

1

2

COUNCIL OF THE CITY OF PHILADELPHIA

3

PUBLIC MEETING

4

BEFORE THE COMMITTEE ON PUBLIC PROPERTY

5

- - -

6

Room 400, City Hall
Philadelphia, Pennsylvania
Thursday, November 20, 1997
1:30 p.m.

8

- - -

9 BILL 970650 - Authorizing the Commissioner of Public
Property to accept from the School District of
10 the City of Philadelphia fee simple title to
certain real property and any improvements
11 thereon located at Lehigh and Chalmers Avenues a
portion of which shall be leased to PAID for
12 further sublease to Allegheny University of the
Health Sciences.

13

- - -

14

PRESENT:

15

COUNCILWOMAN AUGUSTA A. CLARK, Chair
16 COUNCILWOMAN JANNIE L. BLACKWELL,
Vice Chair

17

18

COUNCILMAN JAMES F. KENNEY
COUNCILWOMAN JOAN L. KRAJEWSKI
COUNCILWOMAN DONNA REED MILLER
19 COUNCILMAN MICHAEL A. NUTTER
COUNCILMAN BRIAN J. O'NEILL
20 COUNCILMAN FRANK RIZZO

21

- - -

22

23

VINCENT VARALLO ASSOCIATES, INC.
Registered Professional Reporters
Eleven Penn Center Plaza, Suite 600
24 Philadelphia, PA 19103
(215) 561-2220

25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

I N D E X

BILL 970650	PAGE
Adam Deveney, Deputy Commissioner, Department of Public Property-----	5
Eric Iffrig, Planning & Construction Division, Department of Recreation-----	7
Dr. Glenda Donoghue, Executive Vice Provost, Allegheny University of the Health Sciences--	8
Dr. Constance Clayton, Associate Dean, Allegheny University of the Health Sciences-----	14
Ralph Wynder, Chairman, Residents' Coalition----	17
Merrie Winston, Project Manager, Allegheny Health Systems-----	25
Maryam Mahdavi, Esq., Deputy City Solicitor, City Solicitor's Office-----	26
Sharon Sorokin, Associate General Counsel, Allegheny University of the Health Sciences--	28
- - -	
Public Meeting-----	34
- - -	

1 BILL 970650

2 CHAIRWOMAN CLARK: Good afternoon,
3 ladies and gentleman. The Committee on Public
4 Property and Public Works is now in session.

5 A quorum of this committee is
6 present. To my left is Councilwoman Jannie
7 Blackwell. I am Augusta Clark, the Chair. Next is
8 Michael Nutter, and next is Frank Rizzo.

9 Would the clerk please read the bill
10 before us.

11 THE CLERK: Bill No. 970650, An
12 Ordinance authorizing the Commissioner of Public
13 Property to accept from the School District of the
14 City of Philadelphia fee simple title to certain
15 real property and any improvements thereon located
16 at Lehigh and Chalmers Avenue, a portion of which
17 shall be leased to Philadelphia Authority for
18 Industrial Development, for further sublease to
19 Allegheny University of the Health Sciences, a
20 nonprofit corporation, all for nominal consideration
21 and for use primarily as a health care services
22 facility with ancillary related uses and community
23 uses under certain terms and conditions.

24 CHAIRWOMAN CLARK: Thank you.

25 Are there persons present who wish to

1 BILL 970650

2 be heard to speak on this bill? If so, please join
3 us at the table.

4 Good afternoon.

5 CHAIRWOMAN CLARK: Please be seated,
6 introduce yourself to the record, spell your last
7 name for the benefit of the stenographer, and
8 proceed with your testimony, calling on the members
9 at the table in any order that you see fit.

10 DR. DONOGHUE: Thank you. My name
11 is Dr. Glenda Donoghue. My last name is spelled
12 D-O-N-O-G-H-U-E. I am Executive Vice Provost of
13 Allegheny University of the Health Sciences. And I
14 am here today to testify in favor of Bill No.
15 970650.

16 I am accompanied by Dr. Constance
17 Clayton, who is the Associate Dean of our School of
18 Public Health, and Mr. Ralph Wynder, the President
19 of the Residents' Coalition in the Allegheny West
20 District.

21 CHAIRWOMAN CLARK: Dr. Donoghue, may
22 I ask you to hold your testimony and let me hear
23 from the public employees, the person from -- where
24 are you from, sir?

25 MR. DEVENEY: Public Property.

1 BILL 970650

2 CHAIRWOMAN CLARK: Public Property.

3 Let me hear from you. And you are from Recreation.

4 Let me hear from them, and then I
5 will hear your testimony.

6 DR. DONOGHUE: Thank you.

7 CHAIRWOMAN CLARK: Please introduce
8 yourself to the record and spell your name for the
9 benefit of the stenographer. I apologize for not
10 recognizing you.

11 MR. ADAM DEVENEY: My name is Adam
12 Deveney. I am Deputy Commissioner of Public
13 Property, here representing Andres Perez, Jr.,
14 Commissioner of Public Property.

15 CHAIRWOMAN CLARK: Thank you.
16 Proceed with your testimony, sir.

17 MR. DEVENEY: Yes, ma'am. Before I
18 proceed with my testimony, on the third line of my
19 testimony please make the correction of, "PIDC"
20 should be changed to "PAID." That's a typographical
21 error on our behalf.

22 On behalf of the Commissioner, I come
23 before you today to offer testimony in connection
24 with Bill No. 970650, accepting fee simple title to
25 real property located at Lehigh and Chalmers Avenue,

1 BILL 970650

2 and leasing a portion of this real property to PAID,
3 who, in turn, will further sublease to Allegheny
4 University of Health Sciences for use as a health
5 care services facility.

6 Acceptance of the real property from
7 the School District:

8 Subject to City Council approval,
9 Public Property will accept approximately 12 acres
10 of real property located at Lehigh and Chalmers
11 Avenue from the School District.

12 This property would be for the use of
13 the Department of Recreation, which plans to make
14 certain improvements at the site.

15 A smaller portion of this property,
16 approximately 2.4 acres, will be leased to PAID, who
17 in turn will sublease it to Allegheny University of
18 Health Sciences for nominal consideration.

19 The Commissioner of Public Property
20 supports this bill, so long as the environmental due
21 diligence performed regarding the site and the Phase
22 One and Phase Two environmental studies are
23 completely satisfactory to the Commissioner of
24 Public Property and in compliance with the city's
25 Property Acquisition Guidelines.

1 BILL 970650

2 If there are unsatisfactory
3 environmental conditions at the proposed site which
4 require remediation, the Commissioner of Public
5 Property will only accept the property if the
6 interested parties to the transaction are able to
7 remediate the environmental conditions.

8 Otherwise, the Commissioner of Public
9 Property would like to have the option to reject the
10 property.

11 The exact size and metes and bounds
12 description of the retained property, and that
13 portion leased to Allegheny University of the Health
14 Sciences, shall be determined by an official survey,
15 which will be subject to the approval of the
16 Commissioner.

17 Thank you.

18 CHAIRWOMAN CLARK: Thank you, sir.

19 Recreation.

20 MR. ERIC IFFRIG: My name is Eric
21 Iffrig, Philadelphia Recreation Department. I am
22 with the Planning and Construction Division. And I
23 am here to give testimony on this bill on behalf of
24 the Commissioner of Recreation.

25 This Ordinance will enable the

1 BILL 970650

2 department to provide recreational opportunities for
3 the community. The site has been the subject of
4 city and department proposals for recreation
5 development for almost 20 years.

6 The current proposal is providing
7 approved athletic field facilities and a passive
8 park area.

9 The Recreation Department supports
10 the provisions of Bill No. 970650 that will enable
11 the above recreation improvements subject to final
12 negotiation of maintenance and use terms.

13 CHAIRWOMAN CLARK: Thank you.

14 We will take the rest of the
15 testimony, if there are any questions.

16 COUNCILWOMAN BLACKWELL: One
17 question.

18 What is passive park area?

19 MR. IFFRIG: That would be benches,
20 picnic table, tree plantings, and a picnic shelter.

21 CHAIRWOMAN CLARK: Yes, Dr.
22 Donoghue.

23 DR. GLENDA DONOGHUE: Thanks, Madam
24 Chair. I would like to introduce a couple of other
25 people that are with me today.

1 BILL 970650

2 In addition to Dr. Clayton and
3 Mr. Wynder, we have with us Miss Merrie Winston, who
4 is the Project Director for Allegheny University's
5 project on this site. She is sitting right here.

6 We also have with us John Chrestay,
7 Allegheny's Vice-President for Government
8 Relations. And Sharon Sorokin, Allegheny's
9 Associate General Counsel who handles our real
10 estate matters. And they are sitting in the second
11 row.

12 As you have already heard, Bill No.
13 970650 authorizes the city to accept title from the
14 School District to certain property located at 29th
15 and Chalmers and Lehigh Avenues, and to lease
16 approximately 2.44 acres of the site to Allegheny
17 University of the Health Sciences.

18 In August 1996, following many months
19 of discussion with community leadership, the
20 university received a grant from the Health Services
21 and Resources Administration, which I will refer to
22 in the future as HRSA.

23 A portion of those dollars are to be
24 used to construct a health center for underserved
25 women and their families in North Philadelphia's

1 BILL 970650

2 Allegheny West community.

3 The community itself encompasses some
4 8,000 individuals, of whom 90 percent are
5 African-American and 33 percent live in poverty.

6 17 percent of the construction costs
7 for the center will be funded through the federal
8 HRSA grant. And the university will only pay the
9 remaining 30 percent of the construction costs.

10 The university will be responsible
11 for the ongoing costs of operation of the center.

12 At this point in time the overall
13 project construction, along with furnishing and
14 equipping costs, is estimated to be a little over \$2
15 million.

16 Allegheny University of the Health
17 Sciences is delighted to be able to provide health
18 care services to this community and feels that the
19 development of the center is an important part of
20 the university's mission to serve the public.

21 Women and their families will be
22 provided necessary health care at this center,
23 regardless of their ability to pay.

24 Allegheny University considers this
25 commitment to be an essential component of its

1 BILL 970650

2 community outreach strategy.

3 And the HRSA funding also carries an
4 obligation to provide free care to eligible
5 individuals, to the extent of 3 percent of the
6 annual operating budget.

7 The Community Advisory Committee,
8 which is a conjoint Committee of the university and
9 community organizations such as the Residents'
10 Coalition, church leaders, school principals,
11 business groups, and individual residents, has
12 developed a plan for a one-story, 11,000-square-foot
13 building.

14 This building will house clinical
15 services consisting of a multi-specialty primary
16 care practice, with family practitioners,
17 internists, pediatricians, and mental health
18 providers.

19 And it also includes space to
20 accommodate offices and meeting space for community
21 organizations.

22 Dr. Clayton will shortly describe the
23 proposed building in more detail.

24 HRSA officials have approved this
25 site as the location for the health center, and have

1 BILL 970650

2 also approved the general design of the building.

3 However, they will not release the
4 grant funds for the completion of construction
5 drawings and for the construction itself until the
6 university has a lease for the property of at least
7 25 years.

8 I offer as an amendment to the bill a
9 copy of the lease from the City to Philadelphia
10 Authority for Industrial Development, and the
11 sublease from Philadelphia Authority for Industrial
12 Development to Allegheny University of the Health
13 Sciences.

14 The form of lease and sublease should
15 be attached to the bills as exhibits as provided for
16 in the bill itself.

17 The lease is to Philadelphia
18 Authority for Industrial Development, which is often
19 referred to as PAID.

20 Because of HRSA's requirement for a
21 25-year lease, it is our understanding that the city
22 is not able to enter into a 25-year lease without
23 reserving the right to terminate it at any time
24 after four years, which would not satisfy the grant
25 requirements.

1 BILL 970650

2 Therefore, the bill provides that the
3 property be leased to PAID, which is exempt from
4 that restriction, and PAID will sublease the
5 property to the university.

6 In addition to the 25-year term, the
7 other important provisions of the lease and sublease
8 are that the rent is nominal, I believe \$1; the
9 construction costs of the health care facility will
10 be paid for by the university and the grant funds;
11 and the use of the property by the university is
12 limited to health care and the use by the community
13 groups.

14 Due to the time constraints placed
15 upon us by the grant funding, it is important that
16 this project be commenced as soon as possible.

17 Therefore, I respectfully request
18 that the rules be suspended to allow the committee
19 report and the first reading of the bill to occur on
20 December 4, with the second reading and final
21 passage on December 11, 1997.

22 I respectfully ask for your support
23 of this bill which, if passed, will enable an
24 important public service project.

25 I would also like to take time to

1 BILL 970650

2 thank Councilman Nutter for his support of this
3 project during the past year, as well as the
4 Philadelphia Authority for Industrial Development
5 for its willingness to be involved in the
6 transaction. And, of course, the School District of
7 Philadelphia for providing the property to the
8 city.

9 Dr. Clayton and Mr. Wynder would also
10 like to provide testimony on the bill. And I will
11 be happy to answer any questions regarding the
12 project at the conclusion of their testimony.

13 Dr. Clayton.

14 CHAIRWOMAN CLARK: Thank you.

15 Dr. Clayton, just before you speak,
16 let the record reflect that we have been joined at
17 the table by Councilwoman Donna Miller and by
18 Councilman Brian O'Neill.

19 Thank you. Please proceed.

20 DR. CONSTANCE CLAYTON: Thank you
21 very much.

22 Good afternoon, Councilwoman Clark
23 and members of the Committee. My name is Constance
24 Clayton, Associate Dean for Community Partnerships,
25 Allegheny University of the Health Sciences, School

1 BILL 970650

2 of Public Health.

3 I am also along with Mr. Ralph
4 Wynder, the co-chair of the Community Advisory
5 Committee.

6 As Dr. Donoghue testified, the
7 committee is a conjoint committee of the university
8 and community organizations. It also has
9 subcommittees which are attended by various
10 university faculty members, clinicians, and
11 community residents.

12 For the past year I have been working
13 with this committee to develop the Health Care
14 Center Project, which is the project subject to Bill
15 No. 970650. And I am delighted to be here today
16 testifying in support of this noteworthy project.

17 The center, which has had input on
18 its design for the community, will be constructed
19 around a courtyard designed as an educational play
20 area which will be available for community
21 purposes.

22 As a convenience to the patients of
23 the center, pursuant to residents' request, a small
24 pharmacy will also be on the premises.

25 In concert with community residents,

1 BILL 970650

2 the Clinical Services Subcommittee has planned for
3 the following space utilization: 3 offices, a
4 40-person meeting space, waiting/reception area,
5 nurse stations, labs, exam/consultation rooms,
6 prescription site, pharmacy, children's educational
7 play area, other rooms that will accommodate a
8 minimum of 15 persons.

9 In regard to design, the following
10 design suggestions are planned: To have trees and
11 plants, commissioning small murals from public
12 school students, revolving art work by public school
13 students.

14 Other dimensions include literary
15 works and photographs of composers, medical persons,
16 and authors, famous and not so famous.

17 At the explicit request of the
18 Community Advisory Board, Allegheny has committed to
19 the ongoing provision of six scholarships for
20 graduating high school students and/or adults
21 seeking a second career or opportunity to acquire an
22 undergraduate degree in a health profession.

23 A community resident Chairs the
24 subcommittee to implement the preliminary process of
25 recruitment and selection prior to receipt by the

1 BILL 970650

2 Admissions Office.

3 I am delighted to be able to support
4 this project, including its educational outreach
5 components, and respectfully urge your support of
6 Bill No. 970650.

7 Thank you very much.

8 CHAIRWOMAN CLARK: Mr. Wynder.

9 MR. RALPH WYNDER: Chairwoman Clark,
10 Councilmen O'Neill, Rizzo, Nutter, Blackwell,
11 Miller.

12 Today I come as a representative of
13 the community in which the Allegheny Hospital has an
14 interest in building its health care facility.

15 I am the 38th Ward leader, as well as
16 the Chairperson of the Residents' Coalition, as well
17 as the Co-Chairperson of the Advisory Board.

18 Our organization has sponsored five
19 community meetings and numerous Advisory Board
20 meetings in a sincere effort to involve residents of
21 this organization and of this community in the
22 process of gaining maximum health and civic benefits
23 through this facility.

24 The Residents' Coalition is an
25 umbrella organization that consists of several city

1 BILL 970650

2 associations, churches, schools, and block groups
3 which are throughout the Allegheny West area.

4 We have a long-standing history and
5 struggle to have this land being requested for
6 transfer. And have a history of not only struggling
7 to save this land, but to have it utilized in a
8 maximum way for community endeavors.

9 We have studied Allegheny
10 University's proposal for women and children, and we
11 have considered it to be -- and we have offered
12 constructive criticisms and suggestions to make this
13 program culturally sensitive and receptive to the
14 needs of area residents.

15 In consideration of the interest of
16 Allegheny University and the Residents' Coalition,
17 we have formed a partnership in which the community
18 will be co-owners of this project.

19 The community will get benefits of
20 employment, job training, scholarships, use of
21 resources, office and meeting space, as well as an
22 improved holistic health care education and security
23 program.

24 Given these benefits, the transfer
25 and use of this land is viewed as constructive, as a

1 BILL 970650

2 constructive step forward for our community.

3 Therefore, we support the subleasing
4 of the land to Allegheny University for the purpose
5 of constructing a health care facility.

6 CHAIRWOMAN CLARK: Thank you.

7 The Chair recognizes Councilman
8 Nutter.

9 COUNCILMAN NUTTER: Thank you, Madam
10 Chair.

11 Very briefly, first I want to thank
12 all of the parties who have been involved in this
13 transaction.

14 First, as Mr. Wynder indicated, there
15 is a long history to this site, which certainly
16 predates my service here in the Council. But,
17 working together, we have been able to bring the
18 project this far.

19 Secondly, Eric Iffrig and the
20 Commissioner of Recreation, Mike DeBernardinis, have
21 been extremely helpful in this process, as well.

22 And certain, lastly, we didn't start
23 out with this concept involving Allegheny
24 University, but it came about. And the parties have
25 worked together to try to make something happen.

1 BILL 970650

2 It is also significant today that we
3 further enable ourselves to show to the federal
4 financing agency that the project continues on track
5 and is moving forward. And we certainly will keep
6 their support, as well.

7 Lastly, Madam Chair, it does occur to
8 me that the School District has certainly agreed --
9 or wouldn't be here today -- has certainly agreed to
10 transfer the site. And their action actually took
11 place during City Council's summer legislative
12 recess.

13 But I wanted to add to the record
14 that, by way of Board resolution, the School
15 District of the City of Philadelphia, on August 21,
16 did pass a resolution committing themselves to
17 authorizing the transfer of this property to the
18 City of Philadelphia.

19 And I wanted it in the record that
20 they had already taken their action, because they
21 are certainly aware of all these activities.

22 Lastly --

23 CHAIRWOMAN CLARK: Do you have the
24 text of that resolution?

25 COUNCILMAN NUTTER: Yes, I do, Madam

1 BILL 970650

2 Chair.

3 CHAIRWOMAN CLARK: Would you just
4 read it for the record.

5 COUNCILMAN NUTTER: Sure. It is
6 dated August 21, 1997, "Resolve that the School
7 District of Philadelphia is authorized to convey to
8 the City of Philadelphia fee simple title to an
9 approximately 2.44 acre site located at Chalmers and
10 Lehigh Avenues, near 29th Street, for \$1
11 consideration."

12 The second resolution, Madam Chair,
13 is also dated August 21, 1997, "Resolve that the
14 School District of Philadelphia is authorized to
15 convey to the City of Philadelphia (The City) fee
16 simple determinable title to approximately 9.38
17 acres of ground located along 29th Street, near
18 Chalmers Avenue (The Property) for the consideration
19 of \$1, subject to the following terms and
20 conditions."

21 And then there is a list of various
22 terms and conditions which are part of, actually,
23 the Council bill. So those terms and conditions are
24 already a matter of the public record.

25 Lastly, Paul Deegan from PIDC has

1 BILL 970650

2 been extremely helpful in this project.

3 No, Paul, you don't need to testify.

4 It is a knee-jerk reaction. Hear your name, come to
5 the table.

6 And, lastly, the City Solicitor's
7 Office has really played an essential role to this
8 entire project.

9 The lease and sublease agreements
10 that were worked out, I understand, a long time ago,
11 as long ago as 12:15 this afternoon, that work was
12 done by Maryam Mahdavi, who deserves a great amount
13 of credit, in working with Sharon Sorokin from
14 Allegheny University, to come to an agreement.

15 So, Madam Chair, in the public
16 meeting I will be putting forth some technical
17 amendments, as well as the lease and sublease, which
18 are Attachments B and C to the Ordinance.

19 CHAIRWOMAN CLARK: Great.

20 Are there any comments by other
21 members of the committee? Are there questions?

22 Councilwoman Blackwell.

23 COUNCILWOMAN BLACKWELL: Thank you,
24 Madam Chair. Certainly I would like to greet all
25 who are here, certainly Dr. Clayton especially and

1 BILL 970650

2 Mr. Wynder.

3 And just mention that we have another
4 issue relative to transferring a School District
5 property to the city that we have been held up on
6 since Dr. Clayton left.

7 It began under her administration, a
8 block from my home. And we were finally told that
9 the District could not transfer it nominally because
10 they need books, so they still had to charge a fee,
11 after going through two years of community meetings,
12 and agreeing to invest in lights for the community,
13 making the proviso for Town Watch space, community
14 tutoring space for children, and all of that.

15 So I just note that for the record.
16 So that those who need to read the transcript of
17 this realize that certainly we know the difference.

18 And we know that the School Board
19 does transfer property for community ventures, and
20 certainly that we resent the fact that, in our own
21 neighborhood, they did not see fit to do so.

22 Thank you, Madam Chair.

23 CHAIRWOMAN CLARK: Thank you. Let me
24 offer you this transcript as an example of what can
25 be done.

1 BILL 970650

2 COUNCILWOMAN BLACKWELL: That's
3 right.

4 CHAIRWOMAN CLARK: Are there other
5 comments and questions by members?

6 Councilwoman Donna Miller.

7 COUNCILWOMAN MILLER: I would just
8 like to comment and commend the community in
9 Allegheny for coming together with this
10 partnership. And it will serve both needs. I am
11 just a little confused.

12 I know it is the lot as you drive up
13 29th Street, on the left-hand side, if you are going
14 north. Because I go that way home sometimes.

15 You are going to build a health
16 center and a recreation center?

17 MR. WYNDER: Actually, the land where
18 the facility will be built is not on 29th Street,
19 when you turn left into the lot.

20 You turn left to Lehigh, and then you
21 turn right. And then there is a concrete area.

22 Not the grassy area that you see when
23 you are driving north on 29th Street, but it is a
24 large concrete area which, essentially, is serving
25 no real useful purpose at this time.

1 BILL 970650

2 But the recreation facility will be
3 built on the area that you are talking about, and
4 that's in process already.

5 COUNCILWOMAN MILLER: Okay.

6 CHAIRWOMAN CLARK: Does this map help
7 in any way?

8 DR. DONOGHUE: That one doesn't, but
9 we do have a diagram.

10 CHAIRWOMAN CLARK: Would you be good
11 enough to bring it and have someone explain it to
12 the Committee.

13 Just for our record, would you tell
14 us your name again for the stenographer.

15 MS. MERRIE WINSTON: My name is
16 Merrie, M-E-R-R-I-E, Winston, and I am Project
17 Manager with Allegheny Health Systems.

18 CHAIRWOMAN CLARK: All right.

19 The record will show she is showing
20 us pretty pictures.

21 MS. WINSTON: As you can see, this is
22 Lehigh Avenue and this is Chalmers Street here.

23 CHAIRWOMAN CLARK: Come closer.

24 (Ms. Winston briefs Council Committee
25 members.)

1 BILL 970650

2 CHAIRWOMAN CLARK: Thank you. Would
3 the record reflect that after a brief description of
4 the plans, the committee now purports to understand
5 it. And we are all smiles and nodded knowingly.

6 Okay. Let me ask a question with
7 respect to the testimony that was given by Public
8 Property.

9 Please describe any environmental
10 liability and/or hazards associated with the subject
11 premises, what remediation plans have been proposed,
12 and who will pay.

13 COUNCILWOMAN BLACKWELL: Madam Chair,
14 before he begins, let me say I do have to leave.
15 But I would like to be recorded as voting yes on any
16 amendments and certainly on the suspension and the
17 bill.

18 CHAIRWOMAN CLARK: Thank you. Thank
19 you for coming.

20 Yes, we are ready.

21 MARYAM MAHDAVI, ESQ.: Good
22 afternoon. My name is Maryam Mahdavi, Deputy City
23 Solicitor in the City Solicitor's Office.

24 CHAIRWOMAN CLARK: Thank you.

25 MS. MAHDAVI: With respect to the

1 BILL 970650

2 environmental conditions, it is somewhat unknown
3 right now. We know there is some contamination. We
4 don't know the level or extent of it.

5 And that's why we are insisting upon
6 compliance with the city's Acquisition Guideline, as
7 well as making sure that a Phase One and a Phase Two
8 are completed, and to ascertain exactly what needs
9 to be done to make sure that the property is safe
10 before we accept it.

11 CHAIRWOMAN CLARK: Now, you are the
12 lawyer from the City Solicitor's Office?

13 MS. MAHDAVI: Yes.

14 CHAIRWOMAN CLARK: What kind of
15 transfer is this? Is it conditional?

16 MS. MAHDAVI: The transfer of
17 property from the School District to us?

18 CHAIRWOMAN CLARK: Right.

19 MS. MAHDAVI: It is only
20 conditional -- there is conditional language in that
21 transfer.

22 And the only condition will be that
23 if we stop using it for public or recreation
24 purposes, then it can revert back to the School
25 District.

1 BILL 970650

2 CHAIRWOMAN CLARK: Right. But I am
3 at the condition of, if it is environmentally
4 acceptable.

5 Does that give you a condition that
6 will cloud your title? That's all I am asking.

7 MS. MAHDAVI: It will.

8 CHAIRWOMAN CLARK: Wait a minute.
9 Somebody wants to help you. Come up.
10 I want to be very sure that we give
11 you the title that you are asking for. And I also
12 want to be very sure that we don't weave in a
13 condition that will put a cloud on your title.
14 That's all I am trying to do here.

15 MS. SHARON SOROKIN: Thank you. My
16 name is Sharon Sorokin. I am Associate General
17 Counsel with Allegheny.

18 Maryam and I have worked together to
19 work out the lease and the language in the
20 Ordinance.

21 What it provides right now is to
22 authorize, but not require, the city to accept title
23 of the property from the School District.

24 Once the city has determined that it
25 is satisfied with the condition of the property, and

1 BILL 970650

2 the parties have agreed that everyone is comfortable
3 with the condition of the property, and appropriate
4 arrangements have been made so that the property can
5 be legally used, then the city will accept title
6 from the School District.

7 It is not required to accept the
8 title if it finds that the property has a
9 contamination that cannot be effectively dealt
10 with.

11 CHAIRWOMAN CLARK: Will you hold the
12 city harmless in writing?

13 MS. SOROKIN: Yes. We have included
14 indemnifications which have been extensively
15 negotiated with the City Solicitor's Office and the
16 City's Risk Management Department.

17 CHAIRWOMAN CLARK: So we are held
18 harmless?

19 MS. SOROKIN: Yes, you are.

20 COUNCILMAN NUTTER: Madam Chair, if I
21 can also add, on Page 3 of the bill -- and without
22 getting into the amendments -- but there is an
23 amendment to a section that was already trying to
24 anticipate your important question.

25 On Page 3, small Roman Numeral 6.

1 BILL 970650

2 CHAIRWOMAN CLARK: In that
3 paragraph?

4 COUNCILMAN NUTTER: In that
5 paragraph.

6 CHAIRWOMAN CLARK: Very near the top
7 of the page.

8 COUNCILMAN NUTTER: Exactly.

9 The Commissioner -- and they are
10 referring to the Public Property Commissioner --
11 first has to be in compliance with the Property
12 Acquisition Guidelines, which is a city policy out
13 of the Managing Director's Office, on how the city
14 accepts any property from anyone.

15 The Commissioner not only has to
16 comply with that, but also has to be satisfied with
17 the results of a -- this is amendment language --
18 has to be satisfied with the results of a Phase One
19 and Phase Two environmental assessment, meeting all
20 applicable and professional standards, and with the
21 sole discretion of the Commissioner to undertake the
22 remediation of any unsatisfactory environmental
23 conditions or the option to reject or accept the
24 property from the School District.

25 I believe that that language, in

1 BILL 970650

2 addition to any other lease language, puts the city
3 in a position that if we find that we, for lack of
4 better terms, if we just cannot deal with this
5 property, we will ultimately reject it.

6 MS. SOROKIN: That's right.

7 CHAIRWOMAN CLARK: And not own it,
8 and not have any liability as to it.

9 MS. SOROKIN: That's exactly right.

10 CHAIRWOMAN CLARK: Fine.

11 One minute, please. Councilman Frank
12 Rizzo wishes to be heard.

13 COUNCILMAN RIZZO: I just want to
14 make sure that I understood what I heard.

15 There won't be one child playing in
16 that proposed rec area until we are absolutely
17 certain that there is no environmental problem at
18 that site; is that correct?

19 MS. MAHDAVI: That's correct. We
20 won't take the site unless we can remedy all
21 environmental conditions.

22 COUNCILMAN RIZZO: There will be zero
23 activity there, when it comes to public activity,
24 until all those determinations have been made?

25 MS. MAHDAVI: That's correct.

1 BILL 970650

2 COUNCILMAN RIZZO: Thank you.

3 CHAIRWOMAN CLARK: Well, actually,
4 there will be no authorized use. I mean, you want
5 to be careful that you don't speak to what
6 trespassers do.

7 COUNCILMAN NUTTER: Right.

8 Because, I mean, I had a little
9 concern about that part of the Q and A.

10 We need to recognize the fact that
11 this site is not enclosed behind a 20-foot-high wall
12 with barbed wire on it. It is an open site.

13 Anyone can go on the site right now,
14 child, middle-aged, senior citizen person. So, I
15 mean, let us be very clear that anybody can walk on
16 that site right now, whether it is in our hands or
17 in the School District's hands.

18 CHAIRWOMAN CLARK: I think that is
19 clear.

20 Are there other questions with
21 respect to any of the testimony that we have heard?

22 There being none, I will entertain a
23 motion.

24 COUNCILMAN NUTTER: Madam Chair, I
25 move that we adjourn the Public Hearing and move

1 BILL 970650

2 into a Public Meeting.

3 (Duly seconded.)

4 CHAIRWOMAN CLARK: All in favor.

5 This meeting has been adjourned.

6 (Public Hearing adjourned.)

7 - - -

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1
2
3 COUNCIL OF THE CITY OF PHILADELPHIA
4 PUBLIC MEETING
5 of the
6 COMMITTEE ON PUBLIC PROPERTY
7 - - -
8 Thursday, November 20, 1997
9 - - -
10 Public Meeting conducted by the Committee
11 on Public Property, held in Room 400, City Hall,
12 Philadelphia, Pennsylvania, on the above date, to
13 consider action on the following:
14 BILL 970650
15 - - -
16 PRESENT:
17 COUNCILWOMAN AUGUSTA A. CLARK, Chair
18 COUNCILMAN JAMES F. KENNEY
19 COUNCILWOMAN JOAN L. KRAJEWSKI
20 COUNCILWOMAN DONNA REED MILLER
21 COUNCILMAN MICHAEL A. NUTTER
22 COUNCILMAN BRIAN J. O'NEILL
23 COUNCILMAN FRANK RIZZO
24
25

1 PUBLIC MEETING

2 CHAIRWOMAN CLARK: Now we are in
3 Public Meeting.

4 Mr. Nutter, do you wish to be heard
5 for the purpose of introducing amendments?

6 COUNCILMAN NUTTER: Yes, Madam
7 Chair.

8 There are two substantive amendments
9 and various technical amendments based on the recent
10 negotiations.

11 First, as was referred to in the
12 testimony, there are now a lease and sublease
13 agreement that are referred to as Exhibits B and C
14 in Section 2 of the bill on Page 3 of the pink
15 copy.

16 I would move that those now-agreed-to
17 lease and sublease agreements be accepted as
18 Exhibits B and C. And they will subsequently be
19 attached to the bill. That's the first.

20 Secondly, on the technical side, on
21 Page 2 -- I will read this, on Page 2 -- the iii.
22 And I will just read into the record what the
23 amended language is and how the section should
24 read.

25 Page 2, iii, The condition imposed by

1 PUBLIC MEETING

2 the School District that so long as the City, its
3 successors and assignees use the property and any
4 improvements constructed thereon for public or
5 recreation purposes; and when the City, its
6 successors and assignees, cease to use the property
7 for said purposes for a continuous period of one
8 year, title to the property will automatically
9 revert to and vest in the School District, without
10 any necessity for suit or reentry by the School
11 District, its successors or assignees, discharged of
12 any lien, judgment, right, title, or interest of the
13 title of any lessee or any third party, but without
14 any obligation on the City to restore the property,
15 provided, however, that this condition and reverter
16 shall not apply to that portion of the property
17 which constitutes the "Leased Property" as defined
18 in Section 2 of this Ordinance (The property less
19 the leased property being hereinafter referred to as
20 the "City Retained Property").

21 The second amendment, technical
22 amendment, is on Page 3, small Roman Numeral 6.
23 That should read, or is being amended to read, The
24 Commissioner, complying with the Property
25 Acquisition Guidelines, and being satisfied with the

1 PUBLIC MEETING

2 results of Phase One and Phase Two environmental
3 assessments, meeting all applicable and professional
4 standards, and with the sole discretion of the
5 Commissioner to undertake the remediation of any
6 unsatisfactory environmental conditions, or the
7 option to reject or accept the property from the
8 School District.

9 Those are the amendments, Madam
10 Chair. And I would move that Bill 970650 be amended
11 as the amendments were read into the record.

12 (Duly seconded.)

13 CHAIRWOMAN CLARK: It has been
14 properly moved and seconded that Bill No. 970650 be
15 amended, consistent with those which were just read
16 and distributed to the members of the committee.

17 All in favor say aye.

18 Opposed is nay.

19 Bill No. 970650 has been amended.

20 I now recognize you, Mr. Nutter, for
21 a motion to pass the whole bill.

22 COUNCILMAN NUTTER: Madam Chair, I
23 move that Bill 970650, as amended, be reported out
24 of this committee with a favorable recommendation
25 and a further recommendation that the Rules of

1 PUBLIC MEETING

2 Council be suspended so as to permit first reading
3 at our next session.

4 (Duly seconded.)

5 CHAIRWOMAN CLARK: All in favor.

6 Opposed.

7 Bill No. 970650 as amended has been
8 reported out of this Committee with a favorable
9 recommendation, and with the recommendation that the
10 Rules of Council be suspended so as to permit first
11 reading at the next Stated session of Council.

12 All in favor say aye.

13 Opposed.

14 Let me ask this: Are there persons
15 in this room who wish to be heard to speak in favor
16 or against this bill?

17 Seeing none -- that is none, isn't
18 it? -- this Committee is now adjourned.

19 Thank you.

20 (Public Meeting adjourned at 2:05
21 p.m.)

22 - - -

23

24

25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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, November 20, 1997, were
reported fully and accurately by me, and that this
is a correct transcript of same.

RE: COMMITTEE ON PUBLIC PROPERTY

DEBRA A. WHITEHEAD, RPR