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COUNCIL OF THE CITY OF PHILADELPHIA

3

STATED MEETING

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Room 400, City Hall
Philadelphia, Pennsylvania
Thursday, March 10, 2005
10:28 a.m.

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PRESENT:

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COUNCIL PRESIDENT ANNA C. VERNA

COUNCILWOMAN JANNIE BLACKWELL

COUNCILMAN DARRELL L. CLARKE

12

COUNCILMAN DAVID COHEN

COUNCILMAN FRANK J. DICICCO

13

COUNCILMAN W. WILSON GOODE, JR.

COUNCILMAN JACK KELLY

14

COUNCILMAN JAMES F. KENNEY

COUNCILMAN RICHARD T. MARIANO

15

COUNCILWOMAN DONNA REED MILLER

COUNCILMAN MICHAEL A. NUTTER

16

COUNCILMAN BRIAN J. O'NEILL

COUNCILMAN JUAN RAMOS

17

COUNCILWOMAN BLONDELL REYNOLDS BROWN

COUNCILMAN FRANK RIZZO

18

COUNCILWOMAN MARIAN B. TASCO

19

PATRICIA RAFFERTY, CHIEF CLERK

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24

Philadelphia, Pennsylvania 19103

215.561.2220 215.567.2670

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1 03/10/05 - STATED - INVOCATION

2 COUNCIL PRESIDENT VERNA: Good
3 morning. I note that the hour has come and
4 that a quorum of this Council is present.
5 Council will please come to order. Members
6 will take their seats, and visitors will
7 retire to the seats outside the rails.

8 To give our invocation this morning,
9 the Chair recognizes Deacon Ramos who will
10 give us our invocation.

11 All Members and guests will please
12 rise.

13 COUNCILMAN RAMOS: Good morning.
14 Let us pray.

15 Jesus healed a blind man, but many
16 didn't want to believe. The blind man got his
17 parents, and they affirmed to the doubters he
18 was born blind. The doubters still didn't
19 believe. The blind man could see, but those
20 who had sight were blinded, the scripture
21 says.

22 All of us are blinded at some moment
23 in our lives, although we can see. Blinded
24 because of obsessions, blinded from reality,
25 although we can see. But there's a power

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2 greater than us, God, who is always there to
3 heal our blindness if we only open our hearts
4 to him. Amen.

5 COUNCIL PRESIDENT Verna: The Chair
6 thanks the Deacon for his very inspiring
7 invocation.

8 The next order of business is the
9 approval of the Journal of the meeting of
10 Thursday, March 3, 2005.

11 The Chair recognizes Councilwoman
12 Blackwell.

13 COUNCILWOMAN BLACKWELL: Thank you,
14 Madam President. I move that the Journal of
15 the meeting of Thursday, March 3, 2005, stand
16 approved.

17 COUNCIL PRESIDENT Verna: Is there a
18 second?

19 (Duly seconded.)

20 COUNCIL PRESIDENT Verna: It has
21 been moved and properly seconded that the
22 Journal of the meeting of Thursday, March 3,
23 2005, stand approved.

24 All in favor will signify by saying
25 aye.

1 03/10/05 - STATED - LEAVES OF ABSENCE

2 (Aye.)

3 COUNCIL PRESIDENT Verna: Those
4 opposed?

5 (No response.)

6 COUNCIL PRESIDENT Verna: The ayes
7 have it, and the Journal of the meeting of
8 Thursday, March 3, 2005, is approved.

9 The next order of business is
10 requests for leaves of absence.

11 The Chair recognizes Councilwoman
12 Blackwell.

13 COUNCILWOMAN BLACKWELL: Thank you,
14 Madam President. On behalf of the Majority, a
15 leave of absence is requested for Councilwoman
16 Krajewski.

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

19 The Chair recognizes Councilman
20 O'Neill.

21 COUNCILMAN O'NEILL: Madam
22 President, on behalf of the Republicans, there
23 are no requests for leaves of absence.

24 COUNCIL PRESIDENT Verna: The Chair
25 thanks the gentleman.

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2 The Chair will dispense with the
3 regular order of business to recognize the
4 guests and visitors joining us in Chambers
5 this morning.

6 On behalf of all Members of City
7 Council, I welcome you to our Council Session.
8 We certainly appreciate your taking the time
9 to join us as we attend to the legislative
10 affairs of our City.

11 At this time, the Chair recognizes
12 Councilman Clarke who will present a citation
13 honoring the Harlem Globetrotters.

14 Would Mr. Edgerson and those
15 accompanying him please join the Councilman at
16 the podium.

17 Councilman Clarke is being joined by
18 Councilman Rizzo and Councilwoman Brown.

19 COUNCILMAN CLARKE: Thank you, Madam
20 President.

21 Madam President, today, it is truly
22 an honor on behalf of the City Council to give
23 this citation and recognition to these
24 gentlemen. All of us growing up in our tender
25 years remember the former greats Meadowlark

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2 Lemon and Curly Neil and all of those
3 wonderful individuals who set of path for
4 these new edition of the Harlem Globetrotters.
5 And you noticed who I pointed at when I said
6 the new edition. So it is truly an honor to
7 be able to do this today.

8 Honoring the Harlem Globetrotters.
9 The Council of the City of Philadelphia is
10 pleased and proud to welcome the Harlem
11 Globetrotters on the occasion of the
12 Globetrotter weekend in Philadelphia.

13 Whereas, the Harlem Globetrotters
14 are the world's most popular sports
15 organization in basketball's most successful
16 winning team. They have performed for more
17 than 120 million people in 117 countries.

18 COUNCILMAN RIZZO: Whereas, the
19 Harlem Globetrotters' achievements represent a
20 story of courage, talent and pride. For over
21 seven decades, the Harlem Globetrotters have
22 used their unique brand of basketball and
23 ambassadorial good work to aid in breaking
24 down barriers to bring people closer together
25 while popularizing sports as entertainment and

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2 ushering a style that today has become the
3 standard that in the early days was uniquely
4 African-American; and

5 COUNCILWOMAN BROWN: Whereas, when
6 Dick Hudson founded the Savoy 5 in 1926, the
7 team set out simply to entertain and play
8 basketball. The comedy element evolved
9 because of their superior afrocentric style of
10 play which today would simply be called "Show
11 Time"; and

12 Whereas, the world famous Harlem
13 Globetrotters bring their family-friendly
14 brand of basketball for three exciting games
15 at the Liacouras Center at Temple University
16 on Saturday, March 12th at 12 noon and at the
17 Wachovia Center on Sunday, March 13th at 1
18 o'clock p.m. and 5:30 p.m.

19 COUNCILMAN CLARKE: Therefore, by
20 virtue of this citation, the Council of the
21 City of Philadelphia honors the Harlem
22 Globetrotters for their outstanding talent and
23 ambassadorial efforts. You have enlighten and
24 enriched the lives of millions of people
25 throughout the world and have the sincere

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2 respect and admiration of this legislative
3 body.

4 Congratulations, gentleman.

5 Sponsored by all Members of Council.

6 (Applause.)

7 COUNCIL PRESIDENT Verna: They're
8 all so short, I don't know if Mr. Edgeron is
9 here. If he is, I would like him to say a few
10 remarks, please.

11 MR. EDGERSON: On behalf of the
12 Harlem Globetrotters, we'd like to thank you
13 all for receiving this honor.

14 (Applause.)

15 COUNCIL PRESIDENT Verna: Again,
16 congratulations and thank you for coming in.

17 (Applause.)

18 COUNCIL PRESIDENT Verna: Council
19 will be at ease.

20 (Council at ease.)

21 COUNCIL PRESIDENT Verna: The Chair
22 now recognizes Councilman Ramos will present a
23 resolution honoring the National Association
24 of Hispanic Publications.

25 Would Mr. Hernan Guaracao and Mr.

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2 Joseph Carrillo and those accompanying them
3 please join the Councilman at the podium.

4 Councilman Mariano will also join
5 Councilman Ramos in the presentation.

6 COUNCIL PRESIDENT VERNA: The Chair
7 recognizes Councilman Ramos.

8 COUNCILMAN RAMOS: Recognizing the
9 week of March 7, 2005, as the National
10 Association of Hispanic Publications
11 Incorporated Week.

12 Whereas, this year Philadelphia is
13 honored to host the National Association of
14 Hispanic Publications, Inc., annual convention
15 that will take place at the Loews Hotel from
16 March 9th to March 12th; and

17 Whereas, Philadelphia's own Hernan
18 Guaracao, publisher of Al Dia Newspaper serves
19 as President of the Board of Directors for the
20 National Association of Hispanic Publications,
21 Inc.; and

22 Whereas, the National Association of
23 Hispanic Publications, Inc., was founded in
24 1982 as a non-profit, nonpartisan organization
25 representing Hispanic print nationwide; and

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2 COUNCILMAN MARIANO: Whereas, today,
3 the National Association of Hispanic
4 Publications, Inc., is the largest
5 organization representing Hispanic
6 publications at the national level; and

7 Whereas, NAHP, Inc., works with more
8 than 200 members in affiliated publications
9 that share a combined circulation of more than
10 10 million and reach more than 50 percent of
11 Hispanic households in 55 US markets every
12 week; and

13 Whereas, NAHP, Inc., provides
14 professional tools to assist Hispanic
15 publications to more effectively reach their
16 readership and work hard at keeping the
17 Hispanic community informed and educated about
18 social issues, updating its readers about
19 members' publications, providing technical
20 assistance, and improving the quality of
21 Hispanic publications at a national level; and

22 COUNCILMAN RAMOS: Resolved by the
23 Council of the City of Philadelphia that we
24 hereby recognize the week of March 7, 2005, as
25 the National Association of Hispanic

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2 Publications Incorporated Week.

3 Further resolved that an engrossed
4 copy of this resolution be presented to Hernan
5 Guaracao and Joseph Carrillo as evidence of
6 the sincere respect and deep admiration this
7 legislative body has for the National
8 Association of Hispanic Publications,
9 Incorporated.

10 Congratulations.

11 (Applause.)

12 COUNCIL PRESIDENT Verna: The Chair
13 recognizes Mr. Guaracao for remarks.

14 MR. GUARACAO: On behalf of all of
15 publishers gathered in Philadelphia this week,
16 I would like to say gracias. Thank you so
17 much for honoring us, honoring this growing
18 industry of Hispanic publications all over the
19 country. People who are behind me are the
20 very people who are making that miracle of
21 communication with the Hispanic community over
22 the country. They come from places as far as
23 San Jose, California; Dallas, Texas; Sarasota,
24 Florida.

25 I would like to name them because

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2 they took the time to come to Philadelphia
3 probably in the worst of the winter, and they
4 are people very much comfortable in the
5 southwest. I would like to name them, as I
6 said, because they are very deserving
7 publishers who are in each of the City that I
8 want to name the providers of the critical
9 information and news to the Hispanic
10 community. They are Dora Toro from LaPrensa
11 de Orlando; Lupita Colmenero from Hispano News
12 in Dallas, Texas; Dolores Sanchez from
13 Detroit; Tatiana Andrade from San Jose,
14 California; Jose Luis Garcia from Texas; Zeke
15 Montes from Chicago; Luis Eduardo Baron from
16 Sarasota, Florida; Francisco Vega from the
17 Yellow Pages in Washington, D.C. With us is
18 Joe Carrillo, our CEO.

19 Thank you so much again for this
20 recognition, this honor, that is deserving for
21 these publishers who chose Philadelphia to
22 have their annual convention.

23 You probably don't know this piece
24 of history. I'd like to share this real
25 quickly. Philadelphia was the place where 180

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2 years ago the first Spanish paper in the
3 country was published here in Philadelphia on
4 Third Street. The name of the publisher was
5 Felis Barrera Morales (ph). He's a priest who
6 ended up in the Philadelphia in the 19th
7 Century and, like many of us, decided to find
8 a way of expressing himself, and he chose to
9 publish a paper in 1824. It was printed here
10 on Third Street 180 years ago. We're proud of
11 that, of that piece of history for
12 Philadelphia, and we're glad to be here today.
13 Thank you so much.

14 (Applause.)

15 COUNCIL PRESIDENT VERNA: Mr.

16 Carrillo, would you like to say a few words?

17 MR. CARRILLO: On behalf of the
18 national staff in Washington, D.C., and the
19 many publishers that we serve, I would like to
20 thank the City of Philadelphia for opening up
21 their heart and their arms to our organization
22 and to bring us through this week here to
23 Philadelphia to really explore, not only our
24 organization, to net work with our friends and
25 network with the City of Philadelphia. I'd

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2 like to thank you again on behalf of the
3 national office and on behalf of the staff and
4 on behalf of our membership. Thank you so
5 much.

6 COUNCIL PRESIDENT Verna: Council
7 will be at ease.

8 (Council at ease.)

9 COUNCILWOMAN BROWN: Celebrating the
10 arts and young people. Celebrating the 35th
11 Anniversary of the American Theater of Arts
12 for Youth, Incorporated.

13 Whereas, American Theater Arts for
14 Youth, Incorporated, is the non-profit
15 production company founded in 1970 to bring
16 the finest and professional curriculum related
17 theater to children of all ages; and.

18 Whereas, in 2003-2004 school year
19 alone ATAFY touched the lives of over 2
20 million students nationwide, including 80,000
21 youngsters in Philadelphia and 150,000
22 youngsters in Pennsylvania; and

23 Whereas, ATAFY has commissioned and
24 produced 46 additional stage musical praised
25 by educators and the press as a delightful

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2 experience for all ages; and

3 Whereas, study guides are prepared
4 for every production for classroom discussion
5 and policy of modest ticket prices make
6 ATAFY's program available to the broadest
7 possible audiences; and

8 Whereas, ATAFY is augmented by over
9 180 outstanding directors, designers,
10 performers, and staff who understand the
11 learning experience inherent in live
12 performance; and

13 Whereas, Laurie Wagman is the
14 founder and CEO of the American Theater Arts
15 for Youth, the largest and oldest organization
16 of its kind in the nation that presents
17 professional theater to school students as an
18 extension of classroom curriculum.

19 Now, therefore, be it resolved by
20 the Council of the City of Philadelphia that
21 we celebrate you, the 35th Anniversary of the
22 American Theater of Arts for Youth, Inc., and
23 honor Laurie Wagman for her creativity and
24 outstanding contributions to cultural
25 enrichment in education through theater.

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2 Further resolved that an engrossed
3 copy of this resolution be presented to Laurie
4 Wagman as evidence of the sincere sentiments
5 of this legislative body.

6 Introduced by Councilwoman Blondell
7 Reynolds Brown and Richard T. Mariano, and
8 sponsored by all the Members of the
9 Philadelphia City Council. We celebrate you.
10 (Applause.)

11 COUNCIL PRESIDENT Verna: The Chair
12 recognizes Ms. Wagman for remarks.

13 MS. WAGMAN: Thank you. And thank
14 you Congresswoman Brown.

15 COUNCILWOMAN BROWN: Councilwoman.

16 MS. WAGMAN: I want to express
17 heart-felt appreciation to the Council for
18 this splendid resolution. It's especially
19 meaningful because I founded American Theater
20 Arts for Youth in this, my home town, in this
21 City that I love, 35 years ago. Today, we
22 tour throughout the nation to perform in over
23 400 cities every year to about 2 million kids,
24 teachers, and parents. It's important for you
25 all to know that American TAFY engages the

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2 creative and management skills of over 200
3 people right here in Philadelphia and we have
4 become a tradition. Our audiences today
5 represent three generations who have attended
6 American TAFY shows, grandmoms and grandpops
7 who took their children who are in turn taking
8 their children to see our productions.

9 I'm pleased to tell you that in the
10 seasons ahead American TAFY tradition will
11 continue to reflect quality arts in education
12 that this honorable Council has championed
13 from the very beginning. You recognize
14 theater as an important teaching tool that
15 motivates language and reading development.
16 You understand the impact of theater on the
17 creative and cultural life of the children it
18 touches. And you know that theater provides
19 quality entertainment that we can, together,
20 share and cherish and remember.

21 And so on behalf of the entire
22 American Theater Arts for Youth organization
23 and the audiences we serve throughout the
24 City, the Commonwealth, and the nation, I want
25 to express enormous appreciation for the

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2 recognition you have given to our concept and
3 our programming. Thank you very much.

4 (Applause.)

5 COUNCIL PRESIDENT VERNA: Thank you
6 Ms. Wagman.

7 Council will be at ease.

8 (Council at ease.)

9 COUNCIL PRESIDENT VERNA: The next
10 order of business is communications.

11 The Chair requests that the
12 Sergeant-at-Arms deliver the messages from the
13 Mayor to the Chief Clerk.

14 The Chief Clerk will please read the
15 messages from the Mayor.

16 THE CHIEF CLERK: To the President
17 and Members of the Council of the City of
18 Philadelphia, I am transmitting herewith for
19 the introduction and consideration of your
20 honorable body a proposed ordinance
21 authorizing the creation of a loan or loans to
22 provide funds for and toward various capital
23 municipal purposes, authorizing the Mayor,
24 City Controller, and City Solicitor or a
25 majority of them to sell bonds at a public or

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2 private negotiated sale, and fixing a day for
3 holding the election for obtaining such
4 consent and providing for the arrangements for
5 holding such election.

6 COUNCIL PRESIDENT VERNA: Thank you.

7 The messages will be printed in the
8 Journal.

9 The Chief Clerk read any other
10 communications in her possession.

11 THE CHIEF CLERK: That's all I have,
12 Madam President.

13 COUNCIL PRESIDENT VERNA: Thank you.

14 The next order of business
15 introduction of bills and resolutions.

16 The Chair recognizes Councilwoman
17 Blackwell for a motion.

18 COUNCILWOMAN BLACKWELL: Thank you,
19 Madam President. I move that the Rules of
20 Council be suspended so as to permit the
21 immediate consideration of resolutions at
22 their time of introduction.

23 (Duly seconded.)

24 COUNCIL PRESIDENT VERNA: It has
25 been properly moved and seconded that the

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2 Rules of Council be suspended so as to permit
3 immediate consideration of resolutions at the
4 time of introduction.

5 All in favor will indicate by saying
6 aye.

7 (Aye.)

8 COUNCIL PRESIDENT Verna: Those
9 opposed?

10 (No response.)

11 COUNCIL PRESIDENT Verna: The ayes
12 have it, and the motion carries.

13 The Chair recognizes Councilman
14 Kenney.

15 COUNCILMAN KENNEY: Thank you, Madam
16 President. I offer one bill and two
17 resolutions.

18 COUNCIL PRESIDENT Verna: Thank you.

19 The Chief Clerk please read the
20 title of the bill.

21 THE CHIEF CLERK: An ordinance
22 authorizing transfers in appropriation for
23 Fiscal Year 2005 within the Grants Revenue
24 Fund from certain or all city offices,
25 departments, boards and commissions to certain

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2 or all city offices, departments, boards, and
3 commissions.

4 COUNCIL PRESIDENT Verna: The bill
5 will be referred to the appropriate committee.

6 THE CHIEF CLERK: And a resolution
7 honoring the St. Patrick's Day Observance
8 Association of Philadelphia and proclaiming
9 the month of March as Irish Month in the City
10 of Philadelphia.

11 COUNCIL PRESIDENT Verna: The Chair
12 recognizes Councilman Kenney for a motion.

13 COUNCILMAN KENNEY: Thank you, Madam
14 President. On behalf of myself, Councilman
15 O'Neill, and Councilman Kelly and all those
16 who wish they were Irish, I move for the
17 adoption of the resolution.

18 (Laughter.)

19 COUNCIL PRESIDENT Verna: All of
20 those who wish they were will say aye.

21 (Aye.)

22 COUNCIL PRESIDENT Verna: Those
23 opposed?

24 (No response.)

25 COUNCIL PRESIDENT Verna: The ayes

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2 have it and the resolution is adopted.

3 THE CHIEF CLERK: And a resolution
4 congratulating of the Boy's Varsity Basketball
5 Teams of Sts. John Neuman Maria Goretti High
6 School for winning the 2005 Catholic League
7 Basketball Championship.

8 COUNCIL PRESIDENT Verna: The Chair
9 again recognizes Councilman Kenney

10 COUNCILMAN KENNEY: Councilman
11 DiCicco's going to love this because they
12 dismantled the prep last week.

13 I move the adoption of the
14 resolution.

15 (Duly seconded.)

16 COUNCIL PRESIDENT Verna: It has
17 been moved and properly seconded that the
18 resolution be adopted.

19 All in favor will signify by saying
20 aye.

21 (Aye.)

22 COUNCIL PRESIDENT Verna: Those
23 opposed?

24 (No response.)

25 COUNCIL PRESIDENT Verna: The ayes

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2 have it, and the resolution is adopted.

3 The Chair recognizes Councilwoman
4 Blackwell.

5 COUNCILWOMAN BLACKWELL: Thank you,
6 Madam President. Today, I introduce one bill
7 and one resolution on your behalf and one bill
8 on behalf of the Administration.

9 COUNCIL PRESIDENT VERA: Thank you.

10 The Chief Clerk will please read the
11 title of the first bill.

12 THE CHIEF CLERK: An ordinance
13 granting permission to Popi's Enterprises,
14 located 3120 South 20th Street to construct,
15 use, and maintain a building encroachment
16 entrance addition north and south through its
17 embellishments rigid fabric awnings, canopy,
18 and pedestrian lights, underground electric
19 conduit and open air sidewalk cafe.

20 COUNCIL PRESIDENT VERA: The bill
21 will be referred to the appropriate committee.

22 THE CHIEF CLERK: And an ordinance
23 authorizing the Managing Director on his
24 designee on behalf of the City of Philadelphia
25 to enter into a lease agreement to lease

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2 vehicles from the Philadelphia Municipal
3 Authority with an option to purchase, under
4 certain terms and conditions.

5 COUNCIL PRESIDENT Verna: This bill
6 will be referred to the appropriate committee.

7 THE CHIEF CLERK: And a resolution
8 also naming 29th Street at the intersection of
9 29th and Tasker Streets as Marquis Boulevard
10 and also naming Tasker Street at the
11 intersection of 29th and Tasker Street as
12 Dean's Way.

13 COUNCIL PRESIDENT Verna: The Chair
14 recognizes Councilwoman Blackwell.

15 COUNCILWOMAN BLACKWELL: Thank you,
16 Madam President. I move for the adoption of
17 the resolution.

18 (Duly seconded.)

19 COUNCIL PRESIDENT Verna: It has
20 been moved and seconded that the resolution be
21 adopted.

22 All in favor will say aye.

23 (Aye.)

24 COUNCIL PRESIDENT Verna: Those
25 opposed?

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2 (No response.)

3 COUNCIL PRESIDENT VERNA: The ayes
4 have it, and the resolution is adopted.

5 The Chair recognizes Councilman
6 Cohen.

7 COUNCILMAN COHEN: Thank you, Madam
8 President. I offer one resolution on which I
9 would like to speak.

10 COUNCIL PRESIDENT VERNA: Thank you.
11 The Chief Clerk will please read the
12 title of the resolution.

13 THE CHIEF CLERK: A resolution
14 calling upon Congress to oppose any and all
15 efforts to privatize Social Security.

16 COUNCIL PRESIDENT VERNA: The Chair
17 recognizes Councilman Cohen.

18 COUNCILMAN COHEN: Thank you, Madam
19 President.

20 It's often said that politics stops
21 at the local line. It's an axiom that I never
22 accepted. But this resolution, I believe,
23 establishes the full truth of the statement.
24 This resolution, which calls upon the Congress
25 to reject President Bush's efforts to

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2 privatize Social Security, shows that there is
3 indeed a party line. And the party line
4 pervades all of American politics because it's
5 not true that political parties are merely
6 social clubs. They're social clubs when one
7 party is so weak that it cannot do very much
8 by itself so it then describes all activities
9 as being of a social nature. But this
10 resolution describes in two simple words the
11 most significant part of the new deal of my
12 meaning when I say I refer to myself as a
13 Roosevelt Democrat. And I mean Franklin, not
14 Theodore because I wasn't alive, even though
15 most people think I was, when Theodore
16 Roosevelt was the President.

17 But I know the difference tat
18 Franklin Roosevelt made to this country. And
19 if you had to in the shortest possible terms
20 tell us about Franklin Roosevelt, you would
21 say Social Security. Because it is in
22 preparing people for living older, for having
23 not to worry about the fact that their money
24 may run out before their lives end, because as
25 you get older you realize think more of what's

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2 going to happen when you retire than when
3 you're working. You worry about being able
4 to live meaningfully, not at the door step
5 with children, not standing somewhere with a tin
6 cup in your hand. But you think that during
7 your life you work long enough and hard enough
8 and with the help of governmental assistance
9 in the form of guaranteed Social Security
10 payments, you believe you're entitled to the
11 vestiges of being a real person for all the
12 days of your life, not just when you're
13 working.

14 The Democrats have always treasured
15 that. And if you talk to anybody of my age
16 vintage or even a number of years younger and
17 talk to them about Franklin Delano Roosevelt,
18 the one memory they will have of him is what
19 he's done for them with Social Security. It
20 tells you how people value life and old age.
21 And you know every society is always tested by
22 the way it performs for the most vulnerable.

23 This is a moment of truth. This
24 resolution was offered to every member of the
25 Council who was here, and without exception in

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2 both cases, every Democrat here signed the
3 resolution, every Republican here and opposed
4 it. And that tells you about the two
5 political parties.

6 So very proudly I say to my comrades
7 here and colleagues in City Council that
8 though I often criticize the voting of some
9 Democrats as being the votes of
10 Republican-like rather than full Democrat,
11 today I'm very proud that the Democratic Party
12 locally here in City Council has unanimously
13 endorsed the concept of we want Social
14 Security to remain as is. We know it's never
15 failed anybody yet. We know if left alone it
16 will never fail anybody because everybody
17 knows the nonpartisan congressional budget
18 office tells us that for 40 years at least,
19 that means 10 presidential terms, if nothing
20 is done, there's ample money and that 40 years
21 may be extended to 80 years which gives even
22 the slow-moving Congress a chance to deal with
23 any problem that develops.

24 So I congratulate my colleagues and
25 ask them all and perhaps in a sense of

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2 nonpartisanship, maybe the Republican in the
3 voting process without the names being exposed
4 on the blue backer, will be able to find it in
5 their hearts to assure all Philadelphians that
6 when show down time comes and people retire
7 there will be a solid social security plan in
8 effect, the same one that guarantees senior
9 citizens that they're going to be real people
10 for the all the days of their life.

11 Thank you, Madam President.

12 COUNCIL PRESIDENT Verna: You're
13 welcome, sir.

14 The Chair recognizes Councilman
15 O'Neill.

16 COUNCILMAN O'NEILL: Thank you,
17 Madam President.

18 I don't know where to start, but I
19 didn't sign the resolution. I'm glad that
20 Councilman Cohen now equates that with a no
21 vote, so I'm not going to disappoint him. But
22 the reason for it isn't whether there should
23 be Social Security or whether Franklin Delano
24 Roosevelt should get credit for it. There
25 should be. He should get credit. The

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2 question is, Philadelphia City Council can't
3 keep libraries open, fighting for many other
4 things in tough times, including community
5 development block grants which are on the
6 chopping block in Washington at this moment,
7 and getting into an issue that is totally
8 irrelevant to our work here, very relevant to
9 the people we elect in Washington, and to say
10 again that they're destroying Social Security
11 for people that have it, this discussion
12 affects people 50 and under.

13 My personal opinion is, don't go
14 there while we have a federal deficit. Do it
15 as a layering on top of the Social Security.
16 But what it's done, and Presidents often do
17 this, they get a discussion started that
18 wouldn't get started otherwise. Anybody that
19 thinks Social Security is not in trouble down
20 the road if it isn't fixed, tweaked, whatever
21 you want to call it, and no one has been
22 willing to do it for several years. This
23 discussion is really going on. It's a
24 trade-off when negotiations start. And for
25 the City Council of Philadelphia to be getting

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2 into something that we have no business doing
3 in our legislation -- we can all send a letter
4 to the President. He may actually read it.
5 He's not going to read this resolution. The
6 factual parts of it, whether it's going to be
7 4 billion trillion dollars in deficit, there's
8 going to be additional monies spent if you
9 start these accounts. That's why I think we
10 have to be cautious in doing it. But the one
11 thing it has done, it has gotten people
12 serious about making sure Social Security is
13 there for a younger generation. They've
14 already said people 50 and up today, people
15 who aren't going to get it for 12 to 15 or
16 more years, this discussion isn't even
17 relevant to them. That's not what the
18 resolution says. If this were talking about,
19 do I support Social Security? Yes. Do I
20 believe that Franklin Delano Roosevelt was
21 responsible for it? Yes.

22 If the resolution went that far, I'd
23 be voting it. But it gets into a tangle of
24 factual situations in there that people
25 disagree at the highest levels in Washington,

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2 and we are now the experts on Social Security.
3 We now everything about the program. We're
4 going to tell the President what to do and
5 what not to do, end discussions which may be
6 helpful to many people who become senior
7 citizens later, but we are now the experts.
8 We can't figure out how to deal with bulk
9 trash; we can't figure out how to get taxes to
10 be competitive in this City; we can't figure
11 out a whole lot of thing, but we are experts
12 on one of the most difficult issues that
13 congressmen, senators have to deal with in the
14 coming year while we're fighting, hopefully,
15 for real federal programs that affect cities
16 that are being threatened to be taken away
17 from us.

18 So I think it's more of a relevancy
19 issue, not whether we have the right facts in
20 this resolution. I don't think we do, but I'm
21 not going to argue with that. I think we're
22 wasting good time to deal with federal issues
23 when we're having enough trouble with City
24 issues. Thank you.

25 COUNCIL PRESIDENT Verna: Thank you.

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2 The Chair recognizes Councilman
3 Kelly.

4 COUNCILMAN KELLY: Thank you, Madam
5 President.

6 I just want to congratulate and
7 commend my esteemed colleague Councilman Cohen
8 because he seems to know more about what's
9 going on in Washington then probably any
10 senator or any congressman. Because in his
11 statement he said that if we do nothing,
12 Social Security will still go on and no one be
13 affected by it. Well, that's not what I'm
14 hearing throughout the country. I think you
15 have Democrats and Republicans and everyone
16 agreeing that reform must be made to that
17 program or else, maybe not today but in 20 or
18 30 years, I think they could be affected.

19 And I don't know where Councilman
20 Cohen gets his knowledge. He seems to be
21 knowing more about it than probably anyone in
22 the country. So I think that maybe he should
23 be in Washington instead of Philadelphia.

24 Thank you, Madam President.

25 COUNCIL PRESIDENT Verna: Thank you.

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2 The Chair recognizes Councilman
3 Rizzo.

4 COUNCILMAN RIZZO: Thank you, Madam
5 President. Madam President, I don't agree
6 with all of the proposals that are coming out
7 of Washington to overhaul Social Security, but
8 I can tell you this, that part of the problem
9 that I have with this resolution is the fact
10 that I'm personally tired of being demeaned by
11 the sponsor of this resolution. I'm a member
12 of the Republican party. I'm proud of it. I
13 just want to remind the sponsor, remember
14 who's in the White House right now. Thank
15 you.

16 COUNCIL PRESIDENT VERNA: Thank you.

17 The Chair recognizes Councilman
18 Mariano.

19 COUNCILMAN MARIANO: Thank you,
20 Madam President. I won't belabor this much
21 longer and I won't attack anybody. I would
22 just like to commend my good colleague
23 Councilman Cohen, because we all know how old
24 he is and we joke around and he's our esteemed
25 person. He doesn't need Social Security.

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2 That's from his heart. We talk a lot of BS
3 issues here. This is important from his
4 heart. His Social Security days, he could
5 stop now and collect Social Security. So he's
6 not worried about him, he's worried about
7 myself who's 49 years old.

8 So Councilman, I thank you. I thank
9 you for thinking for everyone under 50 years
10 old that will be affected by this. And thank
11 you for making an issue that we should be able
12 to talk about. Thank you, Councilman Cohen,
13 and I hope you stay here forever; I really do.

14 COUNCIL PRESIDENT VERNA: The Chair
15 again recognizes Councilman Cohen.

16 COUNCILMAN COHEN: To answer
17 Councilman Kelly's question as to where all
18 the facts come from, they come from a truly
19 nonpartisan Congressional Budget Office which
20 releases facts regularly.

21 COUNCIL PRESIDENT VERNA: Very well.

22 Again, I recognize you, Councilman
23 Cohen, for a motion.

24 COUNCILMAN COHEN: I move that this
25 body vote unanimously, but if they don't, at

1 03/10/05 - STATED - INTRO. OF BILLS

2 least that all Democrats support this
3 resolution.

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

7 COUNCILMAN COHEN: Can I ask for a
8 roll call vote?

9 COUNCIL PRESIDENT VERNA: I really
10 don't think we need it, but if that's what you
11 want, that's fine

12 COUNCILMAN COHEN: That's what I
13 want, yes.

14 COUNCIL PRESIDENT VERNA: The Chief
15 Clerk will please call the roll.

16 THE CHIEF CLERK: Councilwoman
17 Blackwell.

18 COUNCILWOMAN BLACKWELL: Aye.

19 THE CHIEF CLERK: Councilman Clarke.

20 COUNCILMAN CLARKE: Aye.

21 THE CHIEF CLERK: Councilman Cohen.

22 COUNCILMAN COHEN: Aye.

23 THE CHIEF CLERK: Councilman
24 DiCicco.

25 COUNCILMAN DICICCO: Aye.

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2 THE CHIEF CLERK: Councilman Goode.
3 COUNCILMAN GOODE: Aye.
4 THE CHIEF CLERK: Councilman Kelly.
5 COUNCILMAN KELLY: No.
6 THE CHIEF CLERK: Councilman Kenney.
7 COUNCILMAN KENNEY: Aye.
8 THE CHIEF CLERK: Councilman
9 Mariano.
10 COUNCILMAN MARIANO: Aye.
11 THE CHIEF CLERK: Councilwoman
12 Miller.
13 COUNCILWOMAN MILLER: Aye.
14 THE CHIEF CLERK: Councilman Nutter.
15 COUNCILMAN NUTTER: Aye.
16 THE CHIEF CLERK: Councilman
17 O'Neill.
18 COUNCILMAN O'NEILL: No.
19 THE CHIEF CLERK: Councilman Ramos.
20 COUNCILMAN RAMOS: Aye.
21 THE CHIEF CLERK: Councilwoman
22 Reynolds Brown.
23 COUNCILWOMAN REYNOLDS BROWN: Aye.
24 THE CHIEF CLERK: Councilman Rizzo.
25 COUNCILMAN RIZZO: No.

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2 THE CHIEF CLERK: Councilwoman

3 Tasco.

4 COUNCILWOMAN TASCO: Aye.

5 THE CHIEF CLERK: Council President

6 Verna.

7 COUNCIL PRESIDENT VERNA: Aye.

8 The ayes are 13, the nays are 3. A
9 majority of all Members having voted in the
10 affirmative, the resolution is adopted.

11 The Chair recognizes Councilman
12 Mariano.

13 COUNCILMAN MARIANO: I have one
14 resolution.

15 COUNCIL PRESIDENT VERNA: The Chief
16 Clerk will please read the title of the
17 resolution.

18 THE CHIEF CLERK: A resolution
19 authorizing Commissioner of Public Property to
20 execute and deliver to the Redevelopment
21 Authority of the City of Philadelphia deeds
22 located in the 7th, 18th, 19th and 23rd Wards
23 of the City of Philadelphia.

24 COUNCIL PRESIDENT VERNA: The Chair
25 recognizes Councilman Mariano.

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2 COUNCILMAN MARIANO: Move for the
3 adoption of that resolution, Madam President.

4 (Duly seconded.)

5 COUNCIL PRESIDENT Verna: It has
6 been moved and properly seconded that the
7 resolution be adopted.

8 All in favor will signify by saying
9 aye.

10 (Aye.)

11 COUNCIL PRESIDENT Verna: Those
12 opposed?

13 (No response.)

14 COUNCIL PRESIDENT Verna: The ayes
15 have it, and the resolution is adopted.

16 The Chair recognizes Councilwoman
17 Tasco.

18 COUNCILWOMAN TESCO: Madam President
19 I have no bills or resolutions today.

20 COUNCIL PRESIDENT Verna: The Chair
21 thanks the Councilwoman.

22 The Chair recognizes Councilwoman
23 Miller.

24 COUNCILWOMAN MILLER: Madam
25 President, I have no bills or resolutions

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2 today.

3 COUNCIL PRESIDENT VERNA: Thank you.

4 The Chair recognizes Councilman
5 Nutter.

6 COUNCILMAN NUTTER: Thank you, Madam
7 President. I offer one bill.

8 COUNCIL PRESIDENT VERNA: The Chief
9 Clerk will please read the title of the bill.

10 THE CHIEF CLERK: An ordinance
11 amending Section 17-109 of the Philadelphia
12 Code entitled "Local Bidding Preferences,"
13 amending the terms and conditions under which
14 a business entity may be certified or continue
15 to be certified as a local business entity
16 entitled to bidding preferences on City
17 contracts.

18 COUNCIL PRESIDENT VERNA: The bill
19 will be referred to the appropriate committee.

20 The Chair recognizes Councilwoman
21 Brown.

22 COUNCILWOMAN BROWN: Thank you,
23 Madam President. I have no bills or
24 resolutions.

25 COUNCIL PRESIDENT VERNA: Thank you.

1 03/10/05 - STATED - INTRO. OF BILLS

2 The Chair recognizes Councilman
3 Goode.

4 COUNCILMAN GOODE: Thank you, Madam
5 President. I have no bills or resolutions.

6 COUNCIL PRESIDENT VERNA: The Chair
7 thanks the gentleman.

8 The Chair recognizes Councilman
9 Ramos.

10 COUNCILMAN RAMOS: Madam President,
11 I have no bills or resolutions today.

12 COUNCIL PRESIDENT VERNA: Thank you.
13 The Chair recognizes Councilman
14 DiCicco.

15 COUNCILMAN DICICCO: Thank you,
16 Madam President. I offer two bills.

17 COUNCIL PRESIDENT VERNA: The Chief
18 Clerk will please read the title of the first
19 bill.

20 THE CHIEF CLERK: An ordinance
21 amending Title 4 of the Philadelphia Code
22 entitled "Philadelphia Building Construction
23 and Occupancy Code" by amending Subcode A,
24 Section A-202 entitled "Duties and Powers of
25 the Code Official."

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2 COUNCIL PRESIDENT Verna: The bill
3 will be referred to the appropriate committee.

4 THE CHIEF CLERK: And an ordinance
5 amending Title 9 of the Philadelphia Code
6 entitled "Regulation of Business Trades and
7 Professions," by amending Section 9-102
8 entitled "License and Permits" by providing
9 that no license or permit shall be issued or
10 renewed if the applicant is delinquent in
11 payment of any school or district taxes,
12 charges, fees, rents, or claims.

13 COUNCIL PRESIDENT Verna: The bill
14 will be referred to the appropriate committee.

15 The Chair recognizes Councilman
16 O'Neill.

17 COUNCILMAN O'NEILL: Madam
18 President, I have no bills or resolutions.

19 COUNCIL PRESIDENT Verna: Thank you.

20 The Chair recognizes Councilman
21 Clarke.

22 COUNCILMAN CLARKE: Madam President,
23 I have one bill.

24 COUNCIL PRESIDENT Verna: The Chief
25 Clerk will please read the title of the bill.

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2 THE CHIEF CLERK: An ordinance
3 authorizing the Water Commissioner on behalf
4 of the City to enter into an agreement with
5 the owners of the properties and their
6 successors at 3101-3131 West Thompson Street
7 for the grant of right-of-way for water main
8 purposes, under certain terms and conditions.

9 COUNCIL PRESIDENT Verna: The bill
10 will be referred to the appropriate committee.

11 The Chair recognizes Councilman
12 Kelly.

13 COUNCILMAN KELLY: Madam President,
14 I have no bills or resolutions.

15 COUNCIL PRESIDENT Verna: Thank you.

16 The Chair recognizes Councilman
17 Rizzo.

18 COUNCILMAN RIZZO: Madam President,
19 one resolution.

20 COUNCIL PRESIDENT Verna: The Clerk
21 will please read the title of the resolution.

22 THE CHIEF CLERK: A resolution
23 recognizing, honoring, and celebrating the Ivy
24 Leaf School for its invaluable contribution as
25 the oldest African-American independent school

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2 in Philadelphia on the occasion of its 40th
3 Anniversary.

4 COUNCIL PRESIDENT Verna: The Chair
5 recognizes Councilman Rizzo.

6 COUNCILMAN RIZZO: Madam President,
7 I forgot to mention that that resolution is
8 cosponsored by Councilwoman Donna Miller and
9 Councilwoman Marian Tasco.

10 I move for the adoption of that
11 resolution.

12 (Duly seconded.)

13 COUNCIL PRESIDENT Verna: It has
14 been moved and properly seconded that the
15 resolution be adopted.

16 All in favor will signify by saying
17 aye.

18 (Aye.)

19 COUNCIL PRESIDENT Verna: Those
20 opposed?

21 (No response.)

22 COUNCIL PRESIDENT Verna: The ayes
23 have it, and the resolution is adopted.

24 We will now have reports from the
25 committees.

1 03/10/05 - STATED - REPORTS

2 The Chair recognizes Councilman
3 Cohen for a report from the Committee on Law
4 and Government.

5 COUNCILMAN COHEN: The Vice Chair of
6 the Committee, Councilman Kenney will be good
7 enough to give the report.

8 COUNCIL PRESIDENT Verna: Very well.

9 The Chair recognizes Councilman
10 Kenney.

11 COUNCILMAN KENNEY: Thank you, Madam
12 President. The Committee on Law and
13 Government reports one bill and one resolution
14 with a favorable recommendation.

15 COUNCIL PRESIDENT Verna: Thank you.

16 The Chief Clerk will please read the
17 report.

18 THE CHIEF CLERK: To the President
19 and Members of the Council of the City of
20 Philadelphia, the Committee on Law and
21 Government to which was referred Bill No.
22 050107, entitled an ordinance providing for
23 the submission to the qualified electors of
24 the City of Philadelphia of an amendment to
25 the Philadelphia Home Rule Charter creating a

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2 new Chapter 5 entitled "Referenda Approved by
3 the Voters," calling on the Pennsylvania
4 General Assembly and the Governor to pass
5 legislation that will permit Philadelphia to
6 enact constitutionally lawful legislation to
7 prevent and reduce gun violence;

8 And resolution No. 050120, entitled
9 a resolution proposing an amendment to the
10 Home Rule Charter creating a new Chapter 5
11 entitled "Referenda Approved By the Voters,"
12 calling on the Pennsylvania General Assembly
13 and the Governor to pass legislation that will
14 permit Philadelphia to enact constitutionally
15 lawful legislation to prevent and reduce gun
16 violence;

17 Respectfully reports it has
18 considered the same and returns the attached
19 bill and resolution to Council with a
20 favorable recommendation.

21 COUNCIL PRESIDENT VERA: Thank you.

22 The Chair recognizes Councilman
23 Kenney.

24 COUNCILMAN KENNEY: Madam President,
25 I move that the Rules of Council be suspended

1 03/10/05 - STATED - REPORTS

2 so as to permit first reading this day of Bill
3 No. 050107.

4 (Duly seconded.)

5 COUNCIL PRESIDENT VERNA: It has
6 been moved and properly seconded that the
7 Rules of Council be suspended so as to permit
8 first reading this day of Bill No. 050107.

9 All in favor will indicate by saying
10 aye.

11 (Aye.)

12 COUNCIL PRESIDENT VERNA: Those
13 opposed?

14 (No response.)

15 COUNCIL PRESIDENT VERNA: The ayes
16 have it. And bill 050107 will be placed on
17 today's First Reading Calendar.

18 Resolution No. 050120 will be
19 considered at the end of today's Calendar.

20 The Chair now recognizes Councilman
21 Clarke.

22 COUNCILMAN CLARKE: Madam President,
23 earlier it was indicated that I was going to
24 ask for a vote on the resolution. At the
25 request of veteran member of Council, I will

1 03/10/05 - STATED - REPORTS

2 not call that up for a vote today. There was
3 some concerns about the tradition of allowing
4 the resolution to lay over a week along with
5 the bill. I don't want to set a potentially
6 bad precedent so I will hold that until next
7 week.

8 COUNCIL PRESIDENT VERNA: Very well.

9 Resolution No. 050120 will be placed
10 on next week's Calendar.

11 The Chair now recognizes
12 Councilwoman Tasco for a report from the
13 Committee on Public Health and Human Services.

14 COUNCILWOMAN TASCO: Madam
15 President, the Committee on Public Health and
16 Human Services reports one bill with a
17 favorable recommendation.

18 COUNCIL PRESIDENT VERNA: The Chief
19 Clerk will please read the report.

20 THE CHIEF CLERK: To the President
21 and Members of the Council of the City of
22 Philadelphia, the Committee on Public Health
23 and Human Services to which was referred Bill
24 No. 050063, entitled an ordinance amending
25 Chapter 10-600 of the Philadelphia Code

1 03/10/05 - STATED - REPORTS

2 entitled "Public Places Prohibited Conduct,"
3 by prohibiting smoking in public places and in
4 the workplace and providing for penalties, all
5 under certain terms and conditions;
6 respectfully reports it has considered and
7 amended the same and returns the attached bill
8 to Council with a favorable recommendation.

9 COUNCIL PRESIDENT Verna: The Chair
10 recognizes Councilwoman Tasco.

11 COUNCILWOMAN TESCO: Madam
12 President, I move that the Rules of Council be
13 suspended so as to permit first reading this
14 day of this Bill 050063.

15 (Duly seconded.)

16 COUNCIL PRESIDENT Verna: It has
17 been moved and properly seconded that the
18 Rules of Council be suspended so as to permit
19 first reading this day of Bill No. 050063.

20 All in favor will indicate by saying
21 aye.

22 (Aye.)

23 COUNCIL PRESIDENT Verna: Those
24 opposed?

25 (No response.)

1 03/10/05 - STATED - 1ST READING

2 COUNCIL PRESIDENT Verna: The ayes
3 have it, and bill 050063 will be placed on
4 today's First Reading Calendar.

5 The next order of business is the
6 consideration of the Calendar.

7 The Chief Clerk will please read the
8 title of the bill on the First Reading
9 Calendar.

10 THE CHIEF CLERK: Bill 050107, an
11 ordinance providing for the submission to the
12 qualified electors of the City of Philadelphia
13 of an amendment to the Philadelphia Home Rule
14 Charter creating a new Chapter 5 entitled
15 "Referenda Approved by the Voters," and
16 Article 8, "Provisions of General
17 Application," creating a new Section 8-500
18 entitled "Home Rule Power to Prevent and
19 Reduce Gun Violence" and fixing a date of a
20 special election for such purposes.

21 COUNCIL PRESIDENT Verna: The Chair
22 agrees.

23 THE CHIEF CLERK: And Bill No.
24 050063, an ordinance amending Chapter 10-600
25 of the Philadelphia Code entitled "Public

1 03/10/05 - STATED - 2ND READING

2 Places Prohibited Conduct," by prohibiting
3 smoking in public places and in the workplace
4 and providing for penalties, all under certain
5 terms and conditions

6 COUNCIL PRESIDENT VERNA: The Chair
7 agrees.

8 That concludes our First Reading
9 Calendar.

10 The Chair now recognizes
11 Councilwoman Blackwell for the purpose of
12 calling up the bills on the Second Reading and
13 Final Passage Calendar to be called up for
14 consideration.

15 COUNCILWOMAN BLACKWELL: Thank you,
16 Madam President. Today, Bill No. 040133,
17 040818, and 040772 are being called up for the
18 purposes of amendments.

19 All other bills are being held.

20 COUNCIL PRESIDENT VERNA: Thank you.

21 The Chief Clerk will please read the
22 title of Bill No. 040133.

23 THE CHIEF CLERK: An ordinance
24 amending Section 17-104 entitled "Prerequisite
25 to the Execution of City Contracts," by adding

1 03/10/05 - STATED - 2ND READING
2 a new subsection entitled "Slavery Era
3 Business Corporate Insurance Disclosure" to
4 promote full and accurate disclosure to the
5 public about any slavery policies sold by any
6 companies or profits from slavery by other
7 industries who were doing business with the
8 City of Philadelphia.

9 COUNCIL PRESIDENT Verna: The Chair
10 recognizes Councilwoman Brown.

11 COUNCILWOMAN BROWN: Thank you,
12 Madam President. I make a motion to amend
13 Bill No. 040133 and would like to briefly
14 speak on it.

15 (Duly seconded.)

16 COUNCIL PRESIDENT Verna: The Chair
17 recognizes Councilwoman Brown.

18 COUNCILWOMAN BROWN: Thank you,
19 Madam President.

20 I have circulated amendments to Bill
21 No. 040133, which I ask my colleagues to
22 support. These amendments clarify the timing
23 of when disclosure is to occur. The
24 Administration indicated to me that the 90-day
25 window, and I agree, would be problematic as

1 03/10/05 - STATED - 2ND READING

2 far as letting out a contract and then waiting
3 for the information after the City has engaged
4 in the contract. So instead, the amendment
5 request will happen at the time of the signing
6 of the contract. We are, in fact, shortening
7 the time from 90 days to the exact date of the
8 signing of the contract. And I respectfully
9 request an aye from my colleagues on this
10 amendment.

11 COUNCIL PRESIDENT Verna: It has
12 been moved and seconded that the amendment be
13 adopted.

14 All in favor will indicate by saying
15 aye.

16 (Aye.)

17 COUNCIL PRESIDENT Verna: Those
18 opposed?

19 (No response.)

20 COUNCIL PRESIDENT Verna: The ayes
21 have it, and the amendment is passed.

22 The Chief Clerk will please read the
23 title of Bill No. 040818.

24 THE CHIEF CLERK: A resolution
25 proposing an amendment to the Philadelphia

1 03/10/05 - STATED - 2ND READING

2 Home Rule Charter relating to city leases,
3 contracts, concessions and the provisions of
4 financial assistance and providing for the
5 submission of the amendment to the electors of
6 Philadelphia.

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

9 COUNCILMAN NUTTER: Thank you, Madam
10 President. Madam President, I have circulated
11 an amendment to Resolution No. 040818. It is
12 a technical amendment suggested by the Law
13 Department. And in essence, it changes the
14 word "approved" to "authorization" in a couple
15 of places that it is listed.

16 COUNCIL PRESIDENT VERNA: I'm sorry.
17 I was distracted.

18 COUNCILMAN NUTTER: Madam President,
19 I have circulated a highly technical amendment
20 that has been recommended by the Law
21 Department to Resolution No. 040818 which, in
22 essence, for Law Department purposes, changes
23 the word "approval" to "authorization" in a
24 couple different places throughout the
25 resolution.

1 03/10/05 - STATED - 2ND READING

2 COUNCIL PRESIDENT VERNA: Okay.

3 Are there any questions from

4 Members?

5 The Chair recognizes Councilman

6 Mariano.

7 COUNCILMAN MARIANO: Councilman

8 Nutter, why?

9 COUNCILMAN NUTTER: Councilman, much
10 more brilliant minds than myself with legal
11 training from the Law Department have
12 determined that the word "authorization" is
13 the appropriate term that is consistent with
14 other provisions either in the Home Rule
15 Charter or in the Philadelphia Code. And it
16 was at their suggestion that this change is
17 being made. It does not make a material
18 difference in the substance of the proposed
19 Charter change, but there is a consistency
20 issue that they felt important.

21 COUNCILMAN MARIANO: Thank you,
22 Councilman.

23 COUNCILMAN NUTTER: Sure.

24 COUNCIL PRESIDENT VERNA: The Chair
25 recognizes Councilman Nutter for a motion.

1 03/10/05 - STATED - 2ND READING

2 COUNCILMAN NUTTER: Thank you, Madam
3 President. I move the adoption of the
4 amendment.

5 (Duly seconded.)

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

8 COUNCILWOMAN TASCO: Is this the
9 resolution that accompanies the bill for next
10 week?

11 COUNCIL PRESIDENT VERNA:
12 Councilwoman, I'm sorry, we can't hear you.

13 COUNCILWOMAN TASCO: I asked him if
14 this is the resolution that accompanies the
15 bill for next week, Bill 772?

16 COUNCILMAN NUTTER: Yes,
17 Councilwoman Tasco. This is the actual
18 proposed amendment to the Home Rule Charter
19 which grants authorization to then have the
20 Bill 772 or any other legislation related to
21 contracts. So, yes, the two do go together.
22 But I need the amendment on the one to
23 accommodate the interest of the Law
24 Department.

25 COUNCILWOMAN TASCO: Thank you.

1 03/10/05 - STATED - 2ND READING

2 COUNCIL PRESIDENT Verna: You're
3 welcome.

4 It has been moved and seconded that
5 the amendments proposed by Councilman Nutter
6 regarding Resolution 040818 be adopted.

7 All in favor will signify by saying
8 aye.

9 (Aye.)

10 COUNCIL PRESIDENT Verna: Those
11 oppose?

12 (No.)

13 COUNCIL PRESIDENT Verna: Roll call,
14 please.

15 THE CHIEF CLERK: Councilwoman
16 Blackwell.

17 COUNCILWOMAN BLACKWELL: No.

18 THE CHIEF CLERK: Councilman Clarke.

19 COUNCILMAN CLARKE: No.

20 THE CHIEF CLERK: Councilman Cohen.

21 COUNCILMAN COHEN: I'm thinking.

22 COUNCIL PRESIDENT Verna: Well,
23 while you're thinking, we'll continue on with
24 the roll call.

25 THE CHIEF CLERK: Councilman

1 03/10/05 - STATED - 2ND READING
2 DiCicco.
3 COUNCILMAN DICICCO: Aye.
4 THE CHIEF CLERK: Councilman Goode.
5 COUNCILMAN GOODE: Aye.
6 THE CHIEF CLERK: Councilman Kelly.
7 COUNCILMAN KELLY: Aye.
8 THE CHIEF CLERK: Councilman Kenney.
9 COUNCILMAN KENNEY: Aye.
10 THE CHIEF CLERK: Councilman
11 Mariano.
12 COUNCILMAN MARIANO: No.
13 THE CHIEF CLERK: Councilwoman
14 Miller.
15 COUNCILWOMAN MILLER: No.
16 THE CHIEF CLERK: Councilman Nutter.
17 COUNCILMAN NUTTER: Aye.
18 THE CHIEF CLERK: Councilman
19 O'Neill.
20 COUNCILMAN O'NEILL: Aye.
21 THE CHIEF CLERK: Councilman Ramos.
22 COUNCILMAN RAMOS: Aye.
23 THE CHIEF CLERK: Councilwoman
24 Reynolds Brown.
25 COUNCILWOMAN REYNOLDS BROWN: Aye.

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2 THE CHIEF CLERK: Councilman Rizzo.

3 COUNCILMAN RIZZO: Aye.

4 THE CHIEF CLERK: Councilwoman

5 Tasco.

6 COUNCILWOMAN TASCO: No.

7 THE CHIEF CLERK: Council President

8 Verna.

9 COUNCIL PRESIDENT VERNA: Aye.

10 Councilman Cohen, have you made up

11 your mind?

12 COUNCILMAN COHEN: My vote will be

13 aye.

14 COUNCIL PRESIDENT VERNA: Thank you.

15 THE CHIEF CLERK: The nays are 5,

16 the ayes are 11. The amendment is adopted.

17 COUNCIL PRESIDENT VERNA: The nays

18 are 5, the ayes are 11. The amendment has

19 been adopted.

20 The Chief Clerk will please read the

21 title of Bill No. 040772.

22 THE CHIEF CLERK: An ordinance

23 amending Title 17 of the Philadelphia Code

24 entitled "Contracts and Procurement," by

25 adding provisions regulating the process by

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2 which the City awards professional service
3 contracts and other noncompetitively bid
4 contracts and prohibiting persons from
5 entering into such contracts or from receiving
6 city financial assistance if they are or
7 certain related parties have made certain
8 contributions to elected city officers or
9 candidates for city offices, all under certain
10 terms and conditions.

11 COUNCIL PRESIDENT Verna: The Chair
12 again recognizes Councilman Nutter.

13 COUNCILMAN NUTTER: Thank you, Madam
14 President. Madam President, amendments to
15 Bill 040772 have been circulated. This has
16 also been a topic of great discussion. I just
17 briefly want to add to the record that the
18 purpose of these amendments is to provide
19 clarification to a variety of places in the
20 legislation as well as ensure that there are
21 no unintended consequences in an effort to
22 move forward this particular issue or provide
23 for a legitimate process for the award of
24 no-bid contracts.

25 I appreciate the many conversations

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2 that I've had with my colleagues in expressing
3 concern about our social service network which
4 is critical to the City's operation. Those
5 issues, I believe, have been addressed and
6 resolved. As well as, certainly, no intention
7 to impact our many good non-profit
8 organizations that contract with the City or
9 have high profile, very actively involved
10 board members and that the activities,
11 political or otherwise, of those board members
12 would have no affect on the operations of the
13 non-profit organizations. Those are the major
14 proposed amendments.

15 And I would at least again ask for
16 passage of these amendments to put the bill in
17 what I believe, and many others, will be its
18 best form. We can obviously have a debate
19 about the particulars of that, but so that
20 there's no confusion in lack of clarity on
21 what the bill does and what the bill doesn't
22 do, I would at least ask for consideration for
23 the approval of the amendments, recognizing
24 that that does not necessarily indicate how
25 Members would vote.

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2 In the earlier session today,
3 notwithstanding good conversation between
4 myself and Councilman Mariano in the Committee
5 of the Whole, he certainly knows how I feel
6 about his particular measure, but we conducted
7 ourselves in a very civil fashion. I did
8 support his amendments, because I think he has
9 a right to have his legislation in the form
10 that he would like, and still reserve the
11 right as a Member of Council to take
12 subsequent action on the amended bill or
13 resolution. So I would only ask for the same
14 consideration in this particular matter.

15 So I move the adoption of these
16 amendments to Bill 040772.

17 (Duly seconded.)

18 COUNCIL PRESIDENT VERA: It has
19 been moved and seconded.

20 The Chair recognizes Councilwoman
21 Tasco.

22 COUNCILWOMAN TASC0: Thank you,
23 Madam President. I want the record to be very
24 clear why I will be voting no on these
25 amendments.

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2 I do think my colleague has done a
3 great job in trying to address the whole issue
4 of pay-to-play, and I agree wholeheartedly
5 that we need to address this issue. However,
6 I have some serious concerns about the way
7 that we have proceeded in this fashion to
8 address those issues. Yes, he did respond to
9 some of the concerns I raised, and there were
10 additional concerns that were raised. I think
11 we need to curb the pay-to-play culture in
12 this City.

13 I don't believe elected officials
14 get up in the morning and decide they're
15 coming downtown to defraud the public. Most
16 of us get elected because we want to do
17 something good for the community. And I
18 wholeheartedly support, I want the record to
19 show, that we as a City Council have to do
20 something about pay-to-play. I believe if I
21 support the amendments, it sends a mixed
22 signal how I feel about the legislation, so
23 that's why I will be voting no on the
24 amendment and will have further comment about
25 legislation at the appropriate time.

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2 COUNCIL PRESIDENT Verna: Thank you.

3 It has been moved seconded that the
4 amendments proposed by Councilman Nutter --

5 COUNCILMAN CLARKE: Madam President.

6 COUNCIL PRESIDENT Verna: Oh, I'm
7 sorry.

8 Councilman Clarke.

9 COUNCILMAN CLARKE: Thank you, Madam
10 President.

11 Madam President, I also, like my
12 colleague Councilwoman Tasco, would like to go
13 on the record indicating my non-support for
14 this particular amendment in this particular
15 bill.

16 I also would like to commend
17 Councilman Nutter who has been working on this
18 for some time. He and I have had substantial
19 conversations over the last couple of weeks.
20 I am concerned about the number of amendments
21 on this particular issue, the number of
22 different positions on this particular issue,
23 the misunderstanding by a number of people,
24 individuals and organizations about this
25 particular issue. Because of that, I cannot

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2 support these amendments of this bill at this
3 time.

4 But I, on the record, clearly want
5 people to understand that I am for substantive
6 ethics reform. I don't think, frankly
7 speaking, this bill goes far enough in some
8 issues or even reference some issues that I
9 think should be on the table. While I can't
10 vote for this particular amendment and this
11 particular bill, I want for the record to
12 understand that I will, in fact, look to
13 support something that addresses the problem
14 that we have in the City of Philadelphia. And
15 the first thing we need to do is identify the
16 problem and then respond to the problem. So I
17 just want to make that on the record, that
18 while I am for ethics reform, this particular
19 bill at this particular time is just not
20 something that I can be supportive of.

21 COUNCIL PRESIDENT VERA: Thank you,
22 Councilman.

23 The Chair recognizes Councilwoman
24 Brown.

25 COUNCILWOMAN BROWN: Thank you,

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2 Madam President.

3 These proceedings today clearly
4 remind me of the discussion and the debate we
5 had during tax reform. All of us were at a
6 place where we all agreed that our City should
7 engage in tax reform. The prevailing question
8 was, how deep should be the tax cuts.

9 Most of us in this legislative body
10 clearly believe there's a need for ethics
11 reform. The question is how far or
12 overreaching should we move to crafting ethics
13 legislation. So I will accept the work of
14 Councilman Michael Nutter and honor his
15 request to move these amendments forward since
16 they, as he has said, move us in the direction
17 of a better bill. My support of the
18 amendments today should not reflect or infer
19 that I will be supporting the bill next week.
20 If these amendments move us to a better bill,
21 I support that. Should we discover over the
22 next seven days that there are still concerns
23 and issues raised in the bill that have not
24 adequately been satisfied, then next week
25 there may be indeed a different decision.

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2 Thank you, Madam President.

3 COUNCIL PRESIDENT VERA: Thank you.

4 The Chair recognizes Councilman
5 Kenney.

6 COUNCILMAN KENNEY: Thank you, Madam
7 President.

8 Just from my perspective, I would
9 like the record to reflect I don't believe
10 we're voting on ethics reform in Bill 772.
11 This is a bill to reform the way in which the
12 City of Philadelphia awards no-bid contracts.
13 The ethics legislation is still in Committee,
14 will be discussed and determined at a future
15 date. But in some ways this ethics reform and
16 contract reform has gotten tangled up
17 together, and that should not be the case.

18 Our problem -- and I think
19 Councilman Nutter has worked hard to address
20 the problem -- is there was no transparent
21 process for the award of professional services
22 and no-bid contracts. This Bill 772, as
23 amended, does not take the power away from any
24 Mayor. The Mayor still has the ability to
25 award the contract. But the disclosure of

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2 campaign contributions and consultant hirings
3 and other things are necessary for people to
4 believe that this is a fair process. And
5 that's all it is. It doesn't change anything.
6 When it comes down to the three most competent
7 bidders for bond counsel, the Mayor still has
8 the ability, any mayor, has the ability to
9 select that individual. But the public will
10 have the information disclosed to them.

11 This is not ethics reform. This is
12 contract award reform, and I think it's sorely
13 needed. So I want the record to reflect that
14 from my perspective. Thank you.

15 COUNCIL PRESIDENT VERNA: Thank you.

16 The Chair recognizes Councilman
17 Clarke.

18 COUNCILMAN CLARKE: Thank you, Madam
19 President. Madam President, the last
20 statement that my good friend and colleague
21 Councilman Kenney brings my point to light.
22 People think we're doing ethics reform. And
23 I'm not clear that this is truly ethics
24 reform. So that's one of the reasons why I'm
25 extremely concerned about voting for this when

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2 the impression is that we're doing one thing,
3 and in some folks estimation, as Councilman
4 Kenney just indicated, that's not what we're
5 doing. So I just want to again say that we
6 need to look at this, have a broad base of
7 people looking at this, particularly involving
8 all of the various agencies that will be
9 affected and sit down and craft something that
10 truly gets us to where we need to get. So I
11 just wanted to respond to that.

12 COUNCIL PRESIDENT VERNA: Thank you.

13 The Chair recognize Councilman
14 Goode.

15 COUNCILMAN GOODE: Thank you, Madam
16 President. I will be supporting this
17 amendment as well as the legislation next week
18 and actually salute Councilman Nutter for
19 being willing to amend his legislation again
20 to address a number of concerns that were out
21 there. I believe, as many people have said,
22 that this process is a long time in coming,
23 and people are further delaying it.

24 It's my belief that there will never
25 be perfect legislation because if there was

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2 perfect legislation on the books, there would
3 be no need for us to be here. We constantly
4 amend the Code and add things to the Code, and
5 that can be done in a process that should only
6 take a month or two or a few months or as long
7 as it needs to take. But we can even amend
8 this legislation moving forward.

9 My problem with some of the comments
10 that are made, one, if we were going to vote
11 on a full package of ethics reform proposals,
12 we would still be voting bill by bill. We
13 would never be taking a vote on all the bills
14 at one time. And that's all we're doing right
15 now is voting on it bill by bill, and this is
16 the only bill to be considered right now to be
17 amended and the only bill to be considered on
18 final consideration next week.

19 As to confusion out there by certain
20 organizations, I don't believe it's that much
21 confusion or that much complication in seeing
22 why they take the positions they take. And
23 this is not meant to be overly negative, but
24 the Chamber of Commerce takes a position
25 against this bill before it was amended

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2 because they are a non-profit organization
3 that receives money from the City in a no-bid
4 fashion for Select Greater Philadelphia.
5 They, of course, have board members that give
6 campaign contributions. They would have to
7 take a position against this bill before it
8 was amended because essentially it was taking
9 a million dollars away from them in terms of
10 Select Greater Philadelphia. And there are
11 other organizations like that, some of whom I
12 happen to be very friendly with, community
13 development organizations, other social
14 services organizations, that receive the same
15 type of no-bid contracts that also are not
16 fair. It's not just a matter of whether
17 someone receiving a for-profit contract or a
18 not-for-profit contract, the way no-bid
19 contracts are done has to change.

20 So I suggest that we move forward,
21 that people realize that there is always going
22 to be things to nitpick in these amendments
23 and things to nitpick in terms of final
24 version of this bill when it is actually voted
25 on. But as legislators, what we do is change

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2 the Code every week, every time we have an
3 opportunity to do it, and we can make this a
4 better bill by amending that legislation.

5 I happen to have offered campaign
6 finance reform legislation well over a year
7 ago. People have nitpicked that bill. There
8 are currently three bills in Council to amend
9 that legislation, which I welcome. I won't be
10 supporting all of them, but I welcome most of
11 them. We can always go back and do it better,
12 but the issue is whether we're going to do
13 something now or whether we're not. Thank
14 you.

15 COUNCIL PRESIDENT VERNA: Thank you.

16 The Chair recognizes Councilman
17 Cohen.

18 COUNCILMAN COHEN: I would like to
19 hear Councilman Nutter on the question as to
20 whether he agrees with Councilman Kenney's
21 interpretation.

22 COUNCILMAN NUTTER: Thank you,
23 Councilman. Is this the issue of whether it's
24 contract reform or ethics reform? Is that the
25 issue?

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2 COUNCILMAN COHEN: That's the
3 question that Councilman Kenney referred to.

4 COUNCILMAN NUTTER: I appreciate
5 that, Councilman. And I will make comments
6 with regard to both Councilman Kenney's
7 remarks and Councilman Goode, both of which I
8 appreciate.

9 What often happens here is when a
10 package of bills are introduced -- and I think
11 Councilwoman Reynolds Brown may have
12 referenced tax reform. I introduced 13 bills
13 that came from the Tax Reform Commission.
14 Only a few were passed. But they are
15 individual bills, as Councilman Goode points
16 out. They have to be taken on their own
17 merits or demerits. They will rise or fall
18 and stand alone if they make it through the
19 process. I think what happens is, whether by
20 conversation or media commentary, how these
21 packages are characterized often shape the
22 discussion. You will not find anything in
23 Bill 040772 about ethics. Bill 040772 comes
24 as a part of the series of recommendations by
25 the 21st Century Review Forum, which was

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2 created by Mayor Street. And they recommended
3 that we do something in the contracting area,
4 they recommended that we create a new board of
5 ethics, and they recommended that we make
6 adjustments to our Code so that you could read
7 it all in one place and not have to search
8 over four different pieces of documents or
9 information.

10 Bill 040772, I believe, does seek to
11 address professional services and no-bid
12 contracts and how they are awarded. The
13 Ethics Board -- and we have a temporary one
14 now and, if we create one under the Charter
15 we'll have a permanent one -- will deal with
16 the issue of ethics. All of this has been
17 discussed in a larger context of ethics.

18 This is reforming our contracting
19 process which will shed more light, as
20 Councilman Kenney said, on the process and
21 make those opportunities more available to
22 people on a broader fashion. And if we can
23 help to remove the belief that somehow there
24 is a connection between contribution and the
25 award of contracts, that improves the process

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2 and it also improves the belief of citizens
3 with regard to the integrity of this process.
4 So there is certainly some connection, but it
5 is not direct.

6 This bill can stand on its on,
7 notwithstanding other bills that are still in
8 Committee. It reforms the contract process.
9 It is not pure ethics reform because we don't
10 have any ethics bills in front of us. You
11 will not find that word in this bill.

12 I'm sorry, Councilman, for the long
13 answer, but I think, hopefully, it's
14 responsive.

15 COUNCILMAN COHEN: Madam President,
16 I've often found that at the beginning of a
17 difficult debate that things become clear,
18 then they get confused again, gets clear and
19 so forth until there's full understanding.

20 My problem with these bills is that
21 as we increasingly discuss them, we're at the
22 stage where we're learning new questions that
23 come up and raise all kinds of problems. I'm
24 prepared to support the amendment today, but,
25 again, with the same noncommittal with respect

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2 to next week because if something develops
3 over the next week that has not been discussed
4 and it seems important, like the impact on
5 non-profits, I want to be in the position to
6 consider it.

7 I must say I reject absolutely,
8 totally and completely and would use every
9 other adjective I know of to address
10 Councilman Goode's question that the only
11 issue before us is whether we're going to act
12 or not. That seems to me to make zero out of
13 legislators' serious efforts to find out what
14 they're voting for and the full impact and
15 effect of legislation we pass. I don't think
16 it's accurate to say we can always amend. We
17 can always do anything we want to do, but the
18 impact is not always clear. And once
19 legislation gets enacted in the field of
20 ethics, particularly, it may get very
21 difficult because we don't know what forces
22 are going to rise in support or in opposition
23 to suggested later reforms. Therefore, I've
24 always favored making sure that everybody is
25 fully informed on a subject of this

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2 importance.

3 So I'm going to vote to move the
4 process forward, but, again, with the same
5 kind of commitment that one or more of my
6 colleagues have expressed this morning with
7 respect to the vote next week. But I find
8 that the more discussion there is at this
9 stage often turns a clear subject into a
10 confusing one, just the reverse of what more
11 conversation is supposed to do.

12 Thank you, Madam President.

13 COUNCIL PRESIDENT Verna: You're
14 welcome, sir.

15 The Chair recognizes Councilman
16 Kelly.

17 COUNCILMAN KELLY: Thank you, Madam
18 President. I don't know if these amendments
19 or the bill is contract reform. I don't know
20 if it's ethics reform. But I do know it is
21 reform. I think it's going to address a
22 problem that we've had in this City for years.
23 And I think that anything that's going to
24 reduce the amount of no-bid contracts in this
25 City and also make the no-bid contracts more

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2 transparent by putting everything out on the
3 line, I think is going to be helpful. I want
4 to commend Councilman Nutter for doing a good
5 job on this.

6 Now, as I said before, this is only
7 one bill. We have many, many more to go. And
8 I think this is a first start. I think this
9 is something we have to do. We have to
10 address this problem because I think it's the
11 biggest problem that the City faces today. I
12 think this is where the pay-to-play is really
13 prevalent. And I think anything that's going
14 to make these bids more transparent is going
15 to be the best interest of the City. I think
16 it's for good government. Therefore, I will
17 be supporting these amendments and the bill
18 today. Thank you.

19 COUNCIL PRESIDENT Verna: Thank you.

20 The Chair recognizes Councilman
21 Goode.

22 COUNCILMAN GOODE: Thank you, Madam
23 President. I will be brief to respond to
24 Councilman Cohen's remarks and for clarity of
25 the record.

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2 I'm not trying to rush anything.

3 This bill happens to be on second reading and
4 final passage, and that's the point at which
5 the sponsor can amend it. The bill will be on
6 final passage next week whether the amendments
7 are approved or not. This is our schedule.
8 This is how legislation proceeds.

9 Needless to say, I'm very happy that
10 the bill is out of the Law and Government
11 Committee, but I am not suggesting that we
12 have to vote on anything before the schedule
13 automatically take place.

14 COUNCIL PRESIDENT VERNA: Thank you.

15 The Chair recognizes Councilwoman
16 Miller.

17 COUNCILWOMAN MILLER: Thank you,
18 Madam President.

19 I first want to commend Councilman
20 Nutter for taking the time. And I know he
21 spent lots of hours. I left here the other
22 night at 9:00, and he was here working on
23 amendments to this bill.

24 This bill makes me feel very
25 uncomfortable. I know absolutely he's

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2 entitled to the amendments. Normally, I vote
3 yes for amendments because I believe it should
4 be there and we have a need to actually
5 discuss them and adjust certain things in the
6 bill.

7 This bill, last week, when I first
8 read it concerned me because it had a terrible
9 impact on the non-profit world and the social
10 service and human service world that I came
11 from. And it kind of makes me feel -- and
12 I'll be voting no today on these amendments
13 because I don't want to give the illusion that
14 I will be supporting this bill next week. It
15 kind the makes me feel, someone that came from
16 the non-profit world as volunteer -- I
17 volunteered many hours on many boards -- that
18 my contributions that I have a right, first of
19 all, to contribute to whomever it is that I
20 want to contribute to, but I don't want to do
21 it in an air of and in an environment of
22 feeling like I'm participating in wrongdoing.
23 I have never contributed to anyone with the
24 idea that I'm going to get something. It's
25 just all about good government and support for

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2 that person. So I will be voting no today on
3 these amendments.

4 COUNCIL PRESIDENT VERNA: Thank you.

5 Does anyone else want to be
6 recognized?

7 The Chair recognizes Councilman
8 Rizzo.

9 COUNCILMAN RIZZO: Madam President,
10 I think we would be criticized, in fact, if we
11 didn't try to fix first the problem the
12 pay-to-play is all about. So I plan to vote
13 for amendment.

14 You must fix the problem. This is
15 part of ethics. The people that don't want to
16 abide, maybe we have to force them to abide
17 and by making these changes to the way we do
18 business will maybe force and make people be
19 honest until we get the rest of this done.

20 Again, Councilman Nutter, I
21 appreciate your hard work on this. Thanks.

22 COUNCIL PRESIDENT VERNA: Thank you.

23 Does anyone else want to be
24 recognized?

25 (No response.)

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2 COUNCIL PRESIDENT Verna: Seeing no
3 one, Councilman Nutter made a motion. It was
4 seconded that amendments to Bill No. 040772 be
5 adopted.

6 I would ask that the Chief Clerk
7 call the roll.

8

9 THE CHIEF CLERK: Councilwoman
10 Blackwell.

11 COUNCILWOMAN BLACKWELL: No.

12 THE CHIEF CLERK: Councilman Clarke.

13 COUNCILMAN CLARKE: No.

14 THE CHIEF CLERK: Councilman Cohen.

15 COUNCILMAN COHEN: Aye.

16 THE CHIEF CLERK: Councilman
17 DiCicco.

18 COUNCILMAN DICICCO: Aye.

19 THE CHIEF CLERK: Councilman Goode.

20 COUNCILMAN GOODE: Aye.

21 THE CHIEF CLERK: Councilman Kelly.

22 COUNCILMAN KELLY: Aye.

23 THE CHIEF CLERK: Councilman Kenney.

24 COUNCILMAN KENNEY: Aye.

25 THE CHIEF CLERK: Councilman

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2 Mariano.
3 COUNCILMAN MARIANO: No.
4 THE CHIEF CLERK: Councilwoman
5 Miller.
6 COUNCILWOMAN MILLER: No.
7 THE CHIEF CLERK: Councilman Nutter.
8 COUNCILMAN NUTTER: Aye.
9 THE CHIEF CLERK: Councilman
10 O'Neill.
11 COUNCILMAN O'NEILL: Aye.
12 THE CHIEF CLERK: Councilman Ramos.
13 COUNCILMAN RAMOS: Aye.
14 THE CHIEF CLERK: Councilwoman
15 Reynolds Brown.
16 COUNCILWOMAN REYNOLDS BROWN: Aye.
17 THE CHIEF CLERK: Councilman Rizzo.
18 COUNCILMAN RIZZO: Aye.
19 THE CHIEF CLERK: Councilwoman
20 Tasco.
21 COUNCILWOMAN TASCO: No.
22 THE CHIEF CLERK: Council President
23 Verna.
24 COUNCIL PRESIDENT VERNA: Aye.
25 THE CHIEF CLERK: The nays are 5,

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2 the ayes are 11. The amendment is adopted.

3 COUNCIL PRESIDENT VERNA: The
4 amendment are adopted. The ayes are 11, the
5 nays are 5.

6 That concludes our Calendar for
7 today.

8 Are there any speeches on the part
9 of the Minority?

10 (No response.)

11 COUNCIL PRESIDENT VERNA: Are there
12 speeches on the part of the Majority.

13 The Chair recognizes Councilwoman
14 Brown.

15 COUNCILWOMAN BROWN: Yes, Madam
16 President. I want to commend Councilman
17 Nutter on the issue of Lower Merion School
18 District making the decision to park their
19 buses in the 38th Ward. And I commend him for
20 aggressively addressing the issues that were
21 raised by the residents in both his district
22 and the district of Donna Reed Miller. And I
23 would like to ask him at this hour to provide
24 us a factual update of the status of that
25 particular circumstance. The Lower Merion bus

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2 issue in Montgomery County, if you could just
3 provide us with an update at this hour.

4 COUNCILMAN NUTTER: Thank you,
5 Councilwoman, for the question.

6 On Monday night, there was a
7 rescheduled meeting of the Lower Merion School
8 District Board to talk about a variety of
9 things, but the bus issue was one of the
10 topics of conversation. A number of residents
11 from East Falls, Allegheny West, and North
12 Philadelphia, along with our ward leader from
13 the 38th Ward, Ralph Winder, and I were there.
14 There was an opportunity to speak. I
15 expressed civilly but strongly my opposition
16 to the proposal to relocate or locate a bus
17 depot at the site.

18 The Board gave us a presentation as
19 to what their challenges and difficulties are.
20 And I'm certainly very sensitive to that and
21 will work with another municipality, but that
22 proposal is unacceptable. We've also
23 communicated that to the owner of the site,
24 Preferred Properties, and have also had
25 conversation with various elected officials on

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2 the Lower Merion Township Board of
3 Supervisors.

4 This is a very serious issue. Very
5 significant opposition. And as much as I
6 always want to be in a cooperative
7 relationship with other political
8 jurisdictions, there is a disagreement here,
9 but also a commitment by the School District
10 Board Members as well as the Township
11 Commissioner to work in cooperation with
12 Philadelphia to see if alternatives can be
13 explored.

14 This is a very tough issue for the
15 School District as well as the parents and
16 kids over there, but it is unacceptable at
17 that particular site. It's a bad use of the
18 site. It will lead to excessive traffic and
19 congestion problems, and invariably it will be
20 impossible for 100-plus buses four times a day
21 to guarantee their presence solely on the
22 Roosevelt extension of the expressway because
23 it's already congested. The alternative
24 routes are places like Henry Avenue, Midvale
25 Avenue. And the drivers, in order to get the

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2 kids to school on time, may be creative on
3 their on own in terms of where those buses go.

4 So for all of those reasons, there
5 is opposition, but we want to try, as best we
6 can, to amicably resolve this matter between
7 the two political jurisdictions.

8 That's the latest information.

9 COUNCILWOMAN BROWN: Thank you,
10 Madam President.

11 As I said in the beginning, I
12 commend my colleague and my District
13 Councilperson for his aggressive attention to
14 this issue. And I thank you, Councilman
15 Nutter, for the update.

16 Thank you, Madam President.

17 COUNCIL PRESIDENT Verna: You're
18 welcome.

19 The Chair recognizes Councilwoman
20 Tasco.

21 COUNCILWOMAN TASCO: Thank you,
22 Madam President.

23 Madam President and colleagues,
24 Tuesday, through the local newspaper, I was
25 pleased to learn that the Mayor signed a new

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2 Executive Order reestablishing the Minority
3 Business Enterprise Council last Friday. In
4 reading the Executive Order, MBEC has been
5 reauthorized with a broader scope to address
6 the issue that disadvantaged businesses, as
7 indicated in the 2000 D.J. Miller & Associates
8 study, are significantly underrepresented as
9 vendors in City contracts.

10 However, in reading the Executive
11 Order, I am greatly concerned regarding a key
12 issue. The new Executive Order does not call
13 for an annual disparity study, as required by
14 Bill 030125 that was approved by the Mayor in
15 2003. One of the strongest points of the bill
16 is that it calls for the City to have a
17 disparity study conducted on an annual basis.
18 Through an annual disparity study, the City
19 will be able to appropriately defend itself
20 against legal challenges to participation
21 goals for disadvantaged businesses because
22 these goals that are remedies for past
23 discrimination are narrowly tailored on an
24 annual basis.

25 In well-established federal case

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2 law, it is clear that the City's remedies for
3 past discrimination must be narrowly tailored
4 to address this discrimination. In this
5 regard, we are still moving forward with
6 litigation approved by Council to enforce Bill
7 030125.

8 Over a month ago, City Council
9 President Ann Verna sent a letter to the City
10 Solicitor asking him to prepare a legal
11 service contract for this matter. Further,
12 the Council President called the City
13 Solicitor approximately 10 days ago regarding
14 this matter, and the call has not been
15 returned. Accordingly, we are calling on the
16 City Solicitor to respond to the letter and
17 call from the Council President so that Bill
18 030125 will be enforced to support
19 disadvantaged businesses in our City.

20 Thank you very much.

21 COUNCIL PRESIDENT VERNA: You're
22 welcome.

23 Are there any other speeches on the
24 part of the Majority?

25 (No response.)

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2 COUNCIL PRESIDENT Verna: Seeing
3 none, the Chair recognizes Councilwoman Tasco
4 for a motion to adjourn.

5 COUNCILWOMAN TESCO: Madam
6 President, I move that Council stand adjourned
7 until Thursday, March 17th at 10:00 a.m.

8 (Duly seconded.)

9 COUNCIL PRESIDENT Verna: It has
10 been moved and seconded that Council stand
11 adjourned until Thursday, March 17th.

12 All in favor will say aye.

13 (Aye.)

14 COUNCIL PRESIDENT Verna: Those
15 opposed?

16 (No response.)

17 COUNCIL PRESIDENT Verna: The ayes
18 have it, and the motion carries.

19 (Council adjourned at 12:02 p.m.)

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

I HEREBY CERTIFY that the foregoing
proceedings of the Council of the City of
Philadelphia of Thursday, March 10, 2005, were
reported fully and accurately by me, and that
this is a correct transcript of the same.

RE: STATED MEETING

Lisa C. Bradley, RPR