

Committee on Commerce & Economic Development
November 19, 2018

COUNCIL OF THE CITY OF PHILADELPHIA
COMMITTEE ON COMMERCE & ECONOMIC DEVELOPMENT

Room 400, City Hall
Philadelphia, Pennsylvania
Monday, November 19, 2018
1:12 p.m.

PRESENT:

COUNCILWOMAN CHERELLE L. PARKER - VICE CHAIR
COUNCILMAN ALLAN DOMB
COUNCILMAN DEREK S. GREEN
COUNCILMAN KENYATTA JOHNSON
COUNCILMAN DAVID OH
COUNCILWOMAN BLONDELL REYNOLDS BROWN
COUNCILMAN AL TAUBENBERGER

BILLS: 180704, 180975

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2 COUNCILWOMAN PARKER: Good afternoon,
3 everyone. This hearing is called to order.
4 This is a Public Hearing of the City Council
5 Committee on Commerce and Economic Development.
6 The purpose of this Public Hearing is to hear
7 testimony on Bill No. 180704 and Bill No.
8 180975. I recognize the presence of a quorum of
9 a Committee Members. Members of the Committee
10 in attendance are Councilman Allan Domb,
11 councilwoman Blondell Reynolds Brown, Councilman
12 Kenyatta Johnson and Councilmember Al
13 Taubenbeger.

14 Would any of my colleagues like to take
15 this opportunity to make any opening remarks?

16 The clerk will now read the title of the
17 first bill being considered today.

18 THE CLERK: Bill No. 180704: An
19 Ordinance amending Chapter 17-1600 of The
20 Philadelphia Code, entitled "Economic
21 Opportunity Plans", by requiring the Labor
22 Standards Unit to monitor contractors and
23 enforce City Contract requirements for Workforce
24 Diversity, all under certain terms and
25 conditions.

1 COUNCILWOMAN PARKER: The clerk will
2 please call the first panel of witnesses to
3 testify on the bill.

4 THE CLERK: Perritti DiVirgilio and
5 Jihad Ali.

6 (Panel approaches Witness Table.)

7 COUNCILWOMAN PARKER: Good afternoon,
8 Mr. DiVirgilio and Mr. Ali. Please state your
9 name for the record and proceed with your
10 testimony.

11 MR. DiVIRGILIO: Perritti DiVirgilio,
12 Director of Labor Standards at the Mayor's
13 Office of Labor.

14 MR. ALI: Jihad Ali. I'm with the
15 Enterprise Center.

16 MR. DiVIRGILIO: Good afternoon, Madam
17 Chair, Members of the Committee on Commerce and
18 Economic Development. My name is Perritti
19 DiVirgilio. I'm the Director of Labor Standards
20 for the Mayor's Office of Labor. Thank you for
21 the opportunity to appear before you today to
22 testify in favor of Bill No. 180704 as amended.

23 Bill No. 180704 will amend Chapter
24 17-600 of the Philadelphia Code, Economic
25 Opportunity Plans, by further refining the role

1 of the Labor Standards Unit in monitoring
2 contractors and enforcing City contract
3 requirements for workforce diversity. The bill
4 will require the Labor Standards Unit to
5 determine whether a contractor is on track to
6 meet workforce goals at a specific point in the
7 contract. Once 25 percent of the hours and
8 25 percent of spend are completed and it also
9 allow us to take appropriate action pursuant to
10 17-1606, penalties and remedies if best and good
11 faith efforts are not evident at that time.

12 The Administration supports the intent
13 behind the legislation. Workforce diversity
14 monitoring has been a responsibility of the
15 Labor Standards Unit since 17-600 was amended in
16 2016. In the year since, we have developed
17 reporting requirements for contractors around
18 workforce diversity, and implemented a best and
19 good faith efforts form that covered contractors
20 must submit as a prerequisite to be issued and
21 notice to proceed.

22 The change is contemplated under Bill
23 No. 180704 aligns with our internal goals of
24 continuously improving our enforcement protocols
25 to ensure that our contracted workforce is

1 representative of the citizens of this City.

2 Thank you for the opportunity to testify
3 here today. I would be happy to answer any
4 questions members may have.

5 MR. ALI: Good afternoon, Madam Chair
6 and others members of this distinguished
7 committee. I'm Jihad Ali. I have an extensive
8 background in construction. As Mr. DiVirgilio
9 said, he reminded me when we came in, we are
10 both getting gray. I told him I try to stay out
11 the mirror because I forget I am getting gray.

12 I am here to give testimony of Bill No.
13 180704 in support of the bill. I think that
14 this is a new bill that another tool for this
15 Council to use as we go forward trying to break
16 the chains of poverty. This action that this
17 Council is doing, is continuation of that action
18 started by Councilman Goode. It's a
19 continuation of everything Councilwoman Blondell
20 Reynolds Brown has done, Councilman Kenyatta,
21 Cherelle Parker, Darrell Clarke, Jones, Jannie
22 Blackwell, Lucien Blackwell, all the
23 Councilpeople that have been committed as well
24 as Councilman David Oh and the rest of y'all
25 that are members of this committee.

1 One thing I would like to say in reading
2 the bill, I agree with everything Mr. DiVirgilio
3 said. But the part about the 25 percent, that
4 the staging, the timing of that. So, I would
5 just like to at least have you consider that if
6 we are going to do that for the first 25 percent
7 of the total project labor and 25 percent for
8 the total expended dollar value, let's again
9 look back again at the 50 percent mark and the
10 75 percent mark. It may be, but from my reading
11 of it, I didn't know if it was a continuation.
12 Would you just get to the 25 percent mark and
13 then say, okay, they made it?

14 What will happen, all the forces that
15 are in opposition to breaking those chains of
16 poverty may position themselves to just get to
17 the 25 percent mark and they say, okay, we are
18 good. We are good. Everybody green lights it.
19 Okay, they have achieved that. They have
20 achieved 25 percent of the dollars spent. And
21 then we move onto another project. When then at
22 the end of that, we really should be coming back
23 at the 50 percent market and maybe the 75
24 percent mark.

25 I also wanted to ask this committee to

1 consider the language. In this language, you
2 say contract. And one thing about the OEO
3 regulations that this Council had done over the
4 years, you have made a couple exceptions. And
5 one of those is the covered -- all phases of a
6 covered project. And that is -- that's wording
7 we need to just talk about for a second.

8 A covered project, all phases, is not
9 just contract dollars. All phases are something
10 that the Councilwoman Blondell is always about
11 the soft stuff, the architects, the consultants,
12 all that stuff. So, we should at least consider
13 covered project because it might need some
14 retweaking of the labor enforcement standards
15 regulation because they just use that word
16 contract and covered contract. But it's really,
17 I just want you to consider, the covered -- all
18 phases of a covered project. And that would be
19 anything that Council authorizes. Because we
20 run into that a lot with zoning.

21 And I remember, Ms. Parker, you talked
22 before, why aren't we asking for that OEO stuff
23 at zoning. It's clearly says it in the
24 legislation. So, I think those two things that
25 we need to just look at going forward. But I

1 think this is a tremendous step.

2 And like Mr. DiVirgilio used the word
3 "best practices". There is an author Peter till
4 who says best practice always leads to a beaten
5 path. We need new and innovative things. I
6 think this is a new and innovative thing, but we
7 need to push everybody ahead and we need to
8 refine some anticipated hurdles that we need to
9 overcome like the 50 percent mark and 75 percent
10 mark. At the end of the day when the next guy
11 is sitting here that used to be young, they will
12 say, hey, we are breaking those chains of
13 poverty.

14 Thank you for allowing me to give
15 testimony today.

16 MR. DiVIRGILIO: Can I address this
17 first?

18 COUNCILWOMAN PARKER: Sure, yes.

19 MR. DiVIRGILIO: Just to bring a little
20 clarity to this, the Labor Standards Unit, our
21 intention is to do this every 25 percent. So,
22 it's not just the first 25 percent.

23 COUNCILWOMAN PARKER: Repeat that for
24 the record, Mr. DiVirgilio.

25 MR. DiVIRGILIO: That the intention for

1 the Labor Standards is we are going to do this
2 enforcement every 25 percent. So, 25 percent of
3 the contract being completed, 50, 75, and then
4 upon completion of the contract. It's not just
5 the first 25 percent.

6 COUNCILWOMAN PARKER: So one, let me
7 just thank you, Mr. DiVirgilio and Mr. Ali for
8 your testimony here today.

9 I want to note for the record for those
10 seated in the Chamber and those who may be
11 watching us at home, Bill No. 180704 was
12 introduced by Councilmember Bass for our Council
13 President Darrell Clarke. This is, essentially,
14 one more tool. One more tool in the tool box
15 that our Department of Labor Standards and our
16 entire City of Philadelphia needs to ensure that
17 there is accountability when we talk about
18 diversity and inclusion relative to doing
19 business with the City of Philadelphia.

20 So, I want to thank both of you for your
21 testimony. And Mr. DiVirgilio, I want to thank
22 you very specifically for accurately noting that
23 the 25 percent mark -- usually, sometimes people
24 want to check and they want to give you numbers
25 when they are 75 percent through the project and

1 they only have 25 percent on the back end that
2 they are waiting for. But what this language
3 does is ensure that every step -- and now that
4 you have clarified for the record for us, that
5 these are increments of 25 percent. We know
6 that it will happen consistently throughout the
7 project.

8 So, I want thank you for that clarity.

9 MR. DiVIRGILIO: Absolutely.

10 COUNCILWOMAN PARKER: Councilwoman
11 Reynolds Brown.

12 COUNCILWOMAN REYNOLDS BROWN: Good
13 afternoon, gentleman.

14 MR. DiVIRGILIO: Good afternoon.

15 MR. ALI: Good afternoon.

16 COUNCILWOMAN REYNOLDS BROWN: This
17 measure and new tool is another example where
18 Philadelphia through President Clarke and
19 Councilwoman Bass have discovered that we have
20 to drill down even further because we still have
21 primes who have figured out a way to skirt the
22 law. And I want to thank them in their absence
23 for this.

24 At the end of the day, it really is
25 about workforce diversity. Getting the contract

1 is just a morsel of the expectation. If at the
2 end of the day the workforce doesn't look like
3 the City of Philadelphia, then we have failed in
4 our duties, period.

5 Can you speak to how well you're coming
6 along now? I know during budget testimony a
7 year ago, challenges faced your department due
8 to lack of personnel to help carry out multiple
9 laws that we passed out of this Committee.

10 MR. DiVIRGILIO: The Mayor's Office of
11 Labor has definitely helped us with bringing
12 some additional people on. Things are going a
13 lot better.

14 What this does for me is, it codifies
15 some of the things that we were already doing,
16 procedures we are trying to put in place.
17 Whereas before, contractors could kind of push
18 back and say we are not in compliance now, but
19 we will be by the end of the project. This
20 takes that away. This is a good tool for us.

21 COUNCILWOMAN REYNOLDS BROWN: That
22 language is over.

23 MR. DiVIRGILIO: Right.

24 COUNCILWOMAN REYNOLDS BROWN: What are
25 the penalties, if you will, or circumstances by

1 which the contract itself becomes jeopardized
2 because of failure to honor the tenets and
3 merits of this legislation?

4 MR. DiVIRGILIO: I can't quote them, but
5 they are in the original bill. So whatever the
6 penalties are, are what we are going to enforce.

7 COUNCILWOMAN REYNOLDS BROWN: And does
8 your department carry on that duty, or is that
9 punted to another department?

10 MR. DiVIRGILIO: It actually gets punted
11 to another department, but we make the
12 recommendation.

13 COUNCILWOMAN REYNOLDS BROWN: Okay. All
14 right.

15 MR. DiVIRGILIO: Now with the first the
16 part with the workforce diversity form, when
17 they submit that, I actually approve it or I
18 don't. They don't get their notice to produce
19 until it's approved. That's been in place for a
20 while now.

21 COUNCILWOMAN REYNOLDS BROWN: Okay.

22 MR. DiVIRGILIO: We are definitely
23 noticing improvement in the submission of them
24 forms.

25 COUNCILWOMAN REYNOLDS BROWN: Very good.

1 Thank you very much, gentleman.

2 MR. DiVIRGILIO: You're welcome.

3 MR. ALI: May I add something, Madam
4 Chair?

5 COUNCILWOMAN PARKER: Sure.

6 MR. ALI: In regards to the testimony of
7 Labor Standards, I can only go by what's written
8 in the Bill. So from my -- from the public's
9 point of view, we need to look at the Bill. One
10 thing that made this country great is
11 remembering that the people that are in power
12 will be out of power one day and there will be
13 other people there. We need to have the tools
14 on the other people there to be able to look in
15 the Bill and see that.

16 In regards to Labor Standards, one
17 additional thing, because this office is trying
18 to do a great job against a mountain of problems
19 out there. But one of the things is as the
20 Mayor through his office, and make sure they
21 have the funds in place to get additional
22 resources when they need them.

23 For instance, sometimes on my side of
24 the table, I hear from union guys and other
25 guys. And another thing about this Bill, this

1 is a neutral Bill. It doesn't matter whether
2 you are union or non-union because we have the
3 same problems from non-union developers as we
4 have from union developers. They still trying
5 to make the most in the case of the private
6 developers and non-union, they are trying to
7 make the most of the money.

8 In the Union developers, they are trying
9 to make the most for the men on the job, but
10 they are only looking out for union people.

11 One of the things that happens with the
12 Labor Standards is somebody can give you a
13 report. If there is no red flag on that report
14 to indicate that something doesn't seem right,
15 it won't trigger a flag. Somebody can say
16 during the project and they could under count
17 the amount of manpower on there. If there are
18 no red flag or Labor Standards doesn't have the
19 resources to go out and count heads and check,
20 then there is no flag to trigger a further
21 investigation to substantiate what he is putting
22 in.

23 Since we are putting in for, like you
24 said, Madam Chair, you said we are looking out
25 for the workforce of Philadelphia. But we are

1 involved in this business with other entities
2 that their workforce is within the whole region.
3 So where we are looking out for ourselves as we
4 should because they're your constituents. But
5 there are other guys going to be fighting you
6 saying, you know what, we don't care about just
7 being Philly. We have to man this job and we
8 are going to do it any way we can.

9 I think this is a step, another tool for
10 you to find any craft, whatever, you use all the
11 tools in your toolbox. I think this is a great
12 step. And I think DiVirgilio are doing a great
13 job. We just need to give them more resources
14 to do more.

15 COUNCILWOMAN PARKER: Thank you.

16 Chair recognizes -- well, one, we have
17 been joined by Councilmember At Large,
18 Councilmember Derek Green. And Chair recogni --
19 and Councilman David Oh to my right.

20 Chair recognizes Councilmember
21 Taubenberger.

22 COUNCILMAN TAUBENBERGER: Madam Chair,
23 thank you very much.

24 Question I have is, how do we know
25 companies are in compliance; and how often will

1 they be checked?

2 MR. DiVIRGILIO: Basically, through the
3 certified payrolls.

4 COUNCILMAN TAUBENBERGER: Through what?

5 MR. DiVIRGILIO: First step is through
6 them submitting certified payrolls through our
7 LCP Tracker System.

8 COUNCILMAN TAUBENBERGER: Okay.

9 MR. DiVIRGILIO: And I have wage
10 compliance officers that go through certified
11 payrolls not only for prevailing wage, but have
12 a full-time person that is actually doing the
13 workforce diversity stuff. Then I also have two
14 full-time inspectors that actually go out on the
15 site and interview workers. So, we check the
16 certified payrolls against the interview sheets.

17 COUNCILMAN TAUBENBERGER: So, the
18 certified payroll would be checked first?

19 MR. DiVIRGILIO: Yes, absolutely.

20 COUNCILMAN TAUBENBERGER: And then,
21 there will be some field --

22 MR. DiVIRGILIO: Basically, what will
23 happen is we will get the interview sheets. But
24 then we have to wait until the certified payroll
25 was submitted to be able to do the comparison.

1 COUNCILMAN TAUBENBERGER: Okay.

2 MR. DiVIRGILIO: But there is checks and
3 balances.

4 COUNCILMAN TAUBENBERGER: One last
5 question. Who certifies the payroll that this
6 is the right payroll? Is that your department?

7 MR. DiVIRGILIO: What do you mean by --

8 COUNCILMAN TAUBENBERGER: You said
9 certified payroll --

10 MR. DiVIRGILIO: Well, they have to
11 certify it when they submit it.

12 COUNCILMAN TAUBENBERGER: That's what I
13 meant. They certify it.

14 MR. DiVIRGILIO: Yes.

15 COUNCILMAN TAUBENBERGER: Okay.

16 Madam Chair, thank you.

17 MR. ALI: Can I answer your question?

18 COUNCILMAN TAUBENBERGER: Oh, sure.

19 MR. ALI: Follow up on that. One thing,
20 you really hit the nail on the head when you
21 said how do they substantiate this. And the
22 reply was, we look at their certified payrolls.
23 That's the point that I'm talking about.

24 When that payroll comes, say we were all
25 going to build this room. But we got a payroll

1 report that says two people built this room.

2 Now, if there is not somebody there to

3 substantiate and do analysis to say --

4 COUNCILMAN TAUBENBERGER: Correct.

5 MR. ALI: -- it's impossible for two

6 guys to make that with 4000 hours, right? We

7 need to look at this further. Hearing the

8 explanation, there has to be additional

9 resources to do analysis to see that these guys

10 are doing this. Because we are talking about if

11 this happens on a little job, what happens when

12 we are building a billion dollar hospital like

13 what's happening in Councilwoman Blackwell's

14 district.

15 COUNCILMAN TAUBENBERGER: Or a

16 skyscraper or something.

17 MR. ALI: There needs to be a way to

18 check that. What we are seeing now is there is

19 a glitch in the system. The only way for a

20 human being to look at a certified payroll, and

21 then as long all the hours are there and the

22 deductions are there, there is no red flag.

23 There is nobody to say, it's impossible for this

24 developer to build this building and have this

25 workforce that he is telling us.

1 So, we need to have a way to check that.
2 The responsible person for any company, whoever
3 that responsible person they designate, he signs
4 on the back of that form. Now, that form -- i
5 don't know. Does your form have the penalties
6 on it from the United States Code?

7 MR. DiVIRGILIO: Yes.

8 MR. ALI: That's why the form is so
9 powerful. You are alleging, you are giving your
10 signature that you are complying with the law.

11 COUNCILMAN TAUBENBERGER: Thank you very
12 much.

13 Madam Chair, thank you.

14 COUNCILWOMAN PARKER: Thank you, Mr.
15 Ali. We want you to note for the record that
16 your points of clarity are very well taken. And
17 we hear you, and we are constantly -- I think,
18 all of my colleagues are constantly
19 communicating with Mr. DiVirgilio to ensure that
20 his office is properly staffed because we can,
21 you know, codify anything we want relative to
22 the law. And if there is not an adequate staff
23 to go out and measure from an accountability
24 perspective, it is all for naught. We
25 appreciate you adding that for the record.

1 Are there any other comments from
2 Members of the Committee for the witnesses?

3 Councilwoman Reynolds Brown.

4 COUNCILWOMAN REYNOLDS BROWN: Yes. So,
5 we listened very carefully during the Budget
6 Hearings March 2017. And the Administration
7 followed through and provided you with
8 additional staff.

9 MR. DiVIRGILIO: Yes.

10 COUNCILWOMAN REYNOLDS BROWN: Can you
11 speak to any instance or circumstance where
12 there was discovery that a prime or sub was not
13 honoring the workforce diversity piece and,
14 indeed, were penalized?

15 Have we penalized anybody in the City of
16 Philadelphia?

17 MR. DiVIRGILIO: The procedures that we
18 have been put in place is, we have come up with
19 a Level One Compliance Letter that --

20 COUNCILWOMAN REYNOLDS BROWN: A number
21 one?

22 MR. DiVIRGILIO: Level One Compliance
23 Letter. That when the contractor is not in
24 compliance, that we send that out first. And we
25 give them an opportunity because it's best and

1 good faith efforts. It's not hard line.

2 We give them an opportunity that if they
3 are not reaching their goals, that they have to
4 give us a substantiated reason why. And then,
5 you know, just goes on from there. As of yet,
6 we haven't penalized anybody yet.

7 COUNCILWOMAN REYNOLDS BROWN: This
8 measure is how old, point of information? I
9 don't know the answer to that.

10 MR. DiVIRGILIO: Say it again?

11 COUNCILWOMAN REYNOLDS BROWN: The
12 regulation in the -- that -- help me out John
13 Christmas.

14 COUNCILWOMAN PARKER: You said first
15 level review is what you called it?

16 MR. DiVIRGILIO: First level compliance.

17 COUNCILWOMAN REYNOLDS BROWN: May 2016?
18 Is that the accurate date?

19 So since May 2016, you have the
20 authority, responsibility and, I will say, duty
21 to penalize, quite frankly, those who don't read
22 from the sheet of music. And what I am hearing
23 you say is to date, you have discovered that
24 everyone is honoring the sheet of music.

25 Is that what I'm hearing you say?

1 MR. DiVIRGILIO: That's not what I said.
2 I said, we haven't actually penalized anybody
3 yet. Other than -- actually, we did when we he
4 sent out the Level One Compliance Letter, the
5 people that just ignored our letter and didn't
6 respond, we stopped their payments.

7 COUNCILWOMAN REYNOLDS BROWN: Stopped
8 their payments. Did they lose the contract?

9 MR. DiVIRGILIO: No. Because their
10 payments got stopped until they submitted the
11 information that we requested.

12 COUNCILWOMAN REYNOLDS BROWN: So, I need
13 you to submit to the Chair those companies that
14 have fallen in any space that speaks to lack of
15 compliance. We need to see what the number is.
16 We need to see how effective this law is or is
17 not because we may need to drill down and tweak
18 it more.

19 MR. DiVIRGILIO: Okay.

20 COUNCILWOMAN REYNOLDS BROWN: If you can
21 provide that to the Chair by -- when? You give
22 me a date.

23 MR. DiVIRGILIO: I will start on it as
24 soon as I get back to the office.

25 COUNCILWOMAN REYNOLDS BROWN: Okay. By

1 when? You give me a date. By the end of
2 November we could have that?

3 MR. DiVIRGILIO: That's fine.

4 COUNCILWOMAN REYNOLDS BROWN: Is that
5 reasonable?

6 MR. DiVIRGILIO: That's fine.

7 COUNCILWOMAN REYNOLDS BROWN: Okay. If
8 you can submit that to the Chair so we can do a
9 look-see.

10 MR. DiVIRGILIO: Okay.

11 MR. ALI: Ms. Brown -- Ms. Brown, may I
12 just comment real quick on that? I just like to
13 refer to -- it's not DiVirgilio. He's a friend
14 of mine. We were young together. I like to say
15 the Administration when I refer to his office.

16 And I would say that the Admini -- he
17 said that the Administration sends out a First
18 Level Compliance Letter. That should be the
19 First Level Non Compliance Letter, not
20 compliance because they are not in compliance.
21 And then the further testimony was that, well,
22 they have already stopped some payments. There
23 was some non-compliance that resulted to that
24 penalty.

25 So at the end of the day, it's the

1 Administration that really needs to put some
2 teeth in this for us to be able to stop
3 somebody. When you stop somebody's payment, you
4 are going to get some notice. You are going to
5 get notice. This Bill would stop your payment
6 at 25 percent. So, you are going to catch them
7 up front and then you're going to catch them
8 again. We really need to be thinking, what
9 happens at the second occurrence?

10 The first occurrence, even stopping
11 somebody's payment, you get the right lawyer in
12 there, somebody with the caliber of
13 Mr. Christmas over there, you're going to return
14 that money after the first hold back because you
15 haven't taken the steps necessary to warn him
16 about that non-compliance action. So, we just
17 need to think about it a little bit more.

18 It's really -- in my mind, it's this
19 Council against the Administration. Thank you.

20 COUNCILWOMAN PARKER: Thank you.

21 Mr. DiVirgilio, you want to follow up?

22 MR. DiVIRGILIO: Part of the reason why
23 I said I know the Administration agrees with
24 this Bill but I personally agree with it was
25 that there was push back from contractors to say

1 that we're not in compliance now, but we can be
2 by the end of the contract. This takes that
3 away from them. I mean, at the 25 percent mark
4 now you will see compliance. So, definitely
5 helps my office a lot.

6 COUNCILWOMAN PARKER: Councilwoman
7 Reynolds Brown, and I want you to just help me
8 with this. I think one of -- I'm following up
9 on your request for information.

10 I want to make sure that that includes,
11 one, a list of all of the first level compliance
12 letters that you sent out. So, every firm that
13 has ever been on the list to get one of those
14 letters, we want to know who they are. And then
15 all of the firms who you sent the letter but you
16 had to stop their payments because they didn't,
17 we want to know, too, who were the firms whose
18 payments had to be stopped because they didn't
19 comply with our rules and regs. And then that's
20 just -- that is developing a track record.

21 MR. DiVIRGILIO: Absolutely.

22 COUNCILWOMAN PARKER: As people
23 consistently attempt to do work across the City
24 of Philadelphia. And when we -- we will also
25 get a chance to see our own first level review

1 who is taking seriously the rules and regs that
2 this Council is seeking to get codified to
3 ensure that we have diversity and inclusion
4 amongst those who are doing business in the City
5 of Philadelphia.

6 So, Councilwoman, thank you very much.

7 Are there any questions or comments from
8 Members of the Committee for these witnesses
9 before we go?

10 (No further questions or comments.)

11 COUNCILWOMAN PARKER: Thank you very
12 much. The clerk will now read the title of the
13 second bill being considered today.

14 THE CLERK: Bill No. 180975: An
15 Ordinance authorizing the City Commerce
16 Department, on behalf of the City of
17 Philadelphia, to enter into an agreement with
18 the Philadelphia Authority for Industrial
19 Development and the Philadelphia Convention and
20 Visitors Bureau, both for the purpose of hosting
21 the Army-Navy intercollegiate football game in
22 certain years, under certain terms and
23 conditions.

24 COUNCILWOMAN PARKER: The clerk will
25 please call the first panel of witnesses to

1 testify on the Bill.

2 THE CLERK: I just have Julie Coker
3 Graham.

4 (Panel approaches Witness Table.)

5 MS. COKER GRAHAM: Good afternoon.

6 COUNCILWOMAN PARKER: Thank you so very
7 much. Please, state your name for the record
8 and then proceed with your testimony.

9 MS. COKER GRAHAM: Julie Coker Graham,
10 President and CEO of the Philadelphia Convention
11 and Visitors Bureau. And I have my colleague
12 with me, Executive Director Larry Needle of
13 Philadelphia Sports congress.

14 So, good afternoon, Madam Chair and
15 Members of the Commerce Economic Development
16 Committee. My name is Julie Coker as we
17 discussed. I'm here to today to testify in
18 support of Bill No. 180975, an Ordinance
19 authorizing the City Commerce Department to
20 enter into an agreement with the Philadelphia
21 Authority for Industrial Development (PAID) and
22 the PHLCVB to host the Army-Navy intercollegiate
23 football game for the four years series which
24 would begin this December on the 8th.

25 In August of 2017, the Academy's

1 accepted the PHLCVB and the City's proposal to
2 host the annual game at Lincoln Financial Field
3 for the following years 2018, 2019, 2020 and
4 2022. The game in 2021 will be played in New
5 York in honor of 9/11. The PHLCVB is proud to
6 have successfully won the bid to continue to
7 host this important and historical game in
8 conjunction with the City of Philadelphia and
9 the Commonwealth of Pennsylvania.

10 According to a study that we conducted
11 in 2016, the Army-Navy game festivities attract
12 over 54,000 visitors to the Philadelphia region,
13 they generate close to 31,000 room nights and
14 have a total estimated economic impact of
15 35 million each time the game is played here in
16 Philadelphia. Army-Navy is traditionally one of
17 the biggest weekends of the year for City's
18 hospitality weekend community. And our
19 community, as you know, is now the second
20 largest employment sector for Philadelphia. And
21 we support over 73,000 jobs.

22 It's also a tremendous opportunity for
23 our City to roll out the red carpet for our
24 nation's military community, travel to
25 Philadelphia, while millions of fans watch

1 across the nation. The game has a special
2 history in our great City that started in 1899,
3 and has included games at Franklin Field, JFK
4 Stadium, Veterans Stadium and now the Lincoln
5 Financial Field.

6 This year will mark the 88th time that
7 Philadelphia has hosted the game in its
8 illustrious 119-year history. I respectfully
9 request that City Council suspends the rules so
10 at to allow for first time reading of Bill No.
11 180975 at the next session of Council.

12 Thank you very much. And a special
13 thank you to Councilman Johnson for introducing.
14 And I am happy to answer any questions about the
15 game.

16 COUNCILWOMAN PARKER: Thank you.

17 Councilman Derek Green.

18 COUNCILMAN GREEN: Thank you, Madam
19 Chair. Good morning -- excuse me, good
20 afternoon.

21 Just had a couple quick questions. I
22 was not able to make the last PHL meeting, board
23 meeting. Am I correct in my understanding that
24 part of the Philadelphia Hospitality Improvement
25 Levy will be used to support this initiative?

1 Am I correct in that response?

2 MS. GRAHAM: Yes. In the past, the
3 City's commitment has been \$450,000 per game.
4 With the PHL, the commitment has now been
5 reduced to 150,000; and 300,000 will now come
6 from the PHL.

7 COUNCILMAN GREEN: Okay. So, 300,000
8 from the PHL and 100,000 from the City's general
9 fund. Okay.

10 Another question, is more of a macro
11 question. I know the other large sporting
12 event, especially in the world of soccer has
13 often been in New York when teams like Man City
14 or Manchester United and others, others like
15 Barcelona come to the states, often those are in
16 New York, LA type or maybe Chicago initiatives.
17 Has there been conversation about trying to
18 bring those type of events to the City, as well,
19 which could also provide opportunities. I know
20 we have the International Unity Cup that
21 Councilman Taubenberger is a very strong
22 supporter of.

23 Are there other types of opportunities
24 available for the City of Philadelphia to bring
25 other sporting venues different then Army-Navy

1 game but still provide economic impact to the
2 City especially when we have such a large and
3 growing international independent population.

4 MS. COKER GRAHAM: Absolutely. And
5 thank you. That's a great question.

6 Yes. Larry and his entire team work
7 throughout the year to secure events that can be
8 played indoors and outdoors. As you know, we
9 have our bid in 2026 that we are hoping we'll be
10 successful in. But definitely, we are
11 considered one of the premier sports towns here
12 in Philadelphia. We roll out the red carpet.
13 Actually, to help secure the Army-Navy bid for
14 the next four out of five years, we actually had
15 the folks from -- armed from the Academies come
16 down for the NFL Draft. They were able to see
17 how successful we were in maneuvering the number
18 of folks on the Parkway and throughout the City.

19 So, we continue to host high profile
20 events, especially Army-Navy game and NFL Draft
21 that put the City on an international and
22 national stage. And of course, with the
23 partnership with the City and the Commonwealth
24 and, of course, in this particular with Lincoln
25 Financial and the Eagles, we are definitely set

1 up for success for the future. But we do pursue
2 those opportunities.

3 COUNCILMAN GREEN: Thank you, Madam
4 Chair.

5 COUNCILWOMAN PARKER: Chair recognizes
6 Councilman Domb.

7 COUNCILMAN DOMB: Thank you, Madam
8 Chair. Good afternoon. Are we running a little
9 tight on time? Because I notice December 8 is
10 when the games is going to be played, and we are
11 just approving -- looking to approve it now.

12 MS. GRAHAM: So, yes. And so, I will
13 tell you we've been working very closely with
14 the Academies. The contract for the game is
15 extremely intricate. And so, there have been
16 some spirited negotiations, I would say, on
17 everyone's part. And certainly, looking for the
18 best interest of Philadelphia as well as the
19 Academies. And so, we find ourselves at this
20 hour.

21 We did reach out to the Academies two to
22 three years ago hoping that we wouldn't have to
23 go through the bid process because we have done
24 such a great job over the years, but this game
25 has really become a bowl game for us. And so,

1 there were a number of cities that were bidding
2 against us. We had to kind of sharpen our pens.
3 And so, we find ourselves in this close
4 proximity time frame. There have been, I think,
5 fair negotiations. And we are all in a very
6 good space.

7 COUNCILMAN DOMB: I have two other
8 questions.

9 Have we done total fiscal impact
10 analysis of the 35 million that it generates
11 compared to the 6 million we have to pay them
12 compared to all the other income and expenses
13 that occur where we can actually point to bottom
14 line?

15 I'm in favor of the game. I'm just
16 saying, is there any kind of analysis we have
17 done that would show a bottom line number?

18 MS. COKER GRAHAM: We do. We have a
19 detailed budget of the game that we go into the
20 game with. And certainly, controls expenses as
21 much as we possibly can. We also in our
22 organization do fundraising to help make it a
23 weekend.

24 So when Army-Navy first came, it was
25 just the day of the game. Many folks would just

1 come for the day. Now we've been able to
2 include a gala that happens on Friday night. We
3 have economic impact on Friday as well as
4 Saturday. But the expenses are very much
5 controlled. Obviously, playing the game in
6 December, really the only unknown would be the
7 weather which can oftentimes work out in our
8 favor depending on snow insurance.

9 But for the most part, we do know that
10 the food and beverage that is spent throughout
11 the City, whether it be in the hotels as well as
12 outside the hotels, in addition to the
13 visibility of the game itself definitely does
14 have a return on investment. Also, too, when
15 you are applying to the PHL, there has to be at
16 least an 8-to-1 ratio for the PHL to even
17 approve a convention or sporting event. This
18 event, if I'm not mistaken, is between 28 to 1.

19 COUNCILMAN DOMB: Okay. One last
20 question. I notice that we asked for 2018,
21 2019, 2021 and '22. We didn't get 2021. Is
22 there any reason why we didn't get 2021?

23 MS. GRAHAM: In respect of 9/11, it's
24 going to be hosted in New York. So, the
25 Academies chose to go to New York for 2021.

1 COUNCILMAN DOMB: Okay. Thank you very
2 much.

3 MS. COKER GRAHAM: That was hard for us
4 to sell against.

5 COUNCILMAN DOMB: Right. I understand.
6 Thank you very much.

7 Thank you, Madam Chair.

8 COUNCILWOMAN PARKER: Chair recognizes
9 Councilwoman Reynolds Brown.

10 COUNCILWOMAN REYNOLDS BROWN: Excellent
11 questions, Councilman Domb.

12 In addition to the articulation of where
13 the dollars are coming from as has been outlined
14 by Councilman Green, any of the nuances that
15 have not been asked in this hearing that we
16 should be aware of as relates to the Army-Navy
17 game?

18 MR. NEEDLE: I was just going to
19 mention, the 6 million that the Councilman
20 mentioned which is the guarantee for the game,
21 the vast majority of those revenues actually
22 come from ticket sales around the game. So, the
23 obligation, ultimately, that comes back to the
24 City is actually much less than that.

25 COUNCILWOMAN REYNOLDS BROWN: Repeat

1 your last statement. Pull the mic closer.

2 MR. NEEDLE: The actual financial
3 commitment, excuse me, that the City realizes
4 around the game is much less than the
5 6 million-dollar guarantee. The actual ticket
6 revenues from the game are somewhere between 4
7 and 5 million dollars. And those are the
8 initial revenues that count against the
9 guarantee. And then whatever the balance is,
10 ultimately, that's left to get to the 6 million
11 becomes the obligation of the City.

12 COUNCILWOMAN REYNOLDS BROWN: Okay. All
13 right. In addition to the financial reward that
14 the City enjoys, wherever the City makes an
15 investment of any amount, I am always looking
16 for opportunities where Philadelphia public
17 school children can benefit.

18 So as a part of your ne -- given the
19 stature of the Army-Navy game and what it
20 represents in the future it can hold for young
21 people, any linkages with the Philadelphia
22 School District in any way, shape, form or
23 fashion?

24 MS. COKER GRAHAM: Absolutely.

25 MR. NEEDLE: If I could, we have a great

1 relationship with the School District and the
2 JROTC Program. And we now have done this for, I
3 want to say, 15 years or more. We host now a
4 total of 350 young people through the JROTC
5 Program at the game each year.

6 COUNCILWOMAN REYNOLDS BROWN: Okay.

7 MR. NEEDLE: 250 of them are from
8 Philadelphia School District, 100 from the
9 Camden School District. And each game, we first
10 bring them to South Philadelphia High School and
11 give them a program just so they can have an
12 understanding of what they are going to see,
13 what the Academies are all about and how special
14 Army-Navy is. We give them a food voucher. We
15 give them a ticket. And you know, give them
16 transportation over to the game so that they are
17 able to enjoy that experience.

18 COUNCILWOMAN REYNOLDS BROWN: That's
19 outstanding. I am pleased to hear that.

20 As we look down the road to the future
21 and looking at the glass as half full and
22 knowing that Philadelphia already does a great
23 job when it comes to hospitality and tourism
24 given our track record with Army-Navy, in future
25 negotiations, is there any consideration to

1 increasing that number?

2 There are a hundred-plus thousand
3 students in Philadelphia public schools, not
4 even think about charters. And I don't know
5 what percentage of those are high school
6 students. But the more we can touch their
7 imagination during that period, the better it is
8 for all of us. So, 350 is a great number. But
9 if we are going to be in this for the long the
10 haul for another four or five, six years, I
11 would like to see that number grow to a thousand
12 so that each year in the new contract we are
13 touching more and more young people.

14 Young people who are in JROTC have been
15 exposed to that experience. There are gazillion
16 students who don't have a clue what those
17 letters mean. And so, I am asking that as look
18 to the future, that you find a way to touch
19 young people in grades 9 through 12 who don't
20 have a clue what JROTC is but could be inspired
21 if they were invited to the game. And so, all
22 of the high schools -- now I'm thinking ideally.

23 Every high school should have young
24 people represented at that game, even it's just
25 a dozen or six. That's the way I think we

1 create impact in the lives of young people for
2 the investment that this City is making with the
3 City dollars.

4 MS. COKER GRAHAM: It's a great point.
5 Absolutely. We accept that challenge.

6 COUNCILWOMAN REYNOLDS BROWN: Going
7 forward then, presuming you win, that number
8 will increase.

9 MS. COKER GRAHAM: And we always win.
10 So yes, we will take that challenge on.

11 COUNCILWOMAN REYNOLDS BROWN: Thank you
12 for what you are doing on behalf of the City and
13 this industry. It's admirable.

14 MS. COKER GRAHAM: Thank you.

15 COUNCILWOMAN PARKER: Chair recognizes
16 Councilman Taubenbeger.

17 COUNCILMAN TAUBENBERGER: Madam Chair,
18 thank you again. Mr. Needle and Ms. Coker
19 Graham, thank you for what you're doing. I
20 thank you for what you have done with your young
21 people. But I would have to agree with my
22 colleague Councilwoman Reynolds Brown that more
23 could be helpful, too. Because might really
24 inspire some lives, touch some people not even
25 thinking about and change careers and do a lot

1 of great things for our nation.

2 The question I have for you, correct me
3 if I'm wrong. It's not uncommon in past
4 agreements with both Army and Navy that we allow
5 a certain amount of out years in that agreement.

6 Is that the case or not the case?

7 MS. COKER GRAHAM: I'm sorry.

8 COUNCILMAN TAUBENBERGER: Like years
9 where they can play in Baltimore or in New York.
10 I think one year they actually played in
11 California.

12 MS. COKER GRAHAM: So, the last round we
13 won five out of seven games. And those two
14 games that were not with us were done in DC and
15 Baltimore.

16 COUNCILMAN TAUBENBERGER: Okay. And
17 then this is not totally related but it is
18 related in the sense of upcoming 2026,
19 Councilman Green is very to the mark where I am
20 very interested in soccer. And as the World Cup
21 that is coming to the United States, when will
22 they make their decision? And how are we doing?
23 Is there anything this body can do?

24 MR. NEEDLE: Like me to answer?

25 MS. COKER GRAHAM: Go for it.

1 COUNCILMAN TAUBENBERGER: I want to win
2 this bid here.

3 MR. NEEDLE: It's a big priority for us,
4 needless to say, as we have discussed. The
5 expectation is that FIFA and/or U.S. Soccer will
6 be making the final determination on host cities
7 some time by the end of 2020. So, all of us as
8 a City and region need to be very focused on
9 that bid over the next 18 months to make sure
10 that Philadelphia goes from the current
11 shortlist, which has approximately 23 cities.

12 COUNCILMAN TAUBENBERGER: In the United
13 States. I believe if I am correct, we are
14 sharing that with Canada and Mexico.

15 MR. NEEDLE: That's right. It's
16 actually 17 U.S. cities. It's 23 when you
17 include Canada and Mexico.

18 COUNCILMAN TAUBENBERGER: Okay.

19 MR. NEEDLE: We expect that total number
20 of 23 ultimately to be paired down to about 16.
21 And our collective job is to make sure that we
22 stay on that list and make that final cut.

23 COUNCILMAN TAUBENBERGER: And if there
24 is anything you think this legislative body
25 could do to enhance that, this is a big deal.

1 This would only be the second time in the
2 history of FIFA World Cup that the games would
3 be in the United States. And it would be
4 wonderful to have one in our City, which has a
5 lot of soccer heritage, as well. Because last
6 time it was here, there were no games played in
7 Philadelphia.

8 MR. NEEDLE: That's right.

9 MS. COKER GRAHAM: Absolutely. And
10 successfully hosting games like this certainly
11 do help. Because it shows what we can do as a
12 City.

13 COUNCILMAN TAUBENBERGER: We can handle
14 the crowd.

15 MS. COKER GRAHAM: Absolutely.

16 COUNCILMAN TAUBENBERGER: It'd be played
17 at our stadium. And I think one thing we didn't
18 have last time in the '90s, we didn't have an
19 actual turf field. Veteran Stadium was
20 artificial and so was Franklin Field. That
21 precluded us from being involved. They must
22 have a natural turf field which we have now,
23 maintained well.

24 MS. COKER GRAHAM: Absolutely.

25 COUNCILMAN TAUBENBERGER: Madam Chair,

1 thank you very much.

2 COUNCILWOMAN PARKER: Any other
3 questions?

4 (No further questions.)

5 COUNCILWOMAN PARKER: This concludes the
6 Public Hearing. I want to thank members of this
7 panel for testifying. And we know that you all
8 will continue this great legacy. In your
9 testimony, did you say we won 88 years?

10 MS. COKER GRAHAM: Yes. We have hosted
11 88 out of the 119-year history.

12 COUNCILWOMAN PARKER: Okay. All right.
13 We want you to keep those odds going. Keep
14 bringing it back here. And we thank you all so
15 very much.

16 MS. COKER GRAHAM: Thank you.
17 Happy Thanksgiving.

18 COUNCILWOMAN PARKER: This concludes the
19 Public Hearing.

20 (Public Hearing concludes.)

21 - - -

22 (Public Meeting commences.)

23 COUNCILWOMAN PARKER: We will now go
24 into the Public Meeting to consider the action
25 to be taken on Bill No. 180704 and Bill No.

1 180795.

2 The Chair recognizes Councilmember
3 Johnson for a motion on amendments to Bill No.
4 180704 and Bill No. 180975.

5 COUNCILMAN JOHNSON: Thank you, Madam
6 Chair.

7 I offer amendments to Bill No. 180704
8 and Bill No. 180975.

9 COUNCILWOMAN REYNOLDS BROWN: Second.

10 COUNCILMAN JOHNSON: A copy of both
11 amendments have been circulated to all Members
12 of the Committee. I move that the Amendments be
13 approved.

14 COUNCILWOMAN PARKER: It has been moved
15 and properly seconded that the amendments to
16 Bill No. 180704 and 180975 be approved. All
17 those in favor of the motion will signify by
18 saying ayes.

19 (Ayes.)

20 COUNCILWOMAN PARKER: Those opposed?

21 (No opposition.)

22 COUNCILWOMAN PARKER: The ayes have it.
23 And the motion carries. And the amendments to
24 both Bills are approved.

25 The Chair recognizes Councilmember

1 Johnson for a motion on Bill No. 180704 as
2 amended and Bill No. 180975 as amended.

3 COUNCILMAN JOHNSON: Thank you, Madam
4 Chairwoman.

5 I move that both Bills as amended be
6 reported from this Committee with a favorable
7 recommendation; and further move, that the Rules
8 of Council be suspended to permit first reading
9 of these Bills at the next session of Council.

10 COUNCILWOMAN REYNOLDS BROWN: Second.

11 COUNCILWOMAN PARKER: It's been moved
12 and properly seconded that Bills No. 180704 as
13 amended and Bill No. 180975 as amended be
14 reported from this Committee with a favorable
15 recommendation; and further move, that the Rules
16 of Council be suspended to permit first reading
17 of these bills at the next session of Council.

18 All those in favor of the motion will
19 signify by saying ayes.

20 (Ayes.)

21 COUNCILWOMAN PARKER: Those opposed?

22 (No opposition.)

23 COUNCILWOMAN PARKER: The ayes have it
24 and the motion carries.

25 This concludes the business of the

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1 Committee on Commerce and Economic Development
2 for today. Thank you all so very much for your
3 attendance.

4 (At this time, the Public Meeting
5 adjourned at 1:54 p.m.)

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

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

ANGELA M. KING, RPR,
Court Reporter, Notary Public

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