

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

Via Microsoft Teams
Philadelphia, Pennsylvania
Thursday June 11, 2020
2:35 p.m.

PRESENT:

COUNCILMAN MARK SQUILLA, CHAIR
COUNCILWOMAN KENDRA BROOKS
COUNCILMAN ALLAN DOMB
COUNCILWOMAN JAMIE GAUTHIER
COUNCILWOMAN KATHERINE GILMORE RICHARDSON
COUNCILMAN DEREK S. GREEN
COUNCILMAN KENYATTA JOHNSON
COUNCILMAN CURTIS JONES, JR.
COUNCILMAN DAVID OH
COUNCILWOMAN CHERELLE L. PARKER

BILLS 200293 and 200344

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2 COUNCILMAN SQUILLA: Thank you
3 all. Today, June 11th, this is the
4 Committee on Commerce and Economic
5 Development.

6 I understand that the state law
7 currently requires that the following
8 announcement be made at the beginning of
9 every remote public hearing as follows:

10 Due to the current public
11 health emergency, City Council committees
12 are currently meeting remotely. We are
13 using Microsoft Teams to make these
14 remote hearings possible. Instructions
15 for how the public may view and offer
16 public testimony at the public hearings
17 of Council committees are included in the
18 public hearing notices that are published
19 in the Daily News, Inquirer, and Legal
20 Intelligencer prior to the hearing, and
21 can also be found on PHLCouncil.com.

22 I now note that the hour has
23 come. Mr. McMonagle, will you please
24 call the roll to take attendance.
25 Members that are in attendance will

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2 please indicate you are here present when
3 your name is called. Also, please say a
4 few words responding so that your image
5 will appear and be displayed on the
6 screen when you speak.

7 Mr. McMonagle.

8 THE CLERK: Councilman Squilla.

9 COUNCILMAN SQUILLA: Here.

10 THE CLERK: Councilmember Domb.

11 COUNCILMAN DOMB: Present.

12 THE CLERK: Councilwoman

13 Katherine Gilmore Richardson.

14 COUNCILWOMAN RICHARDSON:

15 Present.

16 THE CLERK: Councilwoman Jamie

17 Gauthier.

18 COUNCILWOMAN GAUTHIER:

19 Present. Good afternoon, everybody.

20 Happy to be here today.

21 THE CLERK: Councilman Kenyatta

22 Johnson.

23 COUNCILMAN JOHNSON: Present.

24 THE CLERK: Councilman Curtis

25 Jones.

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2 COUNCILMAN JONES: Present and
3 accounted for.

4 THE CLERK: Councilwoman Kendra
5 Brooks.

6 COUNCILWOMAN BROOKS: I'm
7 present.

8 THE CLERK: Councilman Derek
9 Green.

10 (No response.)

11 THE CLERK: Councilman David
12 Oh.

13 COUNCILMAN OH: Present. Happy
14 to be with the heavy hitters.

15 THE CLERK: Councilman Derek
16 Green again. I know he signed on.

17 (No response.)

18 THE CLERK: Councilwoman
19 Cherelle Parker.

20 COUNCILWOMAN PARKER: I'm
21 sorry. I was still on mute. Thanks,
22 Councilman Jones.

23 Present.

24 THE CLERK: Councilman Derek
25 Green.

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2 (No response.)

3 COUNCILMAN SQUILLA: Thank you,
4 Sean.

5 A quorum of the Committee is
6 present and this hearing is now called to
7 order. This is a public hearing of the
8 Committee of Commerce and Economic
9 Development regarding Bills No. 200293
10 and 200344. That's 200293 and 200344.

11 Mr. McMonagle, will you please
12 read the title of the bills.

13 THE CLERK: Bill No. 200293, an
14 ordinance amending Chapter 17-1400 of The
15 Philadelphia Code, entitled
16 "Non-Competitively Bid Contracts;
17 Financial Assistance," by making
18 revisions, including but not limited to,
19 the exception for emergency contracting;
20 all under certain terms and conditions;
21 and

22 Bill No. 200344, an ordinance
23 amending Title 9 of The Philadelphia Code
24 to create a new Chapter 9-5000, entitled
25 "Food Delivery Services," to regulate

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2 third-party food delivery services,
3 require certain disclosures to consumers,
4 and provide for a limitation on certain
5 fees charged to consumers; all under
6 certain terms and conditions.

7 COUNCILMAN SQUILLA: Thank you,
8 Mr. McMonagle.

9 Before we begin hearing the
10 testimony from the witnesses we have for
11 today, everyone who has been invited to
12 the meeting to testify should be aware
13 that the public hearing is being
14 recorded. Because the hearing is public,
15 participants and viewers have no
16 reasonable expectation of privacy. By
17 continuing to be in this meeting, you are
18 consenting to being recorded.

19 Additionally, prior to
20 recognizing members with questions or
21 comments they have for the witness, I
22 will note for the record at this time we
23 will use the Chat feature available in
24 Microsoft Teams to allow members to
25 signify that they wish to be recognized.

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2 In order to comply with the Sunshine Act,
3 the Chat feature must only be used for
4 this purpose.

5 Before we go into testimony,
6 I'd like to recognize Councilmember
7 Parker for comments.

8 COUNCILWOMAN PARKER: Thank
9 you, Chairman Squilla and all members of
10 the Commerce and Economic Development
11 Committee. I also want to thank
12 Councilmembers Squilla, Domb, Jones,
13 Green, and all members who supported this
14 legislation as co-sponsors.

15 Let me begin by noting that I
16 began working on delivery-related
17 legislation with several restaurant
18 owners and the Pennsylvania Restaurant
19 and Lodging Association back at the end
20 of probably the last weekend in January
21 of 2020. So our work on this issue began
22 pre-COVID. And at that time, the
23 legislation was primarily focused on
24 stopping unauthorized delivery services,
25 which is when food delivery service

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2 companies list restaurants' menus and
3 information on their websites, but
4 without their permission.

5 However, when the COVID-19
6 pandemic began and restaurants were only
7 allowed to do pick-up and delivery, it
8 became clear that these food delivery
9 services were making it even more
10 difficult for restaurants that were just
11 trying to weather this unprecedented
12 economic storm, and as you can imagine,
13 these food delivery services, acting as
14 the middleman, collect a percentage of
15 the sale.

16 The percentage of the sale
17 collected, it ranged based on the company
18 and the restaurant, but the rates
19 typically seen have been between 20 and
20 30 percent of the sale, but higher rates
21 are not uncommon.

22 Now, restaurants in the midst
23 of a severe reduction in their revenue
24 stream are relying on these delivery apps
25 to reach their customer base. However,

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2 due to such high per-order fees,
3 restaurants' ability to weather this
4 unprecedented time is actually being put
5 into jeopardy. That is why this
6 legislation is in fact essential and
7 necessary right now.

8 In addition to prohibiting
9 unauthorized delivery services, this
10 legislation being heard today also
11 requires certain disclosures to customers
12 and institutes a cap on the commission
13 fees third-party delivery services can
14 charge restaurants throughout the
15 duration of the City's public health
16 emergency and an additional 90 days after
17 the end of the emergency.

18 Now, I should mention that we
19 heard from several third-party delivery
20 services asking for amendments,
21 particularly related to the cap on the
22 commission fees. Now, for the record, we
23 originally proposed a cap of 10 percent
24 and, Mr. Chairman, that would have been
25 one of the most stringent in the country,

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2 but today I am offering a few amendments.

3 The amendments do three things, for the
4 benefit of all members of the Committee,
5 and this amendment has been circulated to
6 all members.

7 First, they acknowledge that
8 there are different types or tiers of
9 third-party delivery services. Some just
10 do marketing for restaurants because the
11 restaurants in fact have their own
12 in-house delivery service. And some do
13 both marketing and delivery for
14 restaurants. They use what we would call
15 couriers to do these deliveries.

16 And, second, the amendments
17 place different caps based on the tiers.
18 The cap will be 5 percent for those
19 third-party delivery services that just
20 do marketing, and the cap will be 15
21 percent total for those third-party
22 delivery services that do both marketing
23 and delivery. They can use 5 percent on
24 marketing and 10 percent on delivery.

25 And, third, the amendments add

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2 language prohibiting companies from
3 reducing compensation to couriers or
4 garnishing their gratuities as a result
5 of the fee caps. And I know this last
6 one in particular was of very much
7 concern to members of the Committee. I
8 know Councilwoman Gilmore Richardson and
9 Councilmember Brooks, I know you were
10 very much concerned about that, and we
11 have addressed that concern.

12 I think these amendments show
13 that we have been open to listening to
14 both sides and -- it's very frustrating,
15 Mr. Chairman, and I have to say it, we
16 make it our standard operating procedure
17 to not only work with just one party, but
18 we work with all, and I have to note that
19 for the benefit of members of the
20 Committee, because it has been
21 communicated to me in some form or
22 fashion or intimated that we have not
23 done that. And for the record, I want to
24 note that we have, and we have heard what
25 the third-party delivery services have

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2 said.

3 With this in mind,
4 Mr. Chairman, I am not surprised that
5 some of these third-party delivery
6 services are still testifying against the
7 bill today or in fact have been lobbying
8 members of the Committee to vote against
9 it. If I had accepted all of their
10 proposed amendments, it would have, in
11 essence, watered down the bill too much
12 and it would have rendered it in fact
13 almost useless. And for those of you who
14 know me, you know that's not how I
15 operate.

16 Now is the time to support our
17 locally grown small businesses, and that
18 includes our restaurants. We need to
19 ensure that they not only have the best
20 chance of surviving these challenging
21 times, but that they also have the
22 ability to thrive and move past this
23 challenge.

24 And, Councilmember Allan Domb,
25 right now a statement that you made when

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2 we were rolling out PHLTCB comes to mind
3 last year and when you talked about AI
4 and the role that technology had played
5 in moving some people out of positions
6 and that were replaced, in essence, by
7 technology, and when you got up to speak,
8 Councilman Domb, you in fact said there
9 is one industry and there is a job that
10 technology cannot be replaced, and that
11 is the job of the restaurant, the chefs,
12 the servers, and all of those who are
13 part of that restaurant industry.

14 Now, I want you to know that
15 you are going to hear some rebuttals to
16 my comments today. I want you to know
17 that I know the Pennsylvania Restaurant
18 and Lodging Association, you are prepared
19 to make your comments, but I want to say
20 for the record that commission caps will
21 hurt restaurants and couriers. That's
22 the first thing. If there are threats
23 that instituting caps will hurt
24 restaurants, particularly those in
25 minority or lower-income neighborhoods,

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2 several other cities have instituted caps
3 in recent weeks and months and the sky
4 has not fallen in. Because I saw
5 something on Fox somebody sent me today
6 that there was one particular delivery
7 service and they were sort of exempting
8 all fees for delivery services to African
9 American-owned businesses, and it was
10 interesting. I think it's a great start
11 and I hope they continue it. I just
12 thought the timing was interesting in
13 that we are going to be hearing this bill
14 today.

15 I also strongly push back on
16 any legislation that will hurt minority
17 and lower-income neighborhoods. That fee
18 is, in essence, to implicate that these
19 third-party delivery services may engage
20 in some kind of discriminatory practices,
21 and when I heard that, I said, wait a
22 minute. They should be careful because
23 it might raise even more concerns. If
24 there are threats that instituting caps
25 will hurt couriers, this is why we've

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2 also asked the Law Department to clarify
3 language that companies are prohibited
4 from reducing compensation to delivery
5 drivers or garnishing their gratuities as
6 a result of the fee cap.

7 And then they talked about
8 tying the sunset to the on-premises
9 dining concept. Now, I strongly push
10 back on this amendment, and let me tell
11 you why. Philadelphia restaurants are
12 going to move to sidewalk dining this
13 Friday, June 12th. Now, does this
14 sidewalk dining count as on-premises
15 dining? If it does, then it would, in
16 essence, render this bill moot before it
17 even passes.

18 If on-premise dining is tied to
19 in-store dining, then I still have
20 concerns with this. Why, Cherelle
21 Parker? Remember, we are still required
22 to practice social distancing, so many
23 restaurants will only be allowed to have
24 a 50 percent capacity. They are still
25 going to be struggling financially and

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2 heavily reliant on delivery. Anything
3 that we can do to help them, we should
4 do.

5 And, also, as we've heard from
6 Dr. Fauci, Dr. Levine, and our own
7 Dr. Farley, if we don't practice social
8 distancing and all of the other
9 recommendations relative to us attempting
10 to mitigate the spread of COVID-19, we
11 could, in essence, see a resurgence in
12 the fall, and either outdoor dining
13 and/or in-store dining, they could stop
14 again.

15 Now, the final thing I heard,
16 and this was very interesting, that
17 exempting credit card fees from the cap
18 would be disastrous. Now, there's a
19 company called DoorDash. I heard some
20 people say Caviar. They're going to
21 argue that credit card fees are between 3
22 percent and 4 percent and that they are
23 set by the payment processor.

24 Now, I have a seven-year-old
25 son, and they don't use dictionaries like

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2 we used to. This is a different
3 generation, and when you don't know
4 something, Langston says, well, mommy,
5 just Google it. So I did what Langston
6 would recommend, and when I did that, I
7 saw that which was communicated to me was
8 a little bit of an exaggeration. In
9 fact, credit card fees in restaurants
10 point out that they have to eat the
11 credit card processing fees, so why
12 should third-party delivery services not
13 have to do the same? And those fees that
14 I saw were between 1 percent and 3
15 percent.

16 So, Mr. Chairman, I just wanted
17 to make sure that I put all of that on
18 the record for the benefit of my
19 colleagues, and I thank you all so very
20 much for your patience in allowing me to
21 get that information on the record. I
22 look forward to the testimony.

23 Thank you.

24 (Pause.)

25 COUNCILWOMAN PARKER: Chairman

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2 Squilla, I can't hear you.

3 COUNCILMAN SQUILLA: There you
4 go.

5 I do want to say that if you're
6 not speaking, it's good to mute, because
7 somebody had some background noise during
8 that conversation, but thank you,
9 Majority Leader. I appreciate your input
10 on that bill -- on the bills.

11 And I also want to note for the
12 record that Councilmember Green is
13 present and on the call.

14 So, Mr. McMonagle, will you
15 please call the first panel of witnesses
16 we have to testify this afternoon on Bill
17 No. 200293 and 200344.

18 If you're connected and ready
19 to proceed, please state your name for
20 the record and proceed with your
21 testimony.

22 Mr. McMonagle.

23 THE CLERK: Stephanie Tipton,
24 commenting on or testifying on Bill No.
25 200293.

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2 MS. TIPTON: Thank you. Good
3 afternoon, Councilmember Squilla, Chair
4 of the Committee on Commerce and Economic
5 Development, Councilmember Domb, and the
6 other members of the Committee on
7 Commerce and Economic Development. My
8 name is Stephanie Tipton, Chief
9 Administrative Officer for the City of
10 Philadelphia. Joining me today is T.
11 David Williams, Deputy Chief
12 Administrative Officer and Director of
13 the Contracts Unit. I am here to provide
14 testimony on Bill No. 200293.

15 The Office of the Chief
16 Administrative Officer, or CAO, is
17 charged with the oversight of the City's
18 core administrative departments and
19 functions. The CAO's Contracts Units
20 oversees City and business compliance
21 with the City's non-competitively bid
22 contracting requirements, which are
23 codified in Chapter 17-1400 of The
24 Philadelphia Code.

25 One of the CAO's goals is to

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2 ensure that City services are efficient
3 and effective, inclusive and equitable,
4 transparent, and conducted with
5 integrity.

6 Bill No. 200293 amends Code
7 Section 17-1406, entitled "Sole Source
8 Contracts, Emergencies, and Other
9 Exemptions" to exempt certain
10 non-competitively bid City Council
11 contracting opportunities from Code
12 Section 17-1402(1)(a), which requires
13 posting of a notice of contract
14 opportunity, and Section 17-1402(1)(c),
15 which requires a notice of contract award
16 prior to execution of the contract, where
17 Council President certifies in writing
18 that a delay in the award of such a
19 contract would cause material threat to
20 public health or safety, except that the
21 disclosures required by Section
22 17-1402(1)(b) need not be filed until 14
23 days after the contract is executed.

24 The CAO does not object to the
25 proposed amendment, as it is consistent

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2 with the public health or safety
3 exception that currently applies to all
4 non-competitively bid contracts as
5 certified by the Director of Finance, and
6 simply moves the responsibility for
7 certification of that exemption for
8 Council contracts from the Director of
9 Finance to the Council President.

10 However, I want to make one
11 note, that implementation of the proposed
12 amendment will require additional support
13 from our third-party contractor to make
14 the programming changes necessary to our
15 internal contracting system and our
16 public-facing portal, which will result
17 in a cost increase that we had not
18 budgeted for in FY21.

19 This concludes my testimony,
20 and we are happy to answer any questions
21 from the Committee.

22 COUNCILMAN SQUILLA: Thank you
23 so much for your testimony. I do not
24 have any questions, but I know that a
25 couple Councilmembers want to be

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2 recognized.

3 Councilmember Domb.

4 COUNCILMAN DOMB: Thank you,
5 Chairman Squilla. I want to thank our
6 colleague Councilmember Parker for
7 introducing this very important
8 legislation. As we all know, many
9 restaurants unfortunately had to close
10 their doors for good due to the COVID-19
11 pandemic. I also want to thank my
12 colleagues, though, for working together
13 on a hospitality work group focused on
14 how we get this industry back on their
15 feet. We'd like to call it a smart
16 restart. We've all put a lot of thought
17 and work into actionable steps we can
18 take to get to a healthy and safe restart
19 for our economy.

20 For the restaurants that have
21 managed to stay open, and that is a
22 struggle, they're hanging on by a thread
23 right now. The fees charged by
24 third-party delivery services, some
25 reported as high as 30 percent, have been

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2 an unwarranted burden. These fees have
3 deterred customers from ordering from
4 their local restaurants, thereby
5 supporting the local businesses and jobs.

6 This legislation offered by
7 Councilmember Parker levels the playing
8 field for everyone by capping the fees on
9 the pre-tax amount. It helps keep local
10 jobs filled and the economy moving
11 forward in this very challenging time.

12 Of course there have been
13 delivery service providers offering
14 discounts and other helpful options for
15 restaurants, and I want to recognize
16 those efforts. When we can help increase
17 the number of sales for restaurants, we
18 can help employ more people and serve
19 more customers.

20 I want to thank Councilmember
21 Parker for her great work on this
22 legislation. It incorporates a lot of
23 the feedback and insight from industry
24 leaders, from the hospitality working
25 group, from conversations we had with the

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2 Chamber of Commerce restaurant owners and
3 their customers. And, again,
4 Councilmember Parker, thank you so much
5 for spearheading this bill.

6 Thank you, Mr. Chairman.

7 COUNCILMAN SQUILLA: Thank you,
8 Councilmember Domb.

9 Councilmember Gauthier.

10 COUNCILWOMAN GAUTHIER: Thank
11 you, Mr. Chair. I also wanted to take a
12 moment to commend and thank Majority
13 Leader Parker for introducing Bill No.
14 200344. The bill is modeled off of
15 measures adopted in other cities around
16 the country. It will protect restaurants
17 from unsound marketing practices, and it
18 will provide a vital boost to restaurants
19 struggling to make ends meet during this
20 pandemic.

21 I support the bill because it
22 would keep more restaurants in business,
23 contribute to more restaurants being able
24 to reopen, and allow restaurants to hire
25 and rehire more employees. And I think

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2 this bill will make a big difference to
3 small restaurants across the City,
4 including in my district.

5 I am mindful of the impact that
6 the bill will have on the revenue of
7 third-party delivery service companies.
8 However, I believe these companies are
9 able to withstand a temporary decrease in
10 revenues and will benefit in the long run
11 if restaurants are more quickly able to
12 recover from COVID-19.

13 I also understand that an
14 amendment to the bill is being offered
15 today by Majority Leader Parker that will
16 prevent delivery service companies from
17 reducing wages for drivers and couriers
18 or garnishing their tips in response to
19 the fee cap, which I think is very
20 important.

21 So thank you again, Majority
22 Leader Parker, for your leadership on
23 this bill and for your support to small
24 businesses.

25 COUNCILMAN SQUILLA: Thank you.

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2 Thank you, Councilmember.

3 Is there anybody else who has
4 any questions on Bill No. 200293 for
5 Stephanie? Speak up if you do. If
6 not --

7 COUNCILMAN JOHNSON: I have a
8 statement.

9 COUNCILMAN SQUILLA: Okay.
10 Councilmember Johnson.

11 COUNCILMAN JOHNSON: I just
12 want to say I support this bill. I want
13 to thank Majority Leader Councilwoman
14 Cherelle Parker for her hard work and her
15 dedication. I know for a fact from
16 working with her on the state level as
17 well as in City Council that she has done
18 her due diligence to make sure that this
19 is a bill that will benefit businesses
20 throughout the City of Philadelphia.

21 Thank you very much. I just
22 want to put that on the record.

23 COUNCILMAN SQUILLA: Thank you,
24 Councilmember Johnson.

25 Again, this Bill 200293 was the

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2 first bill to be testified on. Seeing no
3 other questions, Mr. McMonagle, is there
4 anybody else to testify on Bill No.
5 200293?

6 THE CLERK: I don't have anyone
7 else scheduled to testify.

8 COUNCILMAN SQUILLA: Okay.
9 Thank you.

10 Seeing nobody else to testify
11 on this bill, is there anybody testifying
12 on Councilmember Parker's Bill 200344?

13 THE CLERK: I'm sorry. Dawn
14 Summerville is testifying on 200344 for
15 the Administration.

16 COUNCILMAN SQUILLA: Dawn,
17 please state your name for the record and
18 then proceed with your testimony.

19 MS. SUMMERVILLE: Thank you.
20 Dawn Summerville.

21 Good afternoon, Chairperson
22 Squilla and members of the Committee on
23 Commerce and Economic Development. My
24 name is Dawn Summerville and I am the
25 Deputy Commerce Director for Business

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2 Development. I'm happy to be here today
3 to provide testimony in support of Bill
4 200344, which regulates third-party food
5 delivery services, requires certain
6 disclosures to consumers, and provides a
7 limitation on certain fees charged to
8 consumers.

9 Restaurants play a critical
10 role in the economy of Philadelphia and
11 help give our neighborhoods their
12 distinct character. We are a diverse and
13 vibrant city, and our restaurants, many
14 of which have earned widespread national
15 recognition, create important employment
16 opportunities for our residents and are a
17 magnet that attracts people from all over
18 our city, region, and country.

19 The cultural and economic
20 impact of Philadelphia's dining and
21 restaurant scene cannot be overstated.
22 However, since March 17th, restaurants in
23 our city have been limited to take-out
24 and delivery only in order to prevent the
25 spread of COVID-19. To say this has had

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2 a profound impact on our restaurant
3 industry would be an understatement.

4 The Commerce Department has
5 been working closely with a large and
6 diverse group of restaurateurs from
7 across the City to understand their
8 concerns and address their needs. Some
9 restaurants have expressed concerns that
10 some, though not all, delivery platforms
11 have taken advantage of the current
12 situation. Up to this point, these
13 services realize that restaurants can
14 primarily operate only through delivery
15 or take-out, putting them at a
16 competitive disadvantage.

17 We support the overall intent
18 of this legislation and applaud
19 Councilmember Parker for her leadership
20 on this issue. We'd also like to express
21 the importance of engaging stakeholders
22 on both sides of this issue, as they are
23 all part of Philadelphia's food and
24 hospitality ecosystem. We understand and
25 recognize that some of these delivery

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2 platforms pay couriers well, offering
3 important opportunities for economic
4 mobility for a number of Philadelphians.

5 Commerce remains dedicated to
6 supporting all businesses and job
7 creators throughout the City and in all
8 sectors.

9 Thank you for the opportunity
10 to testify before you today, and I'm
11 happy to answer any questions that you
12 may have at this time.

13 COUNCILMAN SQUILLA: Thank you
14 so much, Dawn. I know there was one
15 question that I missed for the previous
16 bill.

17 Councilmember Brooks, do you
18 want to ask your question?

19 COUNCILWOMAN BROOKS: Yeah.
20 Really quick. It's for Stephanie Tipton,
21 I think, was the first one. I was
22 wondering what are the changes in costs?
23 How much is that exactly?

24 (Background noise.)

25 COUNCILWOMAN BROOKS: I'm

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2 sorry.

3 MS. TIPTON: No problem.

4 I don't think it would be a
5 significant cost. Mr. Williams, who is
6 on the call, can probably speak to it
7 more specifically, but I don't think it's
8 significant. I just want to raise it
9 that it's just a cost that we'll have to
10 incur that we hadn't really budgeted for.
11 And so just in light of where we are with
12 our budget, we just have to be mindful of
13 how we're funding it; that's all.

14 COUNCILWOMAN BROOKS: All
15 right. Thank you so much.

16 Thank you so much, Majority
17 Leader Parker, for introducing these
18 bills. That was just my only question.

19 Thank you.

20 COUNCILMAN SQUILLA: Thank you,
21 Councilmember Brooks.

22 Are there any questions for
23 Dawn on her testimony?

24 (No response.)

25 COUNCILMAN SQUILLA: Seeing

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2 none, Mr. McMonagle, do you want to read
3 the names of the other people testifying.

4 THE CLERK: Recognize
5 Councilman Green. He has a question.

6 COUNCILMAN SQUILLA:
7 Councilmember Green.

8 COUNCILMAN GREEN: Thank you,
9 Mr. Chair.

10 Ms. Summerville, thank you for
11 your testimony this morning. As you have
12 been working with various restauranteurs
13 who are dealing with the COVID-19
14 pandemic, I know in past conversations
15 there's been surveys that have been done
16 for various businesses. I know
17 Councilmember Domb has put together a
18 hospitality group. Councilmember Parker
19 has talked about the work she's been
20 doing on this issue prior to COVID-19.

21 I'm curious in reference to
22 what type of conversations or information
23 you gathered from restauranteurs
24 regarding this legislation and this
25 issue.

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2 MS. SUMMERVILLE: In my
3 discussion -- thank you, Councilman, for
4 that question. In my discussions with a
5 lot of the restauranteurs, I mean, as you
6 know, restaurants as well as
7 supermarkets, they all work off of very
8 thin margins. The impact of the fees
9 that some of them have been imposed on
10 the delivery has cut into profits, and
11 profits have been very thin for them.

12 These restaurants have been
13 through a lot since the shutdown. Many
14 have had to dispose of inventory,
15 thousands and thousands of dollars. So a
16 lot of the concerns are the, not all, the
17 tactics of some of the delivery platforms
18 as far as, again, 30 percent fees,
19 contacting customers when they hadn't had
20 menus on their platforms that they didn't
21 agree to. So there's been various
22 things. And, again, I want to say it's
23 not all, but there are some bad actors
24 out there, and they have cut into the
25 profit margins for restaurants who are

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2 struggling to stay open.

3 COUNCILMAN GREEN: I'm also
4 trying to get a sense of the issue with
5 the delivery drivers in reference to the
6 restauranteurs that have -- when you say
7 cut into profits, is there a distinction
8 between those restauranteurs that have
9 their own delivery people versus those
10 who are relying on these third-party
11 entities to do the delivery for them?

12 MS. SUMMERVILLE: I would say
13 yes. So there are restaurants that have
14 their own delivery drivers. Again --
15 sorry for the background noise here where
16 I am.

17 Some of the restaurants have
18 employees who weren't feeling safe enough
19 to come back. So they were working off
20 of very minimum staff, right? So a lot
21 of the restaurant delivery fees were
22 going into the platforms for delivery
23 platforms, the charges there. There's
24 been incidents that once the delivery was
25 made or the end consumer didn't no longer

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2 want the product, that was cancelled.

3 The charge went back to the restaurant or
4 back or was taken from that delivery
5 person's income.

6 So there's been a mix of both.
7 I think the challenge, again, has really
8 been about the fees. It's been about the
9 impact that it's had on the bottom line.
10 That's where it stands at this moment.

11 COUNCILMAN GREEN: And then my
12 last question is that some of these
13 companies, third-party platforms, are
14 just focused on marketing where others do
15 marketing and delivery, and can you give
16 me a distinction between the two based on
17 the information you received from
18 restaurateurs.

19 MS. SUMMERVILLE: Some of them
20 as far as the marketing, Councilwoman
21 Parker spoke to that early when she
22 opened up her testimony. Some of the
23 marketing has come from marketing and
24 logistics, right? So there's
25 operations -- logistics and operations.

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2 Some of the marketers have also imposed a
3 fee to help broaden their platform off of
4 the backs of the restaurant. So those
5 fees have been imposed within the charge.

6 COUNCILMAN GREEN: I'm sorry.

7 One last question. So the entities, are
8 they reaching out to the restaurants
9 initially, or how does that process work?

10 MS. SUMMERVILLE: Initially
11 some have and some have not. Some of
12 them are placing their menus on their
13 platforms, and if there is a popular
14 platform, you're just going there and
15 you're assuming that there's a
16 partnership there.

17 COUNCILMAN GREEN: Right.

18 Okay.

19 MS. SUMMERVILLE: The delivery
20 is happening in that fashion. And,
21 again, not all, but some.

22 COUNCILMAN GREEN: And this
23 happens more to -- I would say this
24 happens more to the smaller
25 restaurateurs than the chains who have a

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2 larger infrastructure to make sure this
3 doesn't happen, correct?

4 MS. SUMMERVILLE: I've been
5 hearing from smaller restaurateurs
6 versus the larger chains, that's correct.

7 COUNCILMAN GREEN: Okay.

8 MS. SUMMERVILLE: And the
9 larger chains can, again, they can take
10 more of an impact than smaller
11 restaurants.

12 COUNCILMAN GREEN: Okay.

13 Thank you, Mr. Chair.

14 MS. SUMMERVILLE: Thank you.

15 COUNCILMAN SQUILLA: Thank you,
16 Councilmember.

17 Councilmember Brooks.

18 COUNCILWOMAN BROOKS: Yes. I
19 want to -- I really appreciate these
20 amendments that assure that drivers will
21 not have their wages and tips garnished
22 as a result of this commission cap, as
23 Majority Leader spoke about earlier, but
24 I was wondering how would this
25 prohibition be enforced?

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2 MS. SUMMERVILLE: I'm sorry,
3 Councilwoman. Was that --

4 COUNCILWOMAN BROOKS: Do we
5 have a way to enforce this prohibition?

6 COUNCILMAN SQUILLA: Point of
7 reference. I'm not sure if Dawn could
8 answer that question. I think that's
9 something that would be done through the
10 Administration or enforcement probably
11 through Department of Labor, through
12 Deputy Mayor Lazer, come up with
13 guidelines on how to enforce that.

14 But, Councilmember Parker, I
15 don't know if you're still on if you want
16 to address that.

17 COUNCILWOMAN PARKER: Yes, I
18 am.

19 Relative to enforcement, you're
20 absolutely right, Chairman Squilla. You
21 do know that we have been working very
22 short-staffed, Councilwoman Brooks, as
23 you know, but it would not just include
24 the Office of Labor. It would also
25 include Licenses and Inspections, because

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2 restaurants are, right, in essence, are
3 governed by guidelines also that come
4 from L&I. So it would take a mix of
5 departments, along with Commerce, right?
6 So Labor Department, Commerce Department,
7 along with the Department of L&I, and we
8 will work through the enforcement process
9 with those entities.

10 COUNCILWOMAN BROOKS: I'm just
11 trying to conceptualize it. Would L&I
12 and the Labor and Commerce also be
13 monitoring the collection of the fees and
14 penalties as well?

15 COUNCILWOMAN PARKER: Well,
16 then now when you talk about the
17 collection of the fees and penalties, we
18 also get into Revenue, right? So there
19 are multiple departments within the City
20 of Philadelphia that would have to come
21 together to each figure out their lane
22 and role in the enforcement process, and
23 we will have to work through that upon
24 the passage of this legislation through
25 Council.

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2 COUNCILWOMAN BROOKS: Okay.

3 Thank you so much. That's very helpful.

4 COUNCILWOMAN PARKER: Thank
5 you.

6 COUNCILMAN SQUILLA: Thank you,
7 Councilmember.

8 If there's no other questions
9 for Dawn, Mr. McMonagle, do you want to
10 read the name of the next person
11 testifying, please.

12 THE CLERK: Sure. Amy Healy
13 with Grubhub, commenting on 200344.

14 COUNCILMAN SQUILLA: Hi, Amy.
15 Just state your name for the record and
16 then proceed with your testimony.

17 (No response.)

18 COUNCILMAN SQUILLA: Amy, if
19 you're able to unmute yourself. If not,
20 Mr. McMonagle, do we have another person
21 testifying on this bill?

22 THE CLERK: Yes. Can we have
23 Melissa Bova of the Pennsylvania
24 Restaurant and Lodging Association.

25 MS. BOVA: Hi. My name is

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2 Melissa Bova. Good afternoon, Chairman
3 Squilla and members of the Commerce and
4 Economic Development Committee. Thank
5 you for allowing me to offer feedback and
6 support for Bill No. 130044 [sic], which
7 is sponsored by Councilwoman Parker. My
8 name is Melissa Bova and I'm the Vice
9 President of Government Affairs at the
10 Pennsylvania Restaurant and Lodging
11 Association.

12 PRLA represents the hospitality
13 industry in Philadelphia, an industry
14 that is arguably the hardest hit from the
15 Coronavirus. Before March of this year,
16 we were set to grow 10 percent. New
17 restaurants were opening every week, and
18 Philadelphia was in many ways the food
19 scene other cities aspire to.

20 I'm going to hit some specific
21 points and broader points here and then
22 turn it over to some of our Philadelphia
23 restaurants that are here to testify, and
24 they can speak more to this legislation
25 than I ever could.

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2 Many of you have already seen
3 the economic data when the industry was
4 hardest hit in March. That data has not
5 gotten much better as we continue to
6 fight to see the light at the end of this
7 Coronavirus tunnel. In May, restaurants
8 continued to see a 79 percent decline in
9 sales based on the same time last year.
10 Almost 60 percent of the workforce
11 remains furloughed, and every single day
12 we hear of more restaurants that will
13 never open their doors again. Those that
14 are still hanging on do not expect to be
15 profitable for at least another six
16 months, which is why helping these
17 restaurants that are trying to get
18 through to the other side of this crisis
19 is extremely important right now.

20 The legislation you are
21 considering today is not new, not new
22 around the country or even here in
23 Philadelphia. Councilwoman Parker, as
24 she mentioned, recognized some of the
25 issues with some third-party delivery

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2 companies and has been working with us on
3 legislation since January.

4 As we began to see the impact
5 of the Coronavirus and, to that point,
6 total reliance on take-out for
7 restaurants to survive, the Councilwoman
8 recognized that something needed to be
9 done sooner than later. The legislation
10 addresses a number of concerns that we
11 have heard directly from restaurants.
12 Some of these companies were completely
13 misrepresenting restaurant websites and
14 customers thought they were ordering
15 directly from the restaurant when they
16 were not. These websites in many cases
17 use inaccurate menus and blame the
18 restaurant when prices were not accurate
19 and the customer complained.

20 Unauthorized deliveries were
21 completed, and in some cases, deliveries
22 were attempted for restaurants that don't
23 even offer delivery on a day-to-day
24 basis.

25 Further, this legislation

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2 recognizes the extremely unique and
3 trying times we are in. Restaurants that
4 are trying to survive with take-out are
5 lucky if they make 30 percent of what
6 they did before the crisis. They are not
7 even breaking even, and fees charged by
8 companies upwards of 30 percent harm this
9 industry even more. These companies are
10 able to charge the fees that they want,
11 yet restaurants are not able to
12 compensate to reflect these large fees
13 and, therefore, are struggling to survive
14 right now, if they're even breaking even
15 with some of these orders.

16 You can Google any of these
17 services and click on almost any article
18 and see some of the practices that have
19 been occurring around the country, and
20 unfortunately for some of these services
21 have been happening in Philadelphia.

22 This cap is not forever. We
23 recognize that. This is to help
24 restaurants get through to the other side
25 of this crisis, recognizing the total

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2 reliance that we have on delivery and the
3 fact that that reliance will not be
4 reduced much even as we start to allow
5 on-premise or indoor dining. To that
6 end, indoor dining will start, if we're
7 lucky, at 50 percent and with social
8 distancing might be even less. So this
9 cap and the length of it is extremely
10 important to help restaurants get back to
11 where they were before.

12 Our restaurants need help. We
13 need to get them through this, and we
14 need to do everything we can to bring
15 back the vibrancy of the hospitality
16 industry, and this is a great step to get
17 us there. And we thank Councilwoman
18 Parker for recognizing the need and
19 urgency of this legislation, and we urge
20 all of your support.

21 And I'm happy to answer any
22 questions, and I know we have some
23 restauranteurs who are here to testify as
24 well.

25 COUNCILMAN SQUILLA: Thank you,

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2 Melissa. I appreciate your input.

3 Are there any questions from
4 members?

5 (No response.)

6 COUNCILMAN SQUILLA: I don't
7 see any in the Chat. So thank you for
8 your testimony and your support of this
9 legislation.

10 Mr. McMonagle, please read the
11 title of the next person testifying.

12 THE CLERK: Could we hear from
13 Judy Ni.

14 COUNCILMAN SQUILLA: Judy, if
15 you're present, just state your name for
16 the record and proceed with your
17 testimony.

18 MS. NI: Hi, everyone. Thank
19 you so much for having us. My name is
20 Judy Ni. I am the owner of a small shop
21 here in Philadelphia called bao-logy, and
22 we appreciate the support of
23 Councilperson Parker and for your taking
24 the time to listen to our concerns and
25 our -- I'm sorry?

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2 THE CLERK: Pardon me. I'm
3 sorry. I wasn't on mute.

4 MS. NI: Oh, I apologize for
5 that.

6 We wanted to say and express
7 our support for this bill in particular.
8 I think one of the great things about
9 Philadelphia is the support of small
10 businesses and the entrepreneurship of
11 the community that we have here, and I
12 think it's important to remind everyone
13 that we are a passthrough entity. Not
14 only do you -- when you give your money
15 to us, it goes back into the community.
16 It goes into our farmers, it goes into
17 the food providers, and it also goes into
18 all the employees that we hire as well.

19 Absolutely, larger businesses
20 can absorb these fees, but as a small
21 business that supports and hires within
22 this community, we need the support of
23 the Committee as well as the Council in
24 order to have a fighting chance to keep
25 going so that we can bring different

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2 types of businesses and different voices
3 into this city.

4 One of the things that I think
5 has not been said is that if the
6 third-party delivery apps are interested
7 in fact in helping businesses, we also
8 ask them, why does our pricing have to be
9 set the same on their apps as we sell
10 in-house? When we take customers in the
11 shop and we take those orders, it is a
12 certain price. They also fix it so that
13 we have to offer that same price despite
14 the fact that they know that they are
15 taking 20 to 30 percent of the sales.

16 We're not saying that they
17 shouldn't make money for the service they
18 provide. We absolutely appreciate what
19 they are doing, and we understand there's
20 a value in that, but we also have to ask
21 that why are they capping what we do when
22 we're trying to just make a living and
23 pass on our revenues to the people in our
24 community as well?

25 So the focus of what we would

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2 like is to keep this going until we can
3 at least have a fighting chance of
4 surviving and so that the City doesn't
5 lose its vibrancy, which also contributes
6 billions of dollars to the economy here
7 as well.

8 Thank you.

9 COUNCILMAN SQUILLA: Thank you,
10 Judy, for your testimony.

11 Any questions by members of
12 Council?

13 COUNCILWOMAN RICHARDSON: Mr.
14 Chair? This is Councilmember Katherine
15 Gilmore Richardson. I just wanted to go
16 back to that testimony, because I was
17 listening very intently.

18 So the fees that are charged in
19 the restaurant cannot be changed even
20 though you're utilizing the service, so
21 it's further eating into your profit; is
22 that correct?

23 MS. NI: Correct. So let's say
24 I had a dish in-house that I do for \$15.
25 The third-party apps require us to sell

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2 that for \$15 on their apps as well, even
3 though they know they are taking a
4 significant percentage. So one of the
5 things that I would suggest is if you
6 want to cover your cost -- and that's
7 their argument -- why wouldn't you just
8 let us raise the prices so that even if
9 the percentage is smaller, the amount
10 that you're taking is larger so that it
11 does cover their operating costs that
12 they're saying they need to cover it.

13 COUNCILWOMAN RICHARDSON: Sure.

14 Sure. So because the meal is \$15 and,
15 say, if they take 30 percent off of that
16 \$15, you're down to like \$11.50 or
17 \$10.50, right?

18 MS. NI: Correct. And then
19 there are additional packaging
20 requirements that are required for us as
21 well, and we just want to make sure that
22 we cover our costs. When you squeeze us,
23 it's not just me. It's actually like
24 you're asking us to basically screw our
25 employees, screw our farmers, screw all

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2 the other providers. Why can't we work
3 together to make this equitable for all
4 the people involved? Why does it have to
5 be an either/or proposition?

6 COUNCILWOMAN RICHARDSON: Okay.
7 Thank you, Mr. Chair.

8 Thank you.

9 COUNCILMAN SQUILLA: Thank you,
10 Councilmember Richardson.

11 Are there any other questions?

12 COUNCILWOMAN GAUTHIER:
13 Mr. Chair, I have a question for Ms. Ni.

14 COUNCILMAN SQUILLA: Go ahead,
15 Councilmember Gauthier.

16 COUNCILWOMAN GAUTHIER: I
17 wanted you to speak to, if this bill were
18 enacted, how you would spend the money
19 that you save from the reduction in fees.

20 MS. NI: So we've already had
21 for the past, I guess, I think it's a
22 month and a half, we work with one
23 delivery service right now, Caviar, in
24 addition to providing our own delivery
25 services. What we've been able to do

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2 with that money is, we have not had to
3 let go of any of our people. So we have
4 a small team of six, including myself,
5 and we've tried to keep it focused on
6 making sure they have income, because
7 it's not just about what we're bringing
8 home, because my husband and I work here
9 full time as well. It's about taking
10 care of them to know they have a reliable
11 source of revenue.

12 Now, if you take that away, I
13 mean, like I don't know what to say about
14 that. I think it's pretty obvious. And
15 we've been able to maintain our
16 commitments to farmers as well, because
17 they are also suffering as well. It's a
18 ripple effect, right? We're a
19 passthrough entity to support the rest of
20 the community, and we obviously want to
21 keep our entire team working and taking
22 care of the rest of the community and
23 making sure people are fed and nourished
24 as well.

25 COUNCILWOMAN GAUTHIER: Thank

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2 you.

3 COUNCILMAN SQUILLA: Thank you,
4 Councilmember.

5 Thank you, Judy.

6 It looks like we have one more
7 question -- let's continue,
8 Mr. McMonagle.

9 Judy, thank you for your
10 testimony.

11 The next person testifying on
12 Bill No. 200344.

13 THE CLERK: We have a Ms.
14 Darlene Jones, please.

15 COUNCILMAN SQUILLA: Darlene,
16 are you available?

17 (No response.)

18 THE CLERK: Okay. How about a
19 Mr. Dean Kitagawa. I apologize if I
20 mispronounced that.

21 MR. KITAGAWA: Congratulations.
22 That was right on.

23 Thank you, everyone, for
24 letting us talk here. Judy and I spoke
25 recently, and she covers a lot of what

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2 our concerns are. I don't know about her
3 business. I can only speak (computer
4 froze), but I've seen the pendulum swing
5 from 80 percent dining in and locals
6 coming to pick up food to 80 percent of
7 our business being delivery, and it's
8 (computer froze) associated with the
9 delivery fees and, quite frankly, the
10 packaging that goes along with the
11 delivery fees, trying to also be
12 environmentally conscious now. And
13 that's the biggest difficulty that I've
14 seen, is the change in business, and we
15 are as well lucky to stay open. We have
16 not had to let anyone go. We've kept all
17 our employees, and they're the most
18 important part of this. And it's tough
19 sometimes when that swing hits you so
20 immediate and drastically, that we're
21 obviously having to look to increase our
22 prices, but in line with what Judy was
23 saying, we're going to have to increase
24 our prices for our neighborhood and our
25 immediate people that come in, and

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2 that's -- they're not paying the luxury
3 of picking up an app. They're walking
4 out their door and being part of the
5 community and coming into the restaurant.
6 And it's just going to -- it's biting
7 them to compensate for the third-party
8 deliveries that we have to make up for.

9 So I do think that Judy nailed
10 pretty much all the things that we
11 discussed. I don't want to go down that
12 path again, but it does get frustrating
13 on our end, and if there was some way to
14 change that just to get us through these
15 times at the very least, it would be a
16 huge help to us small restaurant people.

17 COUNCILMAN SQUILLA: Well,
18 thank you for your testimony.

19 Are there any questions?

20 (No response.)

21 COUNCILMAN SQUILLA: Seeing
22 none, Sean, I think Darlene was muted?

23 THE CLERK: Yes.

24 COUNCILMAN SQUILLA: And is now
25 unmuted.

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2 Darlene, if you want to state
3 your name for the record and then proceed
4 with your testimony, I'd appreciate it.

5 Thank you, Dean.

6 Are we able to unmute Darlene?

7 MR. KITAGAWA: Thank you.

8 (Pause.)

9 COUNCILMAN SQUILLA: If we
10 can't unmute Darlene at this time, we'll
11 save her for later.

12 Mr. McMonagle, would you read
13 the next name of the person testifying.

14 THE CLERK: We have one other
15 person who is currently being called in,
16 Amy Healy from Grubhub. Lonnie is
17 connecting with her currently.

18 Councilwoman Gauthier, you're
19 muted.

20 COUNCILWOMAN GAUTHIER: I'm
21 sorry. I'm talking to Darlene. I'm
22 trying to help her get on the call.
23 Should she hit star 6 to unmute?

24 COUNCILMAN SQUILLA: We hear
25 her through your phone.

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2 THE CLERK: Hold your phone up.

3 COUNCILWOMAN GAUTHIER: I'm

4 trying to get her on. We'll work on it.

5 COUNCIL SUPPORT: Try hitting

6 star 6 to unmute her phone, star 6.

7 MS. JONES: I did. Are you

8 hearing me now?

9 COUNCILMAN SQUILLA: Yes.

10 MS. JONES: Well, about time,

11 guys, and I apologize. Hello, everyone.

12 This is Darlene Jones.

13 COUNCILMAN SQUILLA: Darlene,

14 great. State your name and then you can

15 proceed with your testimony. Sorry about

16 the technical difficulties.

17 MS. JONES: No problem at all.

18 Hello. My name is Darlene

19 Jones, Blu Diamond Juicery, Star Fusion

20 Restaurant on 63rd Street, and my new

21 restaurant that opens this Saturday

22 called Star Fusion Express. First and

23 foremost, let me just say thank you,

24 everybody, for talking about this topic,

25 because I did reach out to Dan and I

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2 actually sent him a screen shot of the
3 amount of percentage that would come out
4 of our weekly payment from either Uber
5 Eats or Grubhub or Caviar, and it's
6 really, really, really, really excessive,
7 especially during these times.

8 At one point or another when I
9 was receiving Uber Eats deliveries and
10 requests, the 30 percent that they were
11 taking, it didn't really affect me
12 because I wasn't receiving a whole lot of
13 deliveries, but now since COVID-19 hit,
14 my delivery -- that the request for Uber
15 Eats and delivery curbside, that has
16 increased. So now it's super
17 overwhelming, especially with the amount
18 that they're taking out.

19 I had 15 employees at one point
20 and I had to drop them down to like seven
21 employees just to accommodate with the
22 difference. And I'm not even sure if I'm
23 going to even use any kind of delivery
24 mediums for my new store, because I am
25 afraid of losing that big giant chunk,

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2 especially during these times.

3 So with all that being said, if
4 you guys just do it temporarily or just
5 do it for the long haul, anything would
6 help us right now, because we don't know
7 if we're going to even be able to keep
8 our doors open. Every day is a challenge
9 and every day is a struggle. So if you
10 guys can find some kind of medium how
11 they could help us and we're going to
12 continue to do business with you as
13 usual, I'll be happy altogether, and I
14 hope everybody in the restaurant industry
15 that's going through what I'm going
16 through will be happy as well.

17 So that's all I have to add to
18 it, and thank you.

19 COUNCILMAN JONES:

20 Mr. Chairman?

21 COUNCILMAN SQUILLA: Yes.

22 COUNCILMAN JONES: I just want
23 you to know that Darlene represents the
24 best of entrepreneurship in Philadelphia,
25 a small, yet thriving business. This is

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2 her third location, two in my district,
3 one in the Third District, and she's done
4 it the right way, cutting no corners,
5 taking no shortcuts, hiring people from the
6 neighborhood, and even using healthy
7 ingredients, not trying to pimp our
8 health, and she gives back to the
9 community. So when she says she's
10 operating on tight margins, I want my
11 colleagues to know that she's really
12 doing it the right way, paying her fair
13 share, hiring people from our
14 neighborhood. And so when she says
15 something, I actually listen.

16 Thank you, Mr. Chairman.

17 COUNCILMAN SQUILLA: Thank you,
18 Councilmember Jones, and we appreciate
19 that and understanding how a lot of our
20 small businesses operate and looking
21 forward to working this bill out through
22 Committee and making this happen. So
23 thank you for your comment.

24 Any other questions?

25 (No response.)

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2 COUNCILMAN SQUILLA: Seeing

3 none, is there --

4 COUNCILWOMAN GAUTHIER: Hi.

5 THE CLERK: Recognize

6 Councilwoman Gauthier.

7 COUNCILMAN SQUILLA: Go ahead.

8 COUNCILWOMAN GAUTHIER: First,

9 I wanted to congratulate Darlene on the
10 new site. It's so fantastic. And I also
11 wanted to echo Councilmember Jones'
12 comments on what a great business owner
13 and what great operations you have. Not
14 only is Darlene's food delicious, but
15 she's always trying to serve the
16 community. We've worked together through
17 the pandemic to provide food to first
18 responders and to healthcare workers, and
19 that's just an example of the kinds of
20 things that she does in the community
21 routinely, and she's an example of the
22 type of business owner we're really
23 trying to help through this legislation.

24 COUNCILMAN SQUILLA: Thank you,
25 Councilmember.

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2 Councilmember Gilmore

3 Richardson.

4 COUNCILWOMAN RICHARDSON: Yes.

5 Thank you, Mr. Chair. And I too just
6 wanted to echo the sentiments of my
7 colleagues and particularly my District
8 Councilmember, Councilman Curtis Jones,
9 where Darlene's new business will be
10 located in the Fourth Council District.
11 We have had the opportunity to work with
12 her over the years, and my family has had
13 the opportunity to support her during the
14 pandemic. And we just want to thank her
15 for being an exemplary business owner in
16 our community, and we look forward to
17 continuing to work with you and assist
18 your small business.

19 Thank you so much.

20 MS. JONES: Well, thank you.

21 COUNCILMAN SQUILLA: Thank you,
22 Councilmember.

23 Councilmember Domb.

24 COUNCILMAN DOMB: Thank you,
25 Chairman Squilla. I just want to echo my

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2 colleagues' sentiments, and I just want
3 to share a few thoughts for us to think
4 about.

5 During this pandemic and what's
6 been going on recently, we as a city have
7 a struggle in front of us, and that
8 struggle is going to be that many people
9 in the City will look at the suburbs as
10 an alternative. It's not just happening
11 in Philadelphia. It's happening
12 nationwide.

13 The reason why I bring that up
14 is because we as a city have a tremendous
15 advantage that we need to make sure that
16 we maintain and, that is, the urban
17 environment for restaurants, stores, part
18 of your community, where people want to
19 live there because of the lifestyle is so
20 big.

21 And on a different note from
22 the restaurant situation, I'm just going
23 to share with you the numbers as I know
24 them. Most restaurants, the food and
25 labor costs range from, fast-casualty 50

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2 percent to middle 60 percent to low 65 to
3 70 percent of total cost. At the end of
4 the day, most restaurants are lucky if
5 they had a 5 to 10 percent profit margin.
6 Lucky if they have that.

7 So just think about that and
8 think about somebody's fees that they're
9 having to absorb. I don't think the
10 question is how much money are
11 restaurants making today. The question
12 is how much can we not lose, how much can
13 we not have to write a check for on a
14 weekly basis.

15 I just wanted to share that
16 with you, because I know this is a fact
17 for that industry today.

18 Thank you.

19 COUNCILMAN SQUILLA: Thank you,
20 Councilmember Domb.

21 Councilmember Green.

22 COUNCILMAN GREEN: Thank you,
23 Mr. Chair. I want to thank Darlene for
24 your ability to open up a new location in
25 spite of this COVID-19 pandemic. As an

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2 at-large Councilmember, I did have a
3 chance to visit your location when I did
4 a tour about, I believe, a year and a
5 half, two years ago. And so the fact
6 you're able to do this at this time I
7 think is a shining example that we need
8 to lift up for other entrepreneurs. And
9 as an at-large Councilmember, I love the
10 fact that you are located in
11 Councilmember Jones' district, but also
12 there are other parts of the City,
13 especially maybe in the Northwest
14 section, that have a great commercial
15 corridor, especially like Wadsworth
16 Avenue or Germantown Avenue.

17 Just future thoughts as you
18 expand your business, and I'm sure all of
19 the members of Council will be supportive
20 of that. So just some future thoughts.

21 COUNCILMAN SQUILLA: Thank you,
22 Councilmember Green.

23 I know there was testimony, I
24 think it was, from Grubhub, Amy, and I'm
25 just not sure why she was opposed to the

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2 cap.

3 Is Amy still on the line?

4 MS. HEALY: I'm here. Hi. I'm
5 here. Can you hear me?

6 COUNCILMAN SQUILLA: Yes, we
7 hear you. State your name again and then
8 proceed with your testimony.

9 MS. HEALY: Sure. Good
10 afternoon. My name is Amy Healy and I am
11 the head of Public Affairs for Grubhub.
12 Thank you for the opportunity to provide
13 testimony today on Bill No. 200344,
14 introduced by Councilmember Parker.

15 Grubhub is a leading online and
16 local food-ordering and delivery
17 marketplace. We have the largest network
18 of restaurant partners, as well as nearly
19 24 million active diners. We were
20 founded 16 years ago, and are committed
21 to supporting the cities we operate in,
22 Philadelphia being one of them, and the
23 thousands of local restaurants on our
24 marketplace, and without them, we know
25 there would be no Grubhub.

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2 Please know that Grubhub shares
3 the Committee's goal to support
4 restaurants and provide customers with
5 transparency into our fees. Grubhub is
6 proud to have a growing presence in
7 Philadelphia. Given the strong talent
8 pool there, in 2019 Grubhub selected
9 Philadelphia for our latest office, which
10 now employs more than 100 people at our
11 office located at 1601 Cherry Street. On
12 behalf of those employees and the
13 thousands of Philadelphia restaurants
14 that have selected Grubhub to be their
15 marketing engine, I would like to take
16 this opportunity to comment on the
17 ordinance impacting third-party delivery
18 services.

19 Grubhub agrees with the
20 sponsors that the best way for
21 restaurants to receive orders through a
22 third-party platform is to have
23 agreements to be on our marketplace. In
24 fact, we believe partnering with
25 restaurants is the only way to drive

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2 long-term value in this business and have
3 only added non-partnered restaurants to
4 close the restaurant supply gap created
5 by our competitors who have been adding
6 restaurants without permission for years.

7 We also agree that driver pay
8 should not be penalized. At Grubhub, 100
9 percent of all driver tips have always
10 gone directly to the driver.

11 But we do have issue with the
12 proposal to cap marketing fees at 5
13 percent. Grubhub already offers a zero
14 percent marketing commission plan for
15 restaurants on orders from online
16 ordering links that we provide them.
17 This allows diners to order directly from
18 a restaurant's website by adding an
19 online ordering link powered by Grubhub,
20 and they pay zero commission for their
21 service. The restaurant can choose to
22 pay for delivery themselves or choose to
23 select Grubhub to deliver.

24 So although Grubhub opposes the
25 provisions in the bill capping fees, we

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2 are concerned with attempts to amend the
3 language to provide an advantage to
4 certain delivery network companies over
5 others. Some of the amendments to the
6 bill provide an economic extra incentive
7 to deliver orders on a restaurant's
8 behalf, putting Grubhub at a disadvantage
9 because of our longstanding relationship
10 with local Philly restaurants that choose
11 to use their own drivers rather than
12 third-party delivery drivers.

13 Grubhub is more than a food
14 delivery provider. Grubhub provides
15 restaurant owners with technology,
16 infrastructure, staff, customer service,
17 and protections from credit card fraud.
18 These activities are costly, time
19 consuming, beyond most owners' expertise,
20 and shift their focus away from their
21 real business - making the food diners
22 love.

23 Our fees go toward all of these
24 services, not just delivery. In other
25 cities where our services have been so

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2 drastically limited, we have seen small
3 independent restaurants disadvantaged
4 against chain restaurants who have nearly
5 limitless ways to advertise.

6 For Grubhub, nearly half of the
7 orders processed on our platform in
8 Philadelphia are delivered by a
9 restaurant's own delivery workers. That
10 means that while Grubhub spends money to
11 promote that restaurant via our highly
12 skilled advertising and marketing
13 services, we would be limited to a 5
14 percent fee in total, which in no way
15 covers the cost of the many services
16 listed above.

17 We ask that instead of the
18 proposed amendment, you consider capping
19 all fees at 15 percent of the total order
20 or, if preferred, state that delivery
21 fees and marketing fees can each be up to
22 10 percent but not more than 15 percent
23 combined.

24 Below in my testimony please
25 find testimonials from Philadelphia

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2 restaurants that use and appreciate our
3 platform and do not want to see their
4 ability to market themselves capped.

5 Grubhub looks forward to
6 working with the members of the
7 Philadelphia City Council on effective
8 ways to provide relief to restaurants in
9 a way that also provides a level playing
10 field for all involved.

11 Thank you.

12 COUNCILMAN SQUILLA: Thank you
13 for your testimony.

14 Councilmember Parker.

15 COUNCILWOMAN PARKER: Thank
16 you, Chairman Squilla.

17 Again, I do want to note that
18 our office did listen to the comments
19 relative to the bill when it was in its
20 original form. We took all of it into
21 consideration, not just that information
22 that was or specs that were relative to
23 Grubhub versus Uber Eats versus Caviar.
24 We didn't do that. We took into
25 consideration all of their

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2 recommendations.

3 These were -- all of those
4 included in the amendment, Mr. Chairman,
5 that I will offer today are the ones that
6 we felt that we could reach some common
7 ground on.

8 I will state for the record to
9 Grubhub, if after this bill moves today,
10 and we'll see whether or not it is voted
11 out of Committee and then when it gets to
12 the floor whether or not it is voted and
13 supported by all members of Council, I do
14 commit to continuing to work with the
15 industry in the future, but right now,
16 Mr. Chairman and members of the
17 Committee, I have listened to those who
18 are paying rent and are trying to stay
19 alive and throughout neighborhoods in the
20 City of Philadelphia. They have, in
21 essence, told me that the bill introduced
22 with the amendments that we will offer is
23 what they need and is what will provide
24 them some safety and cushion, to be quite
25 frank, to try to do -- and I can't

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2 remember if her name was Jeanine. When
3 Jeanine talked about those fees and how
4 they eat away at that profit, and
5 Darlene, right, who even in the midst of
6 the pandemic is attempting to grow.

7 So I had to -- and I'm
8 unapologetic, Mr. Chairman, about very
9 strongly paying attention to the
10 recommendation of the Pennsylvania
11 Restaurant and Lodging Association and
12 all of those restaurants that we heard
13 from.

14 And for the record,
15 Mr. Chairman, I also want you to know
16 this: When you and I talked about this,
17 I'm always talking about I'm a little
18 jealous because of all of the restaurants
19 you have in your area, and right now, as
20 you heard Councilman Green mention to
21 Darlene, she's in Councilman Jones'
22 district, she's in Councilwoman
23 Gauthier's district. Well, we want them
24 to expand across the City, and we need to
25 do everything that we can so that we are

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2 not eating away at their profit margins
3 and they can potentially consider to move
4 into other neighborhoods like the Ninth
5 Councilmanic District. Thank you. Ninth
6 Councilmanic District, Councilman Jones.
7 I had to get that out real easily. So
8 thank you so very much.

9 But, Grubhub, I do want you to
10 know that I am interested in working with
11 you. Rachel Meadows of my staff will
12 reach out.

13 And if I did say that name
14 wrong, I think it was Judy Ni, Judy Ni
15 who spoke.

16 Thank you, Mr. Chairman.

17 COUNCILMAN SQUILLA: Thank you,
18 Councilmember Parker, and look forward to
19 working with Darlene to see how we could
20 find a spot in my district to open up.
21 So that's great.

22 Councilmember Green.

23 COUNCILMAN GREEN: Thank you,
24 Mr. Chair. I'm glad Councilmember Parker
25 was able to clear her throat to include

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2 the Northwest, especially the Ninth
3 Council District, in her commentary.

4 I have a couple of questions
5 for Grubhub, but I just wanted to thank
6 the commentary made by Councilmember Domb
7 in reference to this industry, which has
8 been hit so hard by COVID-19 pandemic,
9 and giving a perspective of the cost of
10 fees, also for the great work by the
11 Pennsylvania Restaurateurs and Lodging
12 Association.

13 My question for Grubhub kind of
14 follows the question I had for Dawn
15 Summerville. I'm trying to make sure I
16 have a full understanding of the
17 industry.

18 So my understanding based on
19 your testimony, that you allow
20 restaurateurs, especially smaller
21 restaurateurs, to either use their own
22 delivery drivers or your own drivers and
23 that you also are more of a marketing and
24 technology company as well? Is that my
25 understanding?

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2 MS. HEALY: Yes, that is
3 correct.

4 COUNCILMAN GREEN: Okay. And
5 so your concern is in reference to the
6 cap on the fees and how that may eat into
7 your way for marketing?

8 MS. HEALY: Yes. Our largest
9 vendor is Google. So we operate
10 marketing programs for mostly small and
11 medium-sized businesses, and if you cap
12 our ability to advertise for these small
13 businesses, we can't pay Google. And
14 they demand to be paid, right? So then
15 we have to spend less with them, and then
16 restaurants who rely on us for exposure
17 get less exposure. And, again, the
18 chains have plenty of avenues for
19 advertising, you know, radio, TV, brand
20 recognition, all kinds of things. So we
21 are one of the main ways that some of our
22 small businesses advertise through our
23 platform, and so if they're not allowed
24 to advertise, they won't reach as many
25 diners and their orders will go down, and

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2 we've seen that happen in other cities.

3 COUNCILMAN GREEN: Okay. And
4 basically your business platform is
5 really trying -- what I'm hearing is that
6 because of your relationship with Google,
7 you're able to help smaller
8 restauranteurs who may not have the
9 marketing budgets of a large chain to get
10 the information out there for diners
11 throughout a city like Philadelphia or
12 other cities as a way to get information,
13 especially at the time of COVID-19 when
14 we can't do in-person dining?

15 MS. HEALY: That is correct.
16 Small businesses also use us to help run
17 their loyalty programs. Of course,
18 chains don't need us to run loyalty
19 programs, you know, buy -- come ten
20 times, get your eleventh entree free.
21 But small businesses do. You have
22 promotions that we can run for them and
23 other marketing programs.

24 COUNCILMAN GREEN: Okay. So it
25 sounds like what I'm hearing is that

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2 because you're trying to work with small
3 businesses, especially small
4 restauranteurs in the City of
5 Philadelphia, they need to be able to
6 keep as much of a profit as possible, but
7 you can partner with them in reference
8 from a marketing perspective. So I know
9 Councilmember Parker is working on a
10 number -- has provided different
11 amendments, I think trying to keep the
12 amount of fees down as low as possible in
13 order to not only provide opportunities
14 for delivery drivers, but also for
15 marketing. I just need to kind of get a
16 perspective, because I'm learning this
17 industry, it's somewhat new to me, in
18 reference to the differences between what
19 you provide versus what some of the other
20 businesses provide who are more of a
21 delivery company versus more of a
22 marketing. So I did want to get that
23 perspective, because it gives me some
24 more clarity from the questions I asked
25 Ms. Summerville, so thank you for your

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2 answers.

3 MS. HEALY: No problem, and I
4 look forward to working with you.

5 COUNCILMAN SQUILLA: Thank you,
6 Councilmember Green.

7 Councilmember Domb.

8 COUNCILMAN DOMB: Thank you,
9 Mr. Chairman.

10 This is a question, I guess,
11 for Amy from Grubhub. Can you tell me,
12 Amy, since the pandemic across the board
13 what would you say the increase has been
14 in deliveries? Has it been 50 percent,
15 100 percent? What's been that increase?

16 MS. HEALY: I'll have to check
17 this in our latest earnings. That's
18 public information. So I don't have that
19 at the tip of my fingers. But certainly
20 in some markets, they've gone down, like
21 New York where so many people left New
22 York City, and then certainly they've
23 gone up in other areas. But I can find
24 out and follow up with you.

25 COUNCILMAN DOMB: Because I

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2 will share with you the statistics I
3 recently saw, that prior to COVID-19, in
4 Pennsylvania, food consumed, half was
5 consumed in restaurants and half was
6 purchased in neighborhood stores and
7 supermarkets. Since COVID-19, 90 percent
8 is purchased in food stores and local
9 stores. Only 10 percent is in
10 restaurants, which gives you an idea of
11 the impact all these restauranteurs are
12 feeling.

13 I'm just curious if the
14 delivery in Philadelphia, for example,
15 have our delivery orders gone up? I
16 mean, the restaurants that I see, all
17 their business is mostly delivery. So I
18 have to think it's gone up. I just would
19 like to know if you can find out what
20 that percentage is.

21 Anyway, thank you for your
22 testimony.

23 Thank you, Mr. Chairman.

24 COUNCILWOMAN PARKER:

25 Mr. Chairman, if I may, Mr. Chairman. Is

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2 Judy, Mr. President -- I don't know.

3 After they testify, do they hang up? Is
4 Judy Ni still on the line?

5 MS. NI: I am still here.

6 COUNCILWOMAN PARKER: Oh, thank
7 you, Judy, and I'm sorry if I chopped up
8 your name the last time.

9 MS. NI: Oh, no. You're okay.

10 COUNCILWOMAN PARKER: Judy, in
11 response to Councilman Green's question,
12 you heard Grubhub talk about the process
13 and the difference between what they do
14 and those carriers that focus on delivery
15 and they talked about the marketing
16 perspective. Do you have any comments
17 relative to what you heard Grubhub just
18 testify to?

19 MS. NI: I appreciate what
20 they're trying to say and, again, I'm not
21 saying that these third-party delivery
22 apps don't offer value. I'm saying that
23 there should be shared value. It can't
24 always be that they're squeezing
25 restaurants. If you squeeze us, we don't

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2 exist and, therefore, you also don't make
3 money. So why can't we work together to
4 find something equitable for all parties
5 involved?

6 If Grubhub wants to be more
7 transparent, one of the things they could
8 have done when they put out the promotion
9 saying to a lot of us restaurateurs that
10 were signed up with them, they asked us,
11 hey, why don't you sign up for us, we're
12 going to not have fees for you, but
13 actually if you read the fine print, it
14 actually became a deferment of fees. So
15 it still would have been added at the
16 end, which actually just kind of screws
17 us already again. So it just delayed it.

18 For Caviar, they cut their fees
19 in half, their commission fees in half,
20 and they completely waived all the
21 pick-up commission fees, which I found
22 very good. It helped me a lot, and they
23 also increased the payouts. Instead of
24 it being once every 15 days, they
25 increased it to every single day. We

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2 were getting cash flow on a more regular
3 basis, which is incredibly valuable when
4 you're just trying to make sure you can
5 make payroll and rent.

6 So those were all things that
7 we found to be perfectly fine. If they
8 want to help us, you know, one of the
9 things they can do is just allow us to
10 increase the menu prices. We keep
11 talking in percentages. They're talking
12 about dollars. So why are we hemming and
13 hawing over percentages when it should be
14 let us increase our menu prices, you will
15 get more money so you can pay for things.
16 You can also charge more to the customers
17 at the end too, because they are offering
18 a service to the customers as well. So
19 why can't we just make this all work
20 together?

21 We're not saying they don't
22 deserve money for what they do. We are
23 saying that it just cannot be always on
24 our backs, because if you don't have us,
25 they don't have a business as well. And

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2 it is small businesses that keep getting
3 squeezed.

4 COUNCILWOMAN PARKER: Judy, my
5 final question to you, Judy, because I
6 now want to make sure that I understand
7 what you just said. You are telling me
8 that it was promoted that the marketing
9 service would be available to businesses
10 at no cost, but when you read the fine
11 print, the cost was just like deferred to
12 the end, like similar to what a mortgage
13 company would do. If they were allowing
14 you to restructure your payments, they
15 would say, okay, you can't make this
16 month, so we're going to add this month
17 to the end. Is that what you're
18 describing?

19 MS. NI: Correct. It was
20 not -- if you're using rent as a term, it
21 was not an abatement. It was a
22 deferment. So that's what would end up
23 happening. So it was something -- I had
24 received, I guess it was, a mass e-mail
25 from specifically Matt Maloney, who is

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2 the CEO of Grubhub, and it was offering
3 to help with us. And I was really
4 excited, because I said, well, if this is
5 a bunch of restauranteurs who are just
6 sending this around, and then I read
7 somewhere else, somewhere in the fine
8 print, I think it was on a Facebook or
9 something social media related, and I
10 wrote back, are you actually deferring or
11 actually waiving the commission fees? So
12 I asked for clarity and I did not receive
13 that, but then it became public that it
14 was actually just a deferment, not a
15 complete waiving of the fees. So that
16 was also a bait-and-switch situation that
17 put a lot of us in a stressful situation,
18 because we thought -- we felt hope when
19 they were trying to help us out and it
20 actually turned out not to be what it was
21 originally marketed to, so it wasn't
22 transparent.

23 COUNCILWOMAN PARKER: Well,
24 listen, I want to say thank you for that.

25 And, Mr. Chairman, while we

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2 won't do that now in lending, and we went
3 through this, Mr. Chairman, when I worked
4 for Councilwoman Marian Tasco.

5 Councilman Derek Green, I think you were
6 in the Law Department during that time
7 when we worked on predatory lending. One
8 of the challenges with predatory lenders
9 was that there was no transparency in the
10 underwriting criteria, right? In
11 addition to that, the truth in lending
12 practices there were challenges in.

13 So if we're talking about
14 marketing in particular, Judy, you just
15 raised another issue now that we may have
16 to deal with at a later date, is that you
17 are marketing a certain product or you're
18 saying that you're going to provide a
19 certain service and that's not clear,
20 maybe that's something that we should
21 discuss later on, and I didn't know that.
22 So, Judy, thank you for the education
23 that you just provided.

24 Mr. Chairman.

25 COUNCILMAN SQUILLA: Thank you.

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2 MS. HEALY: Mr. Chairman, this
3 is Grubhub. I think happy to respond
4 when appropriate.

5 COUNCILMAN SQUILLA: Sure. Go
6 ahead, Amy. State your name again and
7 then just respond.

8 MS. HEALY: Sure. Amy Healy
9 with Grubhub.

10 Thank you. I would like to
11 comment on our fee deferral program,
12 which did provide much-needed cash flow
13 to restaurants. And to set the record
14 straight, we have not collected any of
15 those deferred payments to date, nor do
16 we have plans to at this time.

17 COUNCILMAN SQUILLA: Thank you
18 very much.

19 Are there any other questions
20 or comments?

21 (No response.)

22 COUNCILMAN SQUILLA: Seeing
23 none, Mr. McMonagle, is there anybody
24 else here to testify?

25 THE CLERK: I do not have

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2 anyone else scheduled to testify on
3 either bill.

4 COUNCILMAN SQUILLA: If there's
5 nobody else here to testify on Bill
6 200293 or 200344, that will end our
7 hearing. No further questions from
8 members and the Committee and no other
9 witnesses to testify, I will ask if there
10 is anyone else present in the hearing
11 whose name we have failed to call who
12 wishes to offer testimony?

13 (No response.)

14 COUNCILMAN SQUILLA: Hearing
15 none, I want to thank all the panels and
16 witnesses for their participation today,
17 as we value your opinions. I now invite
18 all panels and witnesses to please
19 disconnect from the meeting before we go
20 into our public meeting. We will now
21 pause the proceedings briefly as multiple
22 participants leave the hearing. So
23 anybody, except members of the Committee,
24 please disconnect from the hearing and we
25 then go into a public meeting.

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2 (Pause.)

3 COUNCILMAN SQUILLA: Council

4 Support, do we have everybody off?

5 COUNCIL SUPPORT: Give me one

6 second, please.

7 COUNCILMAN SQUILLA: Thank you.

8 (Pause.)

9 COUNCIL SUPPORT: Okay. You

10 may proceed.

11 COUNCILMAN SQUILLA: Thank you

12 very much.

13 This concludes the public
14 hearing of the Committee. We will now go
15 into a public meeting to consider actions
16 to be taken on the bills before this
17 Committee today.

18 So we're now in the public
19 meeting. I guess for roll call, Mr.
20 McMonagle, would you like to just read
21 the roll of the people present at the
22 public meeting.

23 THE CLERK: Councilmember Domb.

24 COUNCILMAN DOMB: Present.

25 THE CLERK: Councilmember

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2 Gilmore Richardson.

3 COUNCILWOMAN RICHARDSON:

4 Present.

5 THE CLERK: Councilmember

6 Gauthier.

7 COUNCILWOMAN GAUTHIER:

8 Present.

9 THE CLERK: Councilmember

10 Johnson.

11 COUNCILMAN JOHNSON: Present.

12 THE CLERK: Councilmember

13 Curtis Jones.

14 COUNCILMAN JONES: Present.

15 THE CLERK: Councilmember

16 Kendra Brooks.

17 COUNCILWOMAN BROOKS: Present.

18 THE CLERK: Councilmember Derek

19 Green.

20 COUNCILMAN GREEN: Present.

21 THE CLERK: Councilmember David

22 Oh.

23 COUNCILMAN OH: Present.

24 THE CLERK: Councilmember Mark

25 Squilla.

1 6/11/20 - COMMERCE - BILLS 200293 & 200344

2 COUNCILMAN SQUILLA: Present.

3 THE CLERK: And Councilmember

4 Parker.

5 COUNCILWOMAN PARKER: Present.

6 COUNCILMAN SQUILLA: Thank you
7 all. We will now convene the public
8 meeting.

9 Mr. McMonagle, will you please
10 call the roll -- we took attendance.

11 I'd like to recognize
12 Councilmember Domb for a motion on Bill
13 No. 200293.

14 COUNCILMAN DOMB: Thank you,
15 Mr. Chairman. I move that Bill No.
16 200293 be reported from this Committee
17 with a favorable recommendation and
18 further move that the rules of Council be
19 suspended to permit first reading of this
20 bill at the next session of Council.

21 (Duly seconded.)

22 COUNCILMAN SQUILLA: The bill
23 has been moved and properly seconded that
24 Bill No. 200293 be reported from this
25 Committee with a favorable recommendation

1 6/11/20 - COMMERCE - BILLS 200293 & 200344
2 and further moved that the rules of
3 Council be suspended to permit the first
4 reading of this bill at the next session
5 of Council.

6 THE CLERK: Excuse me,
7 Councilman.

8 COUNCILMAN SQUILLA: Yes.

9 THE CLERK: Before you do that,
10 who are we putting down as the second?

11 COUNCILMAN JONES: Councilman
12 Green. He beat me to it.

13 THE CLERK: Thank you.

14 COUNCILMAN SQUILLA: So we're
15 going to report Bill No. 200293 from this
16 Committee with a favorable recommendation
17 and further move that the rules of
18 Council be suspended to permit the first
19 reading of this bill at the next session
20 of Council.

21 All those in favor say aye.

22 (Aye.)

23 COUNCILMAN SQUILLA: Any
24 opposed?

25 (No response.)

1 6/11/20 - COMMERCE - BILLS 200293 & 200344

2 COUNCILMAN SQUILLA: The ayes
3 have it and the motion carries.

4 I'd like to recognize
5 Councilmember Parker for a motion to
6 amend Bill No. 200344.

7 COUNCILWOMAN PARKER: Thank
8 you, Mr. Chairman. I offer an amendment
9 to Bill No. 200344. A copy of the
10 amendment has been circulated to all
11 members of the Committee. I move that
12 the amendment to Bill No. 200344 be
13 approved.

14 COUNCILMAN JONES: Second.

15 COUNCILMAN SQUILLA:
16 Councilmember Jones, second.

17 It has been moved and properly
18 seconded that the amendment to Bill No.
19 200344 be approved.

20 All those in favor of the
21 motion will signify by saying aye.

22 (Aye.)

23 COUNCILMAN SQUILLA: Those
24 opposed?

25 (No response.)

1 6/11/20 - COMMERCE - BILLS 200293 & 200344

2 COUNCILMAN SQUILLA: The ayes
3 have it, the motion carries, and the
4 amendment to Bill No. 200344 has been
5 approved.

6 Councilmember Domb for a motion
7 on Bill No. 200344, as amended.

8 COUNCILMAN DOMB: Thank you,
9 Mr. Chairman. I move that Bill No.
10 200344, as amended, be reported from this
11 Committee with a favorable recommendation
12 and further move that the rules of
13 Council be suspended to permit first
14 reading of this bill at the next session
15 of Council.

16 COUNCILMAN SQUILLA: Is there a
17 second?

18 COUNCILMAN GREEN: Second.

19 COUNCILMAN SQUILLA:
20 Councilmember Green, second.

21 It has been moved and properly
22 seconded that Bill No. 200344, as
23 amended, be reported from this Committee
24 with a favorable recommendation and
25 further moved that the rules of Council

1 6/11/20 - COMMERCE - BILLS 200293 & 200344

2 be suspended to permit the first reading
3 of this bill at the next session of
4 Council.

5 All those in favor say aye.

6 (Aye.)

7 COUNCILMAN SQUILLA: Those
8 opposed?

9 (No response.)

10 COUNCILMAN SQUILLA: The ayes
11 have it and the motion carries.

12 This concludes the business
13 before the Committee of Commerce and
14 Economic Development today.

15 Thank you all very much for
16 your attendance. See you all tomorrow.

17 (Committee on Commerce and
18 Economic Development concluded at 4:00
19 p.m.)

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CERTIFICATE

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

MICHELE L. MURPHY
RPR-Notary Public

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direct control and/or supervision of the
certifying reporter.)

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