as well
16 who --

17 MR. GILLESPIE: I won't share
18 that with you. I will not share that
19 with you.

20 COUNCILMAN DiCICCO: But there
21 are some unions that don't want to see it
22 built or don't care if it's built?

23 MR. GILLESPIE: I will not
24 share that with you.

25 COUNCILMAN DiCICCO: Or don't

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2 care that it's built; is that correct?

3 You said it. I didn't.

4 COUNCIL PRESIDENT VERNA: I
5 just want the membership to know what
6 we're doing, and, Mr. Gillespie, I'd like
7 you to know what we're doing.

8 Mr. Muldoon is going to
9 testify. Immediately after he testifies,
10 since we do not have any witnesses and
11 Mr. Gillespie is going to try to get the
12 information that Council is seeking, at
13 that point I would ask Sister to come up
14 at long last, Sister, give the
15 invocation. We will then recess until
16 2:30.

17 So, Mr. Gillespie, could you be
18 back by 2:30, please?

19 MR. GILLESPIE: I will try.

20 COUNCIL PRESIDENT VERNA: I
21 would ask you to be back by 2:30 to tell
22 us whether you were able to get the
23 information --

24 MR. GILLESPIE: I'll try to get
25 back with the information at 2:30.

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2 COUNCIL PRESIDENT VERNA: Thank
3 you.

4 Mr. Muldoon.

5 MR. MULDOON: Madam President,
6 I'll be very quick, but the timing of
7 this for the Philadelphia Convention
8 Visitors Bureau in the City of
9 Philadelphia is absolutely awful. We
10 planned six months ago -- it wasn't
11 planned. We have 17 customers who need
12 Convention Center expansion in
13 Philadelphia. They were in last night.
14 They're at the Art Museum today. At 2:30
15 we were supposed to give them a briefing
16 on expansion. Each one of those is worth
17 somewhere between \$15 to \$20 million. We
18 have been telling them whatever the
19 reason for the delay is, really for a
20 year, that this would happen. I don't
21 know what to tell these people.

22 We have people -- the first
23 customer we have, ironically enough, is
24 from South Philadelphia, born, raised,
25 has a major Philadelphia association.

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2 It's worth at least \$20 million to us. I
3 have to go see her. She's got a second
4 large meeting at the Marriott. I have to
5 tell her this afternoon if this building
6 is going to be real by 2011.

7 My understanding and secondhand
8 information from the Convention Center
9 Authority is that if this isn't approved
10 today, then the finishing in late 2010 is
11 impossible. And we've already cancelled
12 all business for 2010. We would have to
13 cancel a good part of the business in
14 reality for 2011, including a major,
15 major Philadelphia employer and a person
16 who is running the major Convention
17 Center at the Marriott.

18 I didn't mean to speak today,
19 but I just give you the 17 customers and
20 the 23 people who are going to be leaving
21 our City at 3:30 this afternoon. I'd
22 love to have them have an answer.

23 COUNCIL PRESIDENT VERNA:
24 Councilman DiCicco, your light is on.

25 COUNCILMAN DiCICCO:

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2 Mr. Muldoon, as a Board member of the
3 Convention Center Authority, I'm pretty
4 familiar with the timing of the -- the
5 time it has taken us to get to this
6 point, and I know that we've already lost
7 some conventions, but through no fault of
8 this Council, and primarily -- and you
9 may not want to agree with it, and I
10 could imagine why. I don't want to put
11 you on the spot. But mostly because the
12 Governor drug his feet with releasing
13 money for demolition, his concern about
14 the makeup of the Board and all of those
15 things have led us to this. And I know
16 it's important that we get as many
17 conventions in and sign them on as
18 quickly as possible, but are you
19 suggesting that hypothetically if this
20 bill were not approved, say, by the first
21 week in February, that the timing of the
22 completion is going to be off by that
23 much -- a period that's going to kill how
24 many conventions? I mean, five weeks in
25 the scheme of things?

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2 MR. MULDOON: Just quickly, we
3 were told, the Convention Bureau,
4 instructed to sell 2009 years ago. I
5 refused to do that. I felt very
6 comfortable selling 2010. We have
7 cancelled six major conventions for 2010
8 and stopped selling that months ago.
9 Effectively, it is my understanding the
10 fall of '10 would be, if all this goes
11 through today or whenever it happens in
12 this next -- this time frame, we are able
13 to sell 2011. We've sold 2011. We
14 cannot -- if this slid until the first
15 quarter of next year, my understanding
16 from Mr. Resta and people at the
17 Convention Center Authority, that we
18 would then be in the middle of '11, plus
19 it's two million to two and a half
20 million dollars a month in delay between
21 the murals, labor and so on, so forth.

22 You know, if Evan knew that
23 we'd be sitting here today, I certainly
24 wouldn't have brought all these people to
25 town, but we scheduled that months ago.

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2 So we are at a critical
3 juncture, and effectively we would lose
4 2011. We've lost a lot of credibility
5 because we've had to go back quietly. I
6 hate people all over on that side writing
7 these letters down and being in the paper
8 tomorrow. This is the last thing that we
9 need, but we have quietly walked away
10 from 2010 business, hundreds of millions
11 of dollars. That sheet of paper,
12 minimum, that's 20 million a piece for
13 each one of those people. Now, they're
14 not all 2011, but they're '11, '12, '13.

15 I just don't know. We go to a
16 major convention in Seattle. It's
17 healthcare -- that's our strength, that's
18 over 50 percent of our business -- the
19 second week of January, and we're
20 beginning to lose credibility.

21 The other piece is, you have a
22 tremendous amount of interest in hotels
23 in the City based around the Convention
24 Center. That is at least six or seven
25 projects that are reasonably close to

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2 being financed and it all depends on the
3 building. If this building gets delayed,
4 they get delayed and who knows what
5 happens.

6 So I know that the delay is God
7 knows why and the rest of it, but the
8 reality is for the customer, they don't
9 care.

10 COUNCILMAN DiCICCO: I just
11 wanted the record to be clear that the
12 delays that have caused us to cancel or
13 not book prior those conventions based on
14 the 2009, 2010, we're not responsible.
15 They're not as a result of any actions or
16 inactions by this City Council. And my
17 question again is, if hypothetically this
18 bill doesn't come out with favorable
19 approval until the first week in
20 February, you're telling me that we lose
21 the 2011 conventions?

22 MR. MULDOON: My understanding
23 is that we would slip completion into the
24 early '11. And no one is going to be
25 booking the first year of a major without

1 12/6/07 - WHOLE - BILL 070994, ETC.

2 knowing if the building is really going
3 to be complete. I mean, that's --

4 COUNCILMAN DiCICCO: If you
5 know by February 1st, our first week in
6 February?

7 MR. MULDOON: The answer to
8 that question is, if this doesn't happen,
9 I have to go back to five major groups
10 and in good conscience in the first half
11 of 2011 and see if we could switch them
12 to '15 or '17 or whatever the rotation
13 the next time they're back in the
14 northeast. It just can't get done. And
15 we can't tell something to a customer
16 that's not true.

17 So, again, it's not this body's
18 fault and certainly the issues are real,
19 but I'm just telling you that these
20 people are in --

21 COUNCILMAN DiCICCO: I
22 appreciate it, and it's not you that --
23 what I'm about to say is not coming from
24 you, but in the end, we will be blamed,
25 because there's always a gun at our head

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2 at the 12th hour to get things done
3 around here.

4 MR. MULDOON: This gun I didn't
5 schedule.

6 COUNCILMAN DiCICCO: I know. I
7 said not you. Thank you.

8 Thank you, Madam President.

9 COUNCIL PRESIDENT VERNA: Thank
10 you, Mr. Muldoon.

11 Any questions from members of
12 the Committee of Mr. Muldoon?

13 (No response.)

14 COUNCIL PRESIDENT VERNA: All
15 right. I would ask everyone to please
16 remain seated. We are going to continue
17 this until 2:30.

18 Mr. Gillespie, we'll expect you
19 back at 2:30 with some type of an answer.

20 And Sister Rosemary Herron, who
21 is President of the Mercy Vocational High
22 School, has been sitting here since 9:30
23 to give the invocation. I would ask that
24 all members and guests to please rise.

25 And, Sister, I thank you so

1 12/6/07 - WHOLE - BILL 070994, ETC.

2 much for your patience.

3 SISTER HERRON: It's my

4 pleasure. Thank you.

5 Good afternoon. I know you've
6 been here a long time. As I've sat here,
7 I've shortened this, so just to let you
8 know.

9 Let us just remember that we
10 are in God's presence.

11 Loving God, during these days
12 throughout the world, the Jewish people
13 celebrate Hanukkah, the Festival of
14 Lights, and today Christians throughout
15 the world celebrate the Feast of St.
16 Nicholas, the real Santa Claus, and we
17 prepare for Christmas.

18 We ask that you give all people
19 of good will the strength and courage to
20 transform the compassion of our hearts
21 into acts of peace, mercy and justice.
22 We know that your power changes hearts.
23 Muslims, Christians and Jews remember and
24 profoundly affirm that they are followers
25 of the one true God, children of Abraham,

1 12/6/07 - WHOLE - BILL 070994, ETC.

2 brothers and sisters.

3 Forgive us for the arrogance
4 that leads to moral blindness, for
5 desires for vengeance and retaliation,
6 and for the willingness to sacrifice
7 others for our own security and
8 averseness. Help us to renounce all
9 forms of violence, prejudice, unfair
10 allegations, intolerance and injury.
11 Empower us to live out the caring
12 presence of the merciful and generous
13 persons we claim to be.

14 As 2007 draws to a close and we
15 await a new year, we pray for our
16 families, our neighborhoods, our city and
17 our world. Make us channels of your
18 peace, bearers of healing, women and men
19 who hear and respond with alacrity to
20 pleas for peace and non-violence on the
21 streets of Philadelphia, and justice and
22 respect for human rights throughout our
23 city and throughout our world.

24 We ask this in the name of God
25 who created us out of love and called us

1 12/6/07 - WHOLE - BILL 070994, ETC.

2 to be brothers and sisters to one
3 another.

4 Amen.

5 (Amen.)

6 COUNCILMAN RIZZO: Madam

7 President, I have to leave the Chambers
8 on Council business. I want to leave my
9 vote aye on all bills, resolutions and
10 amendments.

11 COUNCIL PRESIDENT VERNA: Just
12 a moment. What is your pleasure on the
13 bills before us in committee and the
14 resolutions?

15 COUNCILMAN RIZZO: I'm going to
16 vote aye.

17 COUNCIL PRESIDENT VERNA: Thank
18 you. Leave will be granted.

19 (Recess from 2:00 p.m. to 3:00
20 p.m.)

21 COUNCIL PRESIDENT VERNA: This
22 is the continued public hearing of the
23 Committee of the Whole regarding Bill No.
24 070994.

25 Mr. Gillespie, would you please

1 12/6/07 - WHOLE - BILL 070994, ETC.

2 approach the witness table.

3 Can you tell us how successful
4 you have been with trying to obtain the
5 information?

6 MR. GILLESPIE: I have not been
7 successful in getting the information
8 that was requested. As with everything,
9 it's complicated. People were giving me
10 guesstimates and I was going to give you
11 that, and Councilwoman Campbell suggested
12 that I not do that because I wouldn't
13 want to give you false information.

14 COUNCIL PRESIDENT VERNA: Okay.
15 Very well. Thank you.

16 MR. GILLESPIE: You're welcome.

17 COUNCIL PRESIDENT VERNA: Is
18 there anyone else that would like to
19 testify on this bill?

20 (No response.)

21 COUNCIL PRESIDENT VERNA:
22 Seeing no one --

23 COUNCILMAN DiCICCO: Madam
24 President.

25 COUNCIL PRESIDENT VERNA: Yes.

1 12/6/07 - WHOLE - BILL 070994, ETC.

2 The Chair recognizes Councilman DiCicco.

3 COUNCILMAN DiCICCO: Thank you,
4 Madam President. I just came across an
5 article that was printed in the Inquirer
6 on April 22, 2003, and if I just can
7 briefly read a couple of lines. It talks
8 about the stadiums shy of goal in hiring.

9 "Minorities were to get 45
10 percent of construction work on the two
11 sites." This is the headline: "Stadiums
12 Shy of Minority Contract Goal." And it
13 further goes on to talk about some of the
14 disputes between the unions and the
15 Philadelphia Workforce Development
16 Corporation would have, and it also says,
17 "The trades have long declined to reveal
18 their racial makeup. Patrick Gillespie,
19 Business Manager of the Philadelphia
20 Building Trades Council, which represents
21 about 40,000 union construction workers
22 in Southeastern Pennsylvania, declined to
23 discuss the minority hiring shortfall in
24 detail," and it goes on and on to talk
25 about they believe that they met their

1 12/6/07 - WHOLE - BILL 070994, ETC.
2 requirements. The Philadelphia Workforce
3 Development Corporation believes that
4 they did not. And there's a lot of
5 material here, but I thought it was
6 interesting.

7 As I said before, we really
8 haven't made any gains since the stadium.
9 It's a lot of rhetoric that keeps going
10 back and forth, and this is our last, I
11 believe, our last best opportunity to
12 really get some meaningful participation
13 on behalf of minorities and women when it
14 comes to the expansion project. And if
15 anyone would like to see this, I can
16 surely make some copies for you.

17 COUNCIL PRESIDENT VERNA: Thank
18 you.

19 Are there any other questions,
20 comments, remarks from any of the members
21 of the Committee?

22 (No response.)

23 COUNCIL PRESIDENT VERNA:
24 Seeing none, we will now go into our
25 public meeting.

1 12/6/07 - WHOLE - BILL 070994, ETC.

2 Councilman DiCicco, since Bill
3 No. 070994 is yours, I would ask you to
4 please make a motion.

5 COUNCILMAN DiCICCO: Madam
6 President, if we can wait a few minutes,
7 I have an amendment I'm going to be
8 offering.

9 COUNCIL PRESIDENT VERNA: Very
10 well, then. How long will that take you?

11 COUNCILMAN DiCICCO: I'm
12 hopeful in the next five minutes.

13 COUNCIL PRESIDENT VERNA: All
14 right, then. We'll proceed in a very
15 timely fashion to consider the many
16 resolutions that we also have listed
17 before us.

18 Councilwoman Blackwell, may I
19 have a motion on Resolutions 071013,
20 071014, 071015, 071016, 071017, 071018
21 and 071019.

22 COUNCILWOMAN BLACKWELL: Madam
23 President, the Committee of the Whole
24 reports out the resolutions --

25 COUNCIL PRESIDENT VERNA: We

1 12/6/07 - WHOLE - BILL 070994, ETC.

2 have to report it out of committee.

3 We're still in committee. We never

4 reported these out of committee.

5 COUNCILWOMAN BLACKWELL: Madam

6 President, I move that the resolutions be

7 reported out of Committee with a

8 favorable recommendation.

9 (Duly seconded.)

10 COUNCIL PRESIDENT VERNA: It

11 has been moved and seconded that the

12 resolutions just stated will be reported

13 out of Committee with a favorable

14 recommendation.

15 All in favor say aye.

16 (Aye.)

17 COUNCIL PRESIDENT VERNA: Those

18 opposed?

19 (No response.)

20 COUNCIL PRESIDENT VERNA: The

21 ayes have it. The motion carries.

22 We will now consider the

23 following resolutions: 071020, 071021,

24 071022, 071023, 071024, 071025, 071026,

25 071027, 071028 and 071029, also 071030.

1 12/6/07 - WHOLE - BILL 070994, ETC.

2 The Chair recognizes
3 Councilwoman Blackwell for a motion.

4 COUNCILWOMAN BLACKWELL: Thank
5 you, Madam President. I move that the
6 resolutions just read be reported out of
7 Committee with a favorable
8 recommendation.

9 (Duly seconded.)

10 COUNCIL PRESIDENT VERNA: It
11 has been moved and seconded that the
12 resolutions just read will be reported
13 out of Committee with a favorable
14 recommendation.

15 All in favor will signify by
16 saying aye.

17 (Aye.)

18 COUNCIL PRESIDENT VERNA: Those
19 opposed?

20 (No response.)

21 COUNCIL PRESIDENT VERNA: The
22 ayes have it and the motion carries.

23 We will now consider the
24 following resolutions: 070605, 070606,
25 070607, 070608, 070609, 070610, 070611,

1 12/6/07 - WHOLE - BILL 070994, ETC.
2 070612, 070613, 070614, 070615, 070616
3 and 070617.

4 The Chair recognizes
5 Councilwoman Blackwell for a motion.

6 COUNCILWOMAN BLACKWELL: Thank
7 you, Madam President. I move that the
8 resolutions just read be reported out of
9 Committee with a favorable
10 recommendation.

11 (Duly seconded.)

12 COUNCIL PRESIDENT VERNA: It
13 has been moved and seconded that the
14 resolutions just read be reported out of
15 Committee with a favorable
16 recommendation.

17 All in favor will say aye.

18 (Aye.)

19 COUNCIL PRESIDENT VERNA: Those
20 opposed?

21 (No response.)

22 COUNCIL PRESIDENT VERNA: The
23 ayes have it and the motion carries.

24 The record will indicate that
25 Resolution No. 070730 was held.

1 12/6/07 - WHOLE - BILL 070994, ETC.

2 We will now consider
3 Resolutions 070722, 070723, 070724,
4 070725, 070726, 070727, 070728, 070729,
5 070731, 070732 and 070733.

6 The Chair recognizes
7 Councilwoman Blackwell for a motion.

8 COUNCILWOMAN BLACKWELL: Thank
9 you, Madam President. I move that the
10 resolutions just read be reported out of
11 Committee with a favorable
12 recommendation.

13 (Duly seconded.)

14 COUNCIL PRESIDENT VERNA: All
15 in favor will say aye.

16 (Aye.)

17 COUNCIL PRESIDENT VERNA: Those
18 opposed?

19 (No response.)

20 COUNCIL PRESIDENT VERNA: The
21 ayes have it and the motion carries.

22 The record will also reflect
23 that Resolution No. 070737 was held.

24 Therefore, we will now consider the
25 following resolutions: 070734, 070735

1 12/6/07 - WHOLE - BILL 070994, ETC.
2 and 070736.

3 The Chair again recognizes
4 Councilwoman Blackwell for a motion.

5 COUNCILWOMAN BLACKWELL: Thank
6 you, Madam President. I move that the
7 resolutions just read be reported out of
8 Committee with a favorable
9 recommendation.

10 (Duly seconded.)

11 COUNCIL PRESIDENT VERNA: It
12 has been moved and seconded.

13 All in favor of the motion will
14 please say aye.

15 (Aye.)

16 COUNCIL PRESIDENT VERNA: Those
17 opposed?

18 (No response.)

19 COUNCIL PRESIDENT VERNA: The
20 ayes have it and the motion is adopted.

21 Councilman DiCicco, we're about
22 ready.

23 COUNCILMAN DiCICCO: I just
24 asked my legislative assistant to check
25 with Rick Auerbach. He should be back

1 12/6/07 - WHOLE - BILL 070994, ETC.

2 momentarily.

3 (Pause.)

4 COUNCIL PRESIDENT Verna: The
5 Chair recognizes Councilwoman Campbell.

6 COUNCILWOMAN CAMPBELL: Thank
7 you, Madam President. I have to take a
8 leave. I request that my vote be
9 registered aye on the bill coming out of
10 Committee and any amendments, and also in
11 the full session of Council, for all
12 bills and resolutions that my vote be
13 recorded as aye.

14 Thank you very much.

15 COUNCIL PRESIDENT Verna: And,
16 Ms. Campbell, you would like to vote on
17 the amendments also included that have
18 already been presented regarding the bill
19 before us at the moment?

20 COUNCILWOMAN CAMPBELL: I can't
21 hear you.

22 COUNCIL PRESIDENT Verna: On
23 the amendments.

24 COUNCILWOMAN CAMPBELL: Yes,
25 definitely.

1 12/6/07 - WHOLE - BILL 070994, ETC.

2 COUNCIL PRESIDENT VERNA: Fine.

3 Thank you. Excuse is granted.

4 (Pause.)

5 COUNCIL PRESIDENT VERNA: We're
6 back in session. We're still considering
7 Bill No. 070994.

8 Again, the Chair recognizes
9 Councilman DiCicco.

10 COUNCILMAN DiCICCO: Thank you,
11 Madam President, and thank you for your
12 patience. I will be offering three
13 amendments, copies of which have been
14 circulated to all members of City
15 Council. One is an amendment to Bill No.
16 070994, Amend Exhibit A, Convention
17 Center Agreement, Section 6 as Follows.
18 The title on the other amendment, Amend
19 Exhibit A, Convention Center Agreement,
20 Section 8 as Follows. And the final one
21 is amending "Section 8 is deleted in its
22 entirety and amended with the following,"
23 and, again, the following is described in
24 the amendment that's being circulated.

25 COUNCIL PRESIDENT VERNA: Has

1 12/6/07 - WHOLE - BILL 070994, ETC.

2 everyone received a copy of Councilman
3 DiCicco's amendment regarding Section 8?
4 Has everybody received a copy?

5 (Yes.)

6 COUNCIL PRESIDENT VERNA: I'll
7 give you a chance to read it.

8 (Pause.)

9 COUNCIL PRESIDENT VERNA: Has
10 everyone read the amendments that was
11 just presented to us?

12 (Yes.)

13 COUNCIL PRESIDENT VERNA:
14 Councilman DiCicco.

15 COUNCILMAN DiCICCO: Thank you,
16 Madam President. I move for the adoption
17 of the amendments, the three amendments
18 that I have just introduced, and would
19 ask for their favorable recommendation.

20 (Duly seconded.)

21 COUNCIL PRESIDENT VERNA: It
22 has been moved and properly seconded that
23 the amendments as presented to us be
24 adopted.

25 All in favor will signify by

1 12/6/07 - WHOLE - BILL 070994, ETC.

2 saying aye.

3 (Aye.)

4 COUNCIL PRESIDENT VERNA: Those
5 opposed?

6 (No response.)

7 COUNCIL PRESIDENT VERNA: The
8 ayes have it and the motion carries.

9 COUNCILMAN KENNEY: Madam
10 President, for the record and for reasons
11 previously disclosed, I will be
12 abstaining on any amendments and on the
13 final bill.

14 Thank you.

15 COUNCIL PRESIDENT VERNA: Thank
16 you. The record will so indicate.

17 The Chair recognizes
18 Councilwoman Miller.

19 COUNCILWOMAN MILLER: Thank
20 you, Madam President. I also would like
21 to have my amendment voted on, and
22 certainly everybody has a copy of that.
23 It's amendment to Bill No. 070994 as it
24 relates to the Project Economic
25 Opportunity Plan. I make a motion that

1 12/6/07 - WHOLE - BILL 070994, ETC.

2 this amendment be adopted.

3 (Duly seconded.)

4 COUNCIL PRESIDENT VERNA: It
5 has been moved and properly seconded that
6 the amendment be adopted.

7 All in favor will say aye.

8 (Aye.)

9 COUNCIL PRESIDENT VERNA: Those
10 opposed?

11 (No response.)

12 COUNCIL PRESIDENT VERNA: The
13 ayes have it and the motion carries.

14 We go back to Councilman
15 DiCicco for another motion to report the
16 bill out as amended.

17 COUNCILMAN DiCICCO: Thank you,
18 Madam President. I move that Bill No.
19 070994 as amended be reported out of this
20 Committee with a favorable recommendation
21 and a further recommendation that the
22 rules of Council be suspended.

23 COUNCIL PRESIDENT VERNA: Do I
24 hear a second?

25 (Duly seconded.)

1 12/6/07 - WHOLE - BILL 070994, ETC.

2 COUNCIL PRESIDENT VERNA: It
3 has been moved and properly seconded that
4 Bill No. 070994 be reported out of
5 Committee with a favorable recommendation
6 as amended; further, that the rules of
7 Council be suspended so as to permit
8 first reading at our next session of
9 Council.

10 All in favor will say aye.

11 (Aye.)

12 COUNCIL PRESIDENT VERNA: Those
13 opposed?

14 (No response.)

15 COUNCIL PRESIDENT VERNA: The
16 ayes have it. It is a unanimous vote,
17 and the record will again indicate that
18 Councilman Kenney has abstained from the
19 vote or the approval of the amendments.

20 This concludes our public
21 hearing of the Committee of the Whole.

22 (Committee of the Whole
23 adjourned at 3:25 p.m.)

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CERTIFICATE

I HEREBY CERTIFY that the
proceedings, evidence and objections are
contained fully and accurately in the
stenographic notes taken by me upon the
foregoing matter on December 6, 2007, and that
this is a true and correct transcript of same.

MICHELE L. MURPHY
RPR-Notary Public

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