

1
2 COUNCIL OF THE CITY OF PHILADELPHIA
3 PUBLIC HEARING AND PUBLIC MEETING
4 BEFORE COMMITTEE ON PUBLIC PROPERTY, PUBLIC WORKS

5 - - -
6 Room 400, City Hall
7 Philadelphia, Pennsylvania
8 Thursday, June 8, 2000
9 2:15 p.m.
10 - - -

11 BILL 000088 - Amending Title 17 of the
12 Philadelphia Code relating to the contracts and
13 procurement by adding Chapter 17-500, entitled
14 "Goals for the Participation of Minority, Female,
15 and Disabled-Owned Businesses in City Contracts,"
16 to extend the life of the Minority Business
17 Enterprise Council (MBEC), grant authority to MBEC
18 to monitor participation of minority, female
19 disabled-owned businesses and socially and
20 economically disadvantaged individuals in all City
21 contracts, City agencies, and City quasi-public
22 agencies, and to require regular reporting to City
23 Council, all under certain terms and conditions

24 BILL 000219 - Amending Chapter 16-400 of the
25 Philadelphia Code, entitled "Vacant and Surplus
Properties," by amending Section 16-404, entitled
"The Vacant Property Review Committee," by adding
a subsection on the Philadelphia Commercial
Development Corporation.

18 PRESENT: COUNCILMAN JAMES F. KENNEY, Chair
19 COUNCILWOMAN JANNIE BLACKWELL, V. Chair
20 COUNCILMAN DARRELL L. CLARKE
21 COUNCILMAN W. WILSON GOODE, JR.
22 COUNCILWOMAN DONNA REED MILLER
23 COUNCILMAN MICHAEL A. NUTTER
24 COUNCILWOMAN BLONDELL REYNOLDS BROWN
25 COUNCILMAN FRANK RIZZO

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1 6/8/00 PUBLIC PROPERTY - BILL 000219

2 P R O C E E D I N G S

3 COUNCILMAN KENNEY: Good afternoon,
4 ladies and gentlemen. The committee on Public
5 Property and Public Works is now in session to
6 hear testimony on Bill No. 000219 and Bill No.
7 000088.

8 Bill No. 000219 is an ordinance
9 amending Chapter 16-400 of the Philadelphia Code,
10 entitled "Vacant and Surplus Properties," by
11 amending Section 16-404, entitled "The Vacant
12 Property Review Committee," by adding a subsection
13 on the Philadelphia Commercial Development
14 Corporation.

15 Is there anyone here in the room to
16 testify on this bill?

17 (Witnesses come forward.)

18 COUNCILMAN KENNEY: Please identify
19 yourself for the record and proceed with your
20 testimony.

21 MR. BOYD: Yes. My name is Dave Boyd.
22 I'm Vice President for Neighborhood Commercial
23 Revitalization for the Philadelphia Commercial
24 Development Corporation.

25 MR. SMITH: And I'm Robert Smith, also

1 6/8/00 PUBLIC PROPERTY - BILL 000219
2 with the Philadelphia Commercial Development
3 Corporation, and I presently serve on the Vacant
4 Property Review Committee as a staff person.

5 COUNCILMAN KENNEY: Please proceed.

6 MR. BOYD: We've already submitted
7 testimony from the president of our corporation,
8 Curtis Jones, Jr., and I believe you probably have
9 that on hand already.

10 COUNCILMAN KENNEY: Yeah. If you could
11 just synopsise it, that would be fine.

12 MR. BOYD: Yeah. We've been involved
13 with participating in the Vacant Property Review
14 Committee since the early '80s in helping us in
15 our revitalization program in the commercial
16 strips that are targeted for neighborhood
17 commercial revitalization.

18 This bill, as is my understanding, will
19 give PCDC a membership on the Vacant Property
20 Review Committee, which would give us better
21 access to those City-owned properties that are on
22 commercial corridors where we have deep concerns
23 in real estate development. As you may be aware,
24 right now, there is an intense effort by retail to
25 come into the urban areas around the country,

1 6/8/00 PUBLIC PROPERTY - BILL 000219

2 especially in Philadelphia, and it gives us a
3 better opportunity to be able to market real
4 estate to these retail endeavors, plus also help
5 and assist those who are already resisting
6 businesses in Philadelphia that are on our
7 commercial strips.

8 Just as an example, I have here an
9 article from the Chain Store magazine from May of
10 2000, which further -- the title of it is "The
11 Rebirth of City Development," which basically
12 explains all of the things that we know, as
13 Philadelphians, that our neighborhoods have lots
14 of people in them, that there's a lot of
15 disposable income available for a lot of goods and
16 services, and that there's mass transportation to
17 get our people in and around the City. And it's
18 untapped and it's underserved in many of the
19 neighborhoods around Philadelphia.

20 And so by becoming a member, we will
21 have better access to the real estate that's
22 available through the City.

23 COUNCILMAN KENNEY: Fine, thank you.

24 Sir, would you like to add anything?

25 MR. SMITH: I've participated with the

1 6/8/00 PUBLIC PROPERTY - BILL 000219

2 Vacant Property Review Committee for at least ten
3 years now as staff, and it makes it, I think, very
4 much easier for us to present developers and bring
5 our proposals to the committee when we have the
6 ability to make a formal request as a voting
7 member.

8 COUNCILMAN KENNEY: Okay, fine.

9 Are there any questions for these
10 witnesses?

11 (No questions.)

12 Councilman, do you have anything you
13 want to say or add, since this is -- okay.

14 Thank you for your testimony.

15 Is there anyone else here to testify on
16 this bill? Please come forward.

17 (Witness comes forward.)

18 COUNCILMAN KENNEY: Please identify
19 yourself for the record.

20 MR. TRAYLOR: My name is Mjenzi
21 Traylor, and I'm the Acting Director of the
22 Commerce Department. Councilman Kenney and other
23 members of the committee, good afternoon.

24 COUNCILMAN KENNEY: Good afternoon.

25 MR. TRAYLOR: I am here for the sole

1 6/8/00 PUBLIC PROPERTY - BILL 000219
2 purpose of adding or amending this bill to include
3 the Commerce Department. I'm not familiar with
4 all of the history of the committee that has found
5 us not being a member of the committee, but we
6 find that any interest that we have in matters
7 that come before the committee have to be pursued
8 through other members, and Commerce usually has
9 some direct interest in the agenda for every
10 meeting.

11 And so my purpose here today is to
12 appeal for the -- to seek to amend the bill to
13 include the Commerce Department as a member of the
14 committee.

15 COUNCILMAN KENNEY: Are there any
16 questions for Mr. Traylor? No questions?

17 Councilmember Blackwell.

18 COUNCILWOMAN BLACKWELL: Thank you.

19 I will say that we are always
20 supportive of anything to increase participation.
21 Certainly we tried a year ago. We tried, in fact,
22 before the (unintelligible) expired in order to
23 get support for it to be extended, but we could
24 not get it at that time. So we're glad that it's
25 an idea whose time has come.

1 6/8/00 PUBLIC PROPERTY - BILL 000219

2 Thank you, Mr. Chairman.

3 MR. TRAYLOR: Thank you.

4 COUNCILMAN KENNEY: Thank you very
5 much.

6 Any more questions?

7 Councilman Goode?

8 COUNCILMAN GOODE: This is not a
9 question. I have no objection whatsoever to the
10 Commerce Department being added. The only
11 question is probably a technical question of the
12 title of the bill, which reads: ". . . adding a
13 subsection on the Philadelphia Commercial
14 Development Corporation," so I don't know whether
15 the bill can be amended.

16 COUNCILMAN KENNEY: You may have a
17 point there.

18 What I'd like to do is ask if we can
19 get somebody from either Council President Verna's
20 office or from the tech staff to get some type of
21 informal legal opinion as to whether or not we're
22 expanding the title. In the event that we are,
23 are you suggesting that we go forward with this
24 bill and then --

25 COUNCILMAN GOODE: And then just do a

1 6/8/00 PUBLIC PROPERTY - BILL 000219

2 separate bill.

3 COUNCILMAN KENNEY: And do a separate
4 bill for commerce? Okay. We'll take that into
5 account.

6 MR. TRAYLOR: Thank you, Councilman.

7 COUNCILMAN KENNEY: Thank you very
8 much.

9 MR. TRAYLOR: Thank you.

10 COUNCILMAN KENNEY: Judith Robinson,
11 please.

12 (Witness comes forward.).

13 COUNCILMAN KENNEY: Good afternoon.
14 Please identify yourself for the record.

15 MS. ROBINSON: Yes. Judith Robinson.
16 Okay. Good afternoon, everybody.

17 COUNCILMAN KENNEY: Good afternoon.

18 MS. ROBINSON: As I read over this
19 bill, my concerns about it is that it's being
20 extended, but I am. . .

21 COUNCILMAN KENNEY: I'm sorry, please
22 proceed.

23 MS. ROBINSON: Are you all taking a
24 break?

25 COUNCILMAN KENNEY: No, we're --

1 6/8/00 PUBLIC PROPERTY - BILL 000088

2 MS. ROBINSON: Okay. My concerns about
3 it is that I'm wondering, as I read it, it said
4 that this entity should report to City Council.
5 Is that information also available to the
6 citizens?

7 COUNCILMAN KENNEY: I'm sorry. I think
8 you may be testifying on Bill No. 000088 or on
9 219? Are you testifying on the MBEC, the Minority
10 Business Enterprise Council?

11 MS. ROBINSON: Yes, sir.

12 COUNCILMAN KENNEY: That will be the
13 next bill up, so if you could just have a seat,
14 we'll make sure you get on it.

15 MS. ROBINSON: Well, no. Then I do
16 have questions on both.

17 COUNCILMAN KENNEY: Okay.

18 MS. ROBINSON: So you're talking about
19 the Vacant Property Review Committee?

20 COUNCILMAN KENNEY: Yes, ma'am.

21 MS. ROBINSON: My concern's the same
22 about that. If this body is interested in really
23 supporting the Mayor and the blight elimination
24 plan, then I contend that you all need to
25 streamline the Vacant Property Review Committee.

1 6/8/00 PUBLIC PROPERTY - BILL 000088

2 SO from what I see here, you all haven't really
3 done that. You all have added a few clauses about
4 contractual relationships, etc., and the City
5 agency in which this agency will report to.

6 But I'm concerned about how that agency
7 is dealing with the public. I'm a real estate
8 broker with my own company, and people come to me
9 that are interested in vacant properties. And
10 once they go through the process -- I'll give you
11 an example. Like the donor-taker program. I
12 looked over the steps of the donor-taker program,
13 and there are so many steps. I just wondered why
14 you all could not consider a disposition process
15 such as HUD or VA. I don't know if you all are
16 familiar with it, but they let go.

17 It appears to me that the City is
18 holding on to a substantial number of vacant
19 properties that need to be in the hands of
20 taxpayers. I don't know why that is, and I have
21 really examined it thoroughly to try to figure out
22 why it is that the City, in various Council
23 Districts, especially North Philly, where I live,
24 I'm really concerned about that, that these
25 properties are not put into the hands of

1 6/8/00 PUBLIC PROPERTY - BILL 000088

2 taxpayers.

3 And as I look at the process to acquire
4 these properties, there are too many steps, there
5 are too many steps in which the City continues to
6 kind of cling to them as though they have to. I
7 would really respectfully request that you all get
8 the steps that the federal government, HUD, is
9 using to dispose of their properties. Also VA.
10 The Veterans Administration, once a property is
11 foreclosed on, can give a property, sell a
12 property to individuals as well as nonprofit
13 corporations.

14 Now, the other thing that concerns me
15 is that a lot of nonprofit organizations are given
16 properties, but I would just respectfully again
17 request that you look more to individuals of all
18 kinds that could possibly purchase these
19 properties and claim them. And then you can
20 request that they pay taxes, especially in North
21 Philadelphia, where's there's a substantial number
22 of properties -- and with a little less, if I can
23 say this, political attachment to them.

24 So just maybe possibly we all, as
25 citizens, can get these ideas out and come up with

1 6/8/00 PUBLIC PROPERTY - BILL 000088

2 a program where all of the acquisition programs
3 that come through Vacant Property Review can be
4 streamlined.

5 And I thank you very much.

6 COUNCILMAN KENNEY: Thank you very much
7 for your testimony.

8 Is there anyone else to testify on Bill
9 No. 000219?

10 (No response.)

11 COUNCILMAN KENNEY: Seeing none -- I'm
12 sorry, Councilmember Blackwell?

13 COUNCILWOMAN BLACKWELL: Thank you for
14 your testimony.

15 I only wanted to comment on the fact
16 that there are many of us in Council who have
17 been, over the years, concerned about the
18 availability, especially for City-owned property,
19 'cause that's easier for us to speak about or to
20 control to the individual residents and taxpayers
21 of the City. And, quite frankly, and over the
22 years, we've talked about individual properties
23 being dispersed to whoever wants them.

24 But I think part of the bottom line is
25 that for the City to convey individual properties

1 6/8/00 PUBLIC PROPERTY - BILL 000088

2 to do the title search and all that is required,
3 they have to have some assurances. In fact, they
4 do demand them, 'cause we've had other programs in
5 the past where the City gave away properties and
6 they were returned.

7 For example, we've had women who would
8 say, Boy, under this Urban Homesteading Program,
9 if you give me a property, I'll take part of my
10 check every month and I'll fix it up, and we found
11 out that they just can't handle major systems on a
12 State check. You can't do your roofing, your
13 wiring, your plumbing, you just can't do it.

14 And with the expense that it takes to
15 convey a property, the City deals more not with
16 individuals, because it's not cost-effective; they
17 deal with bigger plans and bigger developers who
18 want to come in, and with individuals on
19 City-owned property if they can show that they
20 have the wherewithal to finance rehab. And that's
21 the way it comes down.

22 They will give away City-owned
23 property, but the applicant has to show that they
24 have the wherewithal certainly to finance to that
25 in order for them to do that.

1 6/8/00 PUBLIC PROPERTY - BILL 000088

2 In terms of -- but I agree that there's
3 no plan for citywide disposal of every property in
4 the City. We don't have that, and it would be
5 great if we did we if all coordinated with all of
6 our agencies such that we had a program for
7 anybody to get any properties. It's better than
8 it was, with CDCs, with a lot of City agencies,
9 and people who care and understand, but certainly
10 it's not what it could be.

11 We thank you for your testimony.

12 MS. ROBINSON: Could I make a comment?

13 COUNCILMAN KENNEY: If you could come
14 back to the table.

15 MS. ROBINSON: For the longest time --
16 are you all familiar with HUD or VA disposition of
17 properties at all, the process?

18 COUNCILMAN KENNEY: Yeah. I believe
19 some of us are, yes.

20 MS. ROBINSON: You are?

21 COUNCILMAN KENNEY: Yes, ma'am.

22 MS. ROBINSON: Okay. Well, the thing
23 that I am concerned about, over the years I have
24 been selling them, and these federal government
25 agencies aren't as concerned about what a person

1 6/8/00 PUBLIC PROPERTY - BILL 000088

2 does with the property. Now, I know and I'm not
3 trying to be ridiculous and think that you all are
4 just going to give properties away and not be
5 concerned about it, but I know also too that HUD
6 properties are in better condition than the City
7 properties.

8 COUNCILMAN KENNEY: Right.

9 MS. ROBINSON: I understand all of
10 that, but --

11 COUNCILMAN KENNEY: Part of the problem
12 that the City faces in this regard is that HUD and
13 VA, at the time of their disposition own the
14 properties outright, but they can dispose of their
15 properties in a more streamlined fashion because
16 they actually own the properties physically.

17 What happens in the City when
18 properties are abandoned is that there are still
19 owners, there are back taxes, there are liens, and
20 there's also the State Right of Redemption law,
21 which allows an owner at the last minute to come
22 right in and redeem the property by setting up a
23 payment arrangement with the Revenue Department on
24 the real-estate taxes or their water bills.

25 And the issue is, it's simpler for the

1 6/8/00 PUBLIC PROPERTY - BILL 000088

2 federal government because they've already gone
3 through the process of removing the liens,
4 acquiring title, and having this in their housing
5 stock in order to give away as they see fit. The
6 problem that we face and part of the thing we need
7 some help from the State government in changing
8 those laws is to allow us to move quicker. Part
9 of what this bill is doing, I think, will make it
10 quicker because you will have agencies like the
11 Philadelphia Development Corporation and
12 eventually the Commerce Department also giving
13 their input into the process.

14 MS. ROBINSON: Sir, I beg to differ
15 with you. I think you all are laying on two more
16 levels of bureaucracy. And what I'm saying -- I'm
17 talking about only City-owned, already-named owned
18 properties. As I said, I'm a real estate broker,
19 and when I talk about owned properties, I do know
20 what City-owned properties are. And I have
21 watched in my neighborhood, North Philadelphia,
22 Strawberry Mansion, where I grew up, and now where
23 I own, the Woodstock-Diamond area, where there are
24 City-owned properties that have been allowed to
25 rot for years, and people want them.

1 6/8/00 PUBLIC PROPERTY - BILL 000088

2 It's not my business to try to sell
3 City properties, because that's just not how it
4 works, but people do call me and they ask me to
5 look up a property, and I find that it's
6 City-owned property, and they have owned 'em for
7 like ten years, for instance. I'm only talking
8 specifically about City-owned properties.

9 So I understand all of the
10 ramifications of trying to get a property out of
11 the hands of a private owner, sir. Believe me, I
12 do. But I'm talking about those properties that
13 are owned by the City that need to be in the hands
14 of taxpaying citizens.

15 And I'll leave it alone because I
16 understand what you all are saying, but you all
17 need to understand clearly what the citizens are
18 saying: They want those properties, they want to
19 try to stabilize neighborhoods. And the only way
20 you can do it is by putting them into the hands of
21 the taxpayers, not some of these programs. And
22 you have to be really clear on a program that's
23 sort of going to coddle the purchaser once they
24 purchase it. I want to give clear ownership and
25 let them have the right to have the deed in their

1 6/8/00 PUBLIC PROPERTY - BILL 000088

2 name so they can go out and get a first mortgage
3 or a second mortgage, or whatever they need, to
4 move forward.

5 I have sold homes to average and poor
6 and low-income citizens that just had the
7 inclination that they wanted to purchase a home.
8 They purchased a HUD home, for instance, for
9 \$5,000 that they scraped and saved up, and they
10 went there and took it room by room and fixed up
11 those houses. They didn't gut the whole house and
12 tear down walls and do all the things that you all
13 have been made to believe are necessary to rehab a
14 home. These are folks that just want basic homes,
15 and once they build up their income and move along
16 in the process, they'll be able to do more things
17 and make their home better. They are homeowners
18 now, they haven't given the home back to HUD,
19 because it's not something that they can do.

20 I just respectfully request that you
21 all, as a body, think about giving properties to
22 citizens that really are serious about it and
23 maybe put some stop measures in the process so
24 that they are able to move forward and own these
25 properties and start paying some taxes on it so we

1 6/8/00 PUBLIC PROPERTY - BILL 000088

2 can build up the tax base. I really know it can
3 be done. If you all need some assistance on it,
4 I'd be willing to volunteer because I know it can
5 be done. And in my neighborhood, I want it done
6 real bad.

7 Thank you all.

8 COUNCILMAN KENNEY: Thank you very
9 much.

10 Is there anyone else to testify on Bill
11 219?

12 (No response.)

13 COUNCILMAN KENNEY: Seeing none, we'll
14 move to Bill No. 000088, which is an ordinance
15 amending Title 17 of the Philadelphia Code
16 relating to the contracts and procurement by
17 adding Chapter 17-500, entitled "Goals for the
18 Participation of Minority, Female, and Disabled-
19 Owned Businesses in City Contracts," to extend the
20 life of the Minority Business Enterprise Council
21 (MBEC), grant authority to MBEC to monitor
22 participation of minority, female disabled-owned
23 businesses and socially and economically
24 disadvantaged individuals in all City contracts,
25 City agencies, and City quasi-public agencies, and

1 6/8/00 PUBLIC PROPERTY - BILL 000088
2 to require regular reporting to City Council, all
3 under certain terms and conditions.

4 (Witnesses come forward.)

5 COUNCILMAN KENNEY: Good afternoon.
6 Please for identify yourself for the record.

7 MR. ROUNDTREE: Good afternoon,
8 Chairman Kenney, and good afternoon,
9 Councilmembers. That's -- reading that bill is
10 going to be a little longer than my testimony,
11 but. . .

12 My name is James Roundtree, and I'm
13 Deputy Financial Director and Director of the
14 Minority Business Enterprise Council. I have with
15 me Commissioner Louis Applebaum, and Acting
16 Commerce Department Director Mjenzi Traylor, and I
17 welcome the opportunity to submit my testimony in
18 support of Bill 88, as amended, granting the
19 Minority Business Enterprise Council the authority
20 to monitor the participation of minority, women,
21 disabled-owned, social and economically
22 disadvantaged businesses in all City contracts and
23 quasi-governmental agencies.

24 I have submitted written testimony so
25 I'm going to be brief and just scan through a few

1 6/8/00 PUBLIC PROPERTY - BILL 000088

2 things that I would like for the record.

3 Just to understand that MBEC currently
4 operates under Executive Order 1-93, which
5 authorizes the MBEC to establish participation
6 arrangements for disadvantaged, minority, female
7 and disabled-owned businesses in City contracts.
8 This order also invests the MBEC with the
9 responsibility of reviewing each City agency's
10 bids and proposals for responsibility and
11 responsiveness for the nondiscrimination
12 requirements for the order. Most importantly, the
13 order allows for the monitoring of participation
14 of disadvantaged businesses in the City's
15 operating department contracts.

16 If I am correct in my interpretation of
17 Bill 88, it will authorize the MBEC to monitor the
18 contracts of the following quasi-public agencies:

19 The Philadelphia Housing Authority;
20 The School District of Philadelphia;
21 The Municipal Authority;
22 The Philadelphia Parking Authority;
23 The Philadelphia Commercial Development
24 Corporation;
25 The Philadelphia Industrial Development

1 6/8/00 PUBLIC PROPERTY - BILL 000088

2 Corporation;

3 The Center City District;

4 Philadelphia Gas Works;

5 The Redevelopment Authority of

6 Philadelphia;

7 The Philadelphia Housing Development

8 Corporation;

9 Penn's Landing Corporation;

10 And others as depicted by the City's

11 contracting relationships.

12 Currently, those are the only areas
13 that the 1-93 does not cover, but notwithstanding
14 Bill 88 will have a significant fiscal impact on
15 the MBEC. At a minimum, additional MBEC staff
16 will be required to supplement the current staff
17 levels dedicated to contract monitoring. There
18 are also some technological deficiencies that will
19 have to be addressed in our day-to-day monitoring
20 of disadvantaged, minority, women, and disabled
21 business participation. Currently, the City's
22 ADPICS and ACIS and our FAMIS software systems
23 support the MBEC reporting function, but the MBEC
24 will need to purchase and incorporate software
25 options to enhance the contract monitoring

1 6/8/00 PUBLIC PROPERTY - BILL 000088
2 specifically for minority, women, and disabled and
3 disadvantaged businesses monitoring the quasi-
4 agencies and authorities.

5 Also, I wish to respectfully request
6 that the three-month reporting requirement be
7 amended to six months or a semiannual report.
8 From my experience with compiling an annual
9 report, in many times -- anytime less than six
10 months will not adequately reflect the status of
11 the agencies' participation level. For example,
12 most of the construction projects go anywhere from
13 24 to 36 months. And at many times, the
14 subcontractor arrangements on these projects are
15 not immediately available at the time that the
16 Authority or agency awards the contract. So I
17 believe that a semiannual snapshot of an agency's
18 contracting will be more adequately reflected of
19 any achievements or any deficiencies in the
20 agency's effort to include minority women and
21 disabled businesses.

22 MBEC supports the bill with the
23 recommendations made above. MBEC can best enforce
24 these quasi-public agencies' activities with the
25 their cooperation. And, finally, the bill does

1 6/8/00 PUBLIC PROPERTY - BILL 000088
2 represent a administrative burden to the MBEC that
3 can be met through additional staffing and
4 software enhancement.

5 Thank you for your attention and the
6 opportunity to testify in support of Bill 88.

7 I would like to turn it over to Mr.
8 Applebaum, and then I will still be available for
9 questions.

10 COUNCILMAN KENNEY: Okay. I just want
11 to put one issue on the record right now, and I
12 know that the Chief of Staff is here and I'm
13 hoping that we can get some clarification on the
14 record.

15 In your testimony, written testimony,
16 Mr. Roundtree, it said, "Notwithstanding my
17 support, Bill 88 will have a significant fiscal
18 impact on MBEC. At a minimum, additional MBEC
19 staff will be required to supplement the current
20 staffing level dedicated to contract monitoring
21 functions. And there's also technological
22 deficiencies in the day-to-day monitoring of
23 disadvantaged minority, female, and business
24 participation." And you would be requiring
25 additional software and other technical support in

1 6/8/00 PUBLIC PROPERTY - BILL 000088

2 an effort to do this.

3 What I would like to get is some
4 indication from the Administration that if we do
5 pass this bill, the appropriate and requested
6 additional finances that are necessary to increase
7 your staff and to give you the tools you need, as
8 long as we can get that on the record, I don't
9 really see any problem with us supporting the
10 movement of this bill. But it is something that's
11 glaring out there, and I want to make sure we
12 don't pass something that puts you in a position
13 that you're not able to handle it from a staffing
14 and support standpoint.

15 So I don't want to hold you up, Chief
16 of Staff. If you can kind of comment on that, and
17 then we can move to the other witnesses.

18 (Witness comes forward.)

19 MS. FRANKLIN-SUBER: Thank you. Good
20 afternoon.

21 COUNCILMAN KENNEY: Good afternoon.

22 MS. FRANKLIN-SUBER: For the record, my
23 name is Stephanie Franklin-Suber. I'm Chief of
24 Staff to Mayor John F. Street.

25 The Administration does support this

1 6/8/00 PUBLIC PROPERTY - BILL 000088

2 bill. If the reporting requirement, as requested,
3 may be expanded, the timeframe for the reporting
4 requirement, then we believe that through the
5 effective use of technology and other management
6 and productivity initiatives that we would be able
7 to absorb and deal with the cost of additional
8 staffing.

9 We certainly believe that the bill
10 itself is significant, and we support it and we
11 believe we can find a way to resolve the cost
12 implications.

13 COUNCILMAN KENNEY: Thank you very
14 much. That's what we were looking for. Sorry to
15 drag you upstairs, but I'd rather have it on the
16 record.

17 MS. FRANKLIN-SUBER: It's always a
18 pleasure.

19 COUNCILMAN KENNEY: Thank you very
20 much.

21 Are there any questions for the Chief
22 of Staff?

23 (No questions.)

24 COUNCILMAN KENNEY: Thank you very
25 much.

1 6/8/00 PUBLIC PROPERTY - BILL 000088

2 Mr. Roundtree, are you -- I'm sorry,
3 Mr. Roundtree, do you have anything else? Or do
4 you want to pass to the property commissioner?

5 MR. ROUNDTREE: I'll pass to the
6 Procurement Commissioner.

7 COUNCILMAN KENNEY: Thank you.

8 COMMISSIONER APPLEBAUM: Good
9 afternoon, Councilman Kenney and Committee members
10 of City Council.

11 COUNCILMAN KENNEY: Good afternoon.

12 COMMISSIONER APPLEBAUM: I'm Louis
13 Applebaum, Procurement Commissioner of the City of
14 Philadelphia.

15 I am pleased to submit testimony in
16 support of Bill No. 000088, as amended, granting
17 the MBEC the authority to monitor the
18 participation of minority, women, and disabled-
19 owned, socially and economically disadvantaged
20 business enterprises in all City and
21 quasi-governmental-related contracts.

22 My department currently provides
23 contracting data to the MBEC through our ADPICS
24 speed system. The Procurement Department data
25 allows MBEC to monitor the participation of

1 6/8/00 PUBLIC PROPERTY - BILL 000088

2 minority, female and disabled, disadvantaged
3 businesses on public works, services, supplies,
4 equipment, and all concession contracts.

5 I support MBEC in its request that the
6 bill's three-month reporting requirement be
7 amended to a six-month semiannual report. Like
8 Jim Roundtree just mentioned, my experience with
9 compiling this type of data indicates that you
10 will gain a more realistic and valuable assessment
11 of an agency's contracting activities if you limit
12 these reports to a twice-yearly basis.

13 In conclusion, the Procurement
14 Department supports this bill, with the
15 recommendations made by MBEC. My staff will
16 continue to lend assistance to MBEC in its
17 reporting of contracts bids through the
18 Procurement Department.

19 Thank you for this opportunity to
20 testify on behalf of Bill No. 000088. I am
21 available for any questions.

22 Thank you.

23 COUNCILMAN KENNEY: Thank you very
24 questions.

25 Any questions for Mr. Applebaum?

1 6/8/00 PUBLIC PROPERTY - BILL 000088

2 (No questions.)

3 COUNCILMAN KENNEY: Mr. Traylor, please
4 identify yourself again for the record and proceed
5 with your testimony.

6 MR. TRAYLOR: Good afternoon. My name
7 is Mjenzi Traylor, and I am the Acting
8 Representative of the Department of Commerce. I
9 am here today to present testimony in support of
10 amending Chapter 17-500, which states that the
11 Minority Business Enterprise Council, MBEC, shall
12 issue a report that outlines the participation of
13 minority, female, disabled businesses and socially
14 and economically disadvantaged individuals in the
15 City of Philadelphia, its agencies, and
16 quasi-public agencies to City Council every six
17 months.

18 Executive Order 1-93 requires City
19 agencies, including the Commerce Department, to
20 provide reports on contracts and participation in
21 contracts to MBEC. The Commerce Department has
22 been doing this. The Philadelphia International
23 Airport, a division of the Commerce Department,
24 has implemented a significant number of
25 development projects. The airport reports

1 6/8/00 PUBLIC PROPERTY - BILL 000088

2 contracts pertaining to these projects to MBEC.

3 The Commerce Department uses ACIS for
4 its data entry for contracts. Participation in
5 them is tracked through this reporting system.
6 The Office of Housing and Community Development
7 Equal Opportunity Division monitors employment
8 goals in Commerce Department's CDBG contracts as
9 they relate to minority participation.

10 The Commerce Department places ranges
11 or goals in many of its projects to encourage
12 participation by socially and economically
13 disadvantaged businesses in all phases of the
14 contracting process.

15 MBEC was established in 1982 to ensure
16 that MBEs, WBEs, DS-DBEs, and DBEs are afforded
17 equal access and opportunity to compete for and
18 secure contracts within the City of Philadelphia.

19 Many minority, women, disabled, and
20 disadvantaged business entrepreneurs at times feel
21 frustrated by some very real obstacles that block
22 the road to success. By helping to generate new
23 opportunities for minority-owned businesses, MBEC
24 is working to eradicate some of these obstacles.
25 This program helps open doors sometimes closed to

1 6/8/00 PUBLIC PROPERTY - BILL 000088

2 minority firms due to small size, limited
3 resources, or even unfair perceptions.
4 Historically, MBEs competed against large,
5 non-minority businesses with substantial
6 resources. The results were somewhat predictable.

7 I look forward to looking closely with
8 members of City Council and other City departments
9 to continue to strengthen the economic base of the
10 City.

11 I'll be pleased to answer any questions
12 you may have.

13 COUNCILMAN KENNEY: Thank you very much
14 for your testimony.

15 Are there any questions for this panel
16 of witnesses?

17 (No questions.)

18 COUNCILMAN KENNEY: Thank you very
19 much.

20 COMMISSIONER APPLEBAUM: Thank you.

21 COUNCILMAN KENNEY: Is there anyone
22 else here from any agency or authority to testify
23 on behalf or opposed to this bill?

24 (No response.)

25 COUNCILMAN KENNEY: Is there anyone

1 6/8/00 PUBLIC PROPERTY - BILL 000088

2 else to testify on this bill? Please come
3 forward.

4 MS. ROBINSON: Hello again.

5 COUNCILMAN KENNEY: Please identify
6 yourself for the record and proceed.

7 MS. ROBINSON: Judith Robinson.

8 Regarding Bill 88, first of all, from
9 what I understand, this agency has been in
10 existence for approximately or close to 20 years.
11 Are they reporting to anyone outside of their
12 agency at this point?

13 COUNCILMAN KENNEY: Anyone? For
14 example. . . ?

15 MS. ROBINSON: Your body, City
16 Council?

17 COUNCILMAN KENNEY: They report to City
18 Council, yes, to the President's office.

19 MS. ROBINSON: Is this information
20 available to the public?

21 COUNCILMAN KENNEY: I am not sure.
22 Mr. Applebaum, can you enlighten as to the
23 availability of the information?

24 I'm sorry, Mr. Roundtree has an answer.

25 (Mr. Roundtree returns to witness

1 6/8/00 PUBLIC PROPERTY - BILL 000088

2 table.)

3 COUNCILMAN KENNEY: Did you hear the
4 question, Mr. Roundtree?

5 MR. ROUNDTREE: Yes.

6 COUNCILMAN KENNEY: Thank you.

7 MR. ROUNDTREE: James Roundtree,
8 director of the MBEC.

9 Once -- the annual reports are made
10 public. Once they are sent to the Council
11 President and to the Administration, then they
12 become public.

13 COUNCILMAN KENNEY: And how are they
14 disseminated and how are they made available?

15 MR. ROUNDTREE: People can call and
16 request copies of them.

17 COUNCILMAN KENNEY: Okay.

18 MS. ROBINSON: Okay.

19 COUNCILMAN KENNEY: I'm sorry, go
20 ahead.

21 Mr. Roundtree, remain here in case
22 there's more questions.

23 MS. ROBINSON: Okay. Well, that makes
24 me real clear on where I'm going next, because
25 about four months ago, Mr. Roundtree, I wrote a

1 6/8/00 PUBLIC PROPERTY - BILL 000088

2 letter to your office, which I'm sure your office
3 received because I did follow up to verify, and
4 all I requested is the most recent past five years
5 of how African-Americans, or minorities, if you
6 want to add that all together, have participated
7 over the past five years in City contracts. And I
8 specifically asked for the capital projects as
9 well as any professional services.

10 And I did -- I know that your office
11 received it because I did verify that you did, and
12 I did follow up with several phone calls. I spoke
13 specifically with Mr. Macklin (ph.), who I now
14 understand is retired, and he was --

15 COUNCILMAN KENNEY: I'm sorry. That
16 would be a surprise to him because he's working
17 for the Council President.

18 MS. ROBINSON: Now with City Council, I
19 understand, don't worry, I'm going to get to that,
20 I'm going to get to that.

21 Because this is what concerns me.
22 After all of these years, I wanted to really try
23 for compile for my own edification just how much
24 difference it has been in the past five years
25 since the executive order that Mr. Rendell put in

1 6/8/00 PUBLIC PROPERTY - BILL 000088

2 place in 1995. And so that's the reason why I
3 asked for the information.

4 I have not received it till this day.

5 So I thought it was some cloistered, quiet
6 information. If in fact this agency is charged
7 with monitoring, and I thought advocating, but
8 let's knock that off 'cause I did not see this on
9 this bill here. But if they are charged with
10 monitoring minority participation, then I just
11 think that information should be readily available
12 to the public for those of us that are outside of
13 the systems so we could know that, in fact, there
14 is some increase, because I definitely do not
15 think it's fair to have taxpayers pay into a
16 system and then when they approach that system
17 with all credentials now, in order to try to build
18 a business, that they should not be able to
19 participate.

20 And if there is any agency, such as
21 OHCD and all of the other agencies, which I have,
22 by the way, requested information from OHCD,
23 Mr. Kevin Brooks and was always able to receive
24 it, so that's why I was a little concerned and am
25 here today because I am concerned that I was not

1 6/8/00 PUBLIC PROPERTY - BILL 000088

2 able to get that information from MBEC.

3 COUNCILMAN KENNEY: Well, what I
4 suggest -- and I'm not making excuses for Mr.
5 Roundtree or his office, but I know that even all
6 of us here at the table from time to time will
7 fall down on a letter or a request, and I know
8 it's happened to me and I've met people outside
9 and they were mad at me because I didn't get back
10 to them, and mistakes are made.

11 So what I would ask is that
12 Mr. Roundtree try to provide that information to
13 Miss Robinson today or tomorrow, whenever it's
14 possible, and also perhaps we should investigate
15 the possibility of putting this information --
16 making it available through the Web site.

17 MS. ROBINSON: And maybe in the
18 library, because not everybody is not on the
19 Worldwide Web, I know, although we all think they
20 are.

21 COUNCILMAN KENNEY: Or in the library
22 -- I know there's computers available, I know,
23 also in the library, so if there's some other way
24 we can begin to disseminate or make available
25 information like this to people who are interested

1 6/8/00 PUBLIC PROPERTY - BILL 000088

2 in it, it would be a big help.

3 MS. ROBINSON: And the other thing I am
4 concerned about too is that you're now giving this
5 agency more control over like a wider area.

6 COUNCILMAN KENNEY: They'll have
7 responsibility to monitor other agencies that they
8 haven't been monitored in the past.

9 MS. ROBINSON: Right. And how can I
10 say this in a very respectful manner to all of
11 you. While everything is political, I understand
12 that too, but sometimes it gets just maybe to me,
13 just in a political sense, I'm just a average
14 citizen. I'm saying to you all, can we please
15 have a little more information and can we kind of
16 open up this process so everybody, without being
17 attached to everybody, can just have a fair
18 opportunity?

19 And I don't want you all to think I'm
20 really totally ridiculous in asking some of these
21 things, but I'm just asking as a citizen, kind of,
22 you know, give everybody a chance.

23 COUNCILMAN KENNEY: Well, I'll tell you
24 one of the things that I've always said to people,
25 and it seems obvious to me anyway because I've

1 6/8/00 PUBLIC PROPERTY - BILL 000088

2 spent my career either working for elected
3 officials or being one. You do elect all of us,
4 your District people, your At-Large people, and we
5 have access to that information. And calling us
6 to make a request like that is not being
7 connected; it's availing yourselves of what you
8 pay your taxes for. And that's us and our staffs
9 and our ability to go and seek information.

10 Now, I'm sure that if, for example, you
11 had called -- I don't know if you live in the 5th
12 District, but if you had called Councilman Clarke
13 or myself or Councilmember Brown or Rizzo, and
14 said, Look, I sent a letter to Mr. Roundtree and
15 didn't get a response, could you find out what's
16 going on? I'm sure one of us would have been able
17 to get the information you were needing.

18 So government should work by simply
19 picking up the phone and making the request. It's
20 a big government and a lot of people and a lot of
21 requests, but that's what we're here for. And I
22 would available yourself of our services in the
23 future if you don't get a response that you like
24 from government.

25 MS. ROBINSON: Well, listen, I

1 6/8/00 PUBLIC PROPERTY - BILL 000088

2 respectfully understand what you're saying, and I
3 definitely do call my Councilman, as he probably
4 could tell you.

5 COUNCILMAN CLARKE: (Nods.)

6 MS. ROBINSON: And I talk to him about
7 a whole bunch of issues and I don't like to bug
8 him for every little petty thing. To be honest,
9 to me, that is not something that I would call my
10 Councilperson about. I think I should be able to
11 write a letter and respectfully follow up with the
12 letter and request this information and receive
13 it. I mean, what is the big deal here?

14 COUNCILMAN KENNEY: Well, let me tell
15 you, we don't view it as being bugged.

16 MS. ROBINSON: I know, I know.

17 COUNCILMAN KENNEY: You may a little
18 feel awkward making a call like that, but you know
19 what we worry about? The day our phone stops
20 ringing. And then that's a real big problem.

21 So, please, you really should use us
22 'cause I know people even on other requests like,
23 I called City Hall to get the trash picked up
24 'cause they missed the trash. Well, who did you
25 call at City Hall? Well, I called 1776, and it

1 6/8/00 PUBLIC PROPERTY - BILL 000088

2 didn't get picked up. The next call you should
3 make is to one of us, 'cause we'll get it picked
4 up or we'll have something to pay with you by not
5 servicing you correctly.

6 Councilmember Clarke?

7 MS. ROBINSON: So the next time I will
8 call you.

9 COUNCILMAN KENNEY: Call Councilman
10 Clarke first, he's your District person.

11 (Laughter.)

12 COUNCILMAN KENNEY: But I also don't
13 mind trying to help.

14 Councilmember Miller.

15 COUNCILWOMAN MILLER: I just want to
16 say thank you for coming in. What's your name
17 again?

18 MS. ROBINSON: Judith Robinson.

19 COUNCILWOMAN MILLER: Okay, Miss
20 Robinson, it's a pleasure to hear you voice your,
21 you know, real true concern about things in the
22 City that could be improved on. And we all
23 realize that the vacant property process could be
24 better streamlined. In fact, there was a
25 committee during the last Council session to deal

1 6/8/00 PUBLIC PROPERTY - BILL 000088

2 with just that issue of taking a look at the whole
3 issue around vacant properties and vacant land.

4 But I did want to say that I agree with
5 Councilman Kenney that, you know, people are here
6 to serve and you should give us a call, and I
7 really appreciate you coming in 'cause we really
8 don't have that many people coming in to testify
9 at these kind of hearings.

10 MS. ROBINSON: I know that.

11 COUNCILWOMAN MILLER: But I do have a
12 comment for Mr. Roundtree.

13 One of the things that you've stated in
14 your testimony, and you've kind of stated twice,
15 that the only way that you can really fulfill the
16 desires of this piece of legislation is through
17 the integrity of the internal record keeping of
18 agencies and also the cooperation of the agencies
19 that you'll now be monitoring.

20 Do you have any recommendations or do
21 you think this committee needs to think further
22 about recommendations around the enforcement if
23 the cooperation, if the internal systems are not
24 in place to provide you with the information that
25 you need?

1 6/8/00 PUBLIC PROPERTY - BILL 000088

2 COUNCILMAN KENNEY: Before you answer
3 the question, Councilmember Nutter is recognized
4 for the purpose of leaving his "aye" vote on all
5 amendments and all bills.

6 COUNCILMAN NUTTER: Thank you, Mr.
7 Chairman. I'm sorry, Councilwoman.

8 COUNCILWOMAN MILLER: That's okay.

9 COUNCILMAN NUTTER: But I must leave
10 the chambers, and I would like to be recorded as
11 voting aye to move -- I believe there's going to
12 be an amendment to Bill No. 000088, and I'd like
13 to vote in favor of the amendment, as well as
14 reporting bill out of committee. And if there's a
15 suspension of the rules, the same.

16 I would also like to be recorded as
17 voting aye on Bill No. 000219, as well as any
18 request for a rules suspension of Council.

19 Thank you, Mr. Chairman.

20 COUNCILMAN KENNEY: Thank you very
21 much.

22 I'm sorry. Please proceed,
23 Mr. Roundtree.

24 MR. ROUNDTREE: As far as the
25 recommendations, one of the things we would do, if

1 6/8/00 PUBLIC PROPERTY - BILL 000088

2 the bill is passed, is to identify implementation
3 of policy so that everyone is clear. When we --
4 the type of information that we need, when we need
5 it, and what the purpose is.

6 As Miss Robinson was stating, sometimes
7 people send you things or they won't send you
8 things 'cause they don't know what the true
9 purpose is, so we need to sit down and develop an
10 implementation policy on how we get the
11 information. It will be at that time that I will
12 have recommendations for you.

13 COUNCILWOMAN MILLER: Okay. So that
14 will happen with you and members of your staff,
15 and maybe members of our departments, okay.

16 Because this bill means nothing if it's
17 not implemented.

18 MR. ROUNDTREE: That's right.

19 COUNCILWOMAN MILLER: And if you're not
20 going to get the cooperation of those other
21 agencies, this bill means nothing. So I, for one,
22 would like to know what the outcome of the
23 recommendations are before implementation starts.

24 MR. ROUNDTREE: And the reason why we
25 stated it twice is 'cause it's very important that

1 6/8/00 PUBLIC PROPERTY - BILL 000088

2 we put on the record that we need that information
3 to be, for lack of a better term, to be correct.

4 COUNCILWOMAN MILLER: What?

5 MR. ROUNDTREE: We need as
6 technologically-sound information as we can get.
7 As we're reviewing our (unintelligible) studies,
8 one of the greatest problems that we've had is the
9 tracking of the information from prior years. We
10 need to make sure that the integrity of the
11 information that we've receiving is sound. And
12 since this bill is the only one that will allow us
13 to monitor it, we want to make sure that the
14 information that we receive on both ends is
15 correct.

16 COUNCILWOMAN MILLER: Right. And
17 that's one of the reasons why I raised it when I
18 read it, because I know that at some of our past
19 hearings that we've had regarding minority
20 participation, sometimes we've asked questions
21 that you really haven't been able to answer
22 because of lack of participation -- lack of
23 cooperation or the internal systems in place to
24 really crunch the numbers out, and we just don't
25 want to just be doing this just because we need

1 6/8/00 PUBLIC PROPERTY - PUBLIC MEETING
2 something to do; we want to have this bill because
3 we want to get real information to see what's
4 going here so we can make a fair assessment.
5 MR. ROUNDTREE: Right. Yes, ma'am.
6 COUNCILWOMAN MILLER: Okay, thank you.
7 COUNCILMAN KENNEY: Thank you very
8 much.
9 Are there any more questions for Mr.
10 Roundtree?
11 (No further questions.)
12 COUNCILMAN KENNEY: Thank you.
13 Is there anyone else to testify on this
14 bill?
15 (No response.)
16 COUNCILMAN KENNEY: That will conclude
17 the public hearing on the Committee on Public
18 Property and Public Works.
19 Oh, excuse me, I'm sorry. For the
20 record, under advice from counsel, Bill No.
21 000219, due to a title problem, cannot be amended
22 to include the Commerce Department, so we will
23 ask, I guess, the sponsors, Councilmembers Goode
24 and Reynolds Brown and Nutter to prepare an
25 additional piece of legislation to include the

1 6/8/00 PUBLIC PROPERTY - PUBLIC MEETING

2 Commerce Department.

3 So with that, I would like to recognize
4 Councilmember Miller for a motion to approve Bill
5 No. 000219 with a rules suspension.

6 COUNCILWOMAN MILLER: I move that Bill
7 No. 000219 be reported out of committee with a
8 favorable recommendation and with a motion to
9 suspend the rules so as to permit first reading at
10 the next Council session?

11 COUNCILMAN KENNEY: Can I have a
12 second?

13 (Duly seconded.)

14 COUNCILMAN KENNEY: Moved and seconded.

15 All in favor, aye?

16 There are none opposed.

17 Bill No. 000219 will be reported out of
18 this committee favorably and request will be made
19 for a rules suspension to allow for first reading
20 at our next Council session.

21 Oh, by the way, the amendment to Bill
22 No. 000088 will be Page 2, Paragraph (d), changing
23 the word "three" in the last line, last sentence
24 and replacing it with the word "six," as I
25 understand the request made by the Minority

1 6/8/00 PUBLIC PROPERTY - PUBLIC MEETING
2 Business Enterprise Council to have a six- instead
3 of a three-month period of reporting.

4 Oh, I'm sorry. Councilmember Clarke?
5 COUNCILMAN CLARKE: Thank you,
6 Mr. Chairman.

7 In consultation with the Law
8 Department, we've been asked to make additional
9 amendments to be read as such: Adding to Section
10 17-501 a definition for "quasi-public agency" as
11 any and all authorities and quasi-public
12 corporations which either:

13 (i) receive appropriations from the
14 City; or

15 (ii) have entered into continuing
16 contractual relationships with the City; or

17 (iii) operate under the legal
18 authority granted to them by City ordinance; or

19 (iv) any board or commission to which
20 the Mayor of the City of Philadelphia or the
21 Council of the City of Philadelphia is entitled to
22 an appointment.

23 We're asking them to delete the
24 language from Section 17-502 under "Implementation
25 and Applicability." And we would like to insert:

1 6/8/00 PUBLIC PROPERTY - PUBLIC MEETING

2 (2) notwithstanding the expiration --

3 COUNCILMAN KENNEY: Sorry, where is it
4 being inserted at?

5 COUNCILMAN CLARKE: In 17-502.

6 COUNCILMAN KENNEY: Which --

7 COUNCILMAN CLARKE: It would be number
8 3.

9 COUNCILMAN KENNEY: I'm sorry.

10 COUNCILMAN CLARKE: It would be after
11 17-502, at the end of the section. It would be a
12 new section 17-503.

13 COUNCILMAN KENNEY: Right.

14 COUNCILMAN CLARKE: And that new
15 section will read:

16 "Notwithstanding the expiration of the
17 effective date of this Chapter, or any judicial
18 determinations concerning the legality of any of
19 the substantive requirements of this Chapter, the
20 Minority Business Enterprise Council shall issue a
21 report that outlines the participation of
22 Minority, Female, Disabled Business and Socially
23 and Economically Disadvantaged Individuals in the
24 City of Philadelphia, its Agencies, and
25 Quasi-Public Agencies to City Council every six

1 6/8/00 PUBLIC PROPERTY - PUBLIC MEETING

2 months after the date that this bill becomes
3 effective."

4 COUNCILMAN KENNEY: The amendments
5 should be provided to the stenographer to ensure
6 accuracy.

7 (Marked up copy of amendments attached
8 hereto.)

9 COUNCILMAN KENNEY: Is that all the
10 amendments?

11 COUNCILMAN CLARKE: Yes.

12 COUNCILMAN KENNEY: Okay. The Chair
13 recognizes Councilmember Clarke for a motion to
14 approve the amendments of Bill No. 88.

15 COUNCILMAN CLARKE: Thank you,
16 Mr. Chairman. I make a motion that Bill No.
17 000088, as amended, be --

18 COUNCILMAN KENNEY: No, we need
19 approval of the amendments first.

20 COUNCILMAN CLARKE: I'm sorry.

21 COUNCILMAN KENNEY: Move the approval
22 of the amendments.

23 COUNCILMAN CLARKE: I'm sorry. I move
24 the approval of the amendments to Bill No. 88.

25 (Duly seconded.)

1 6/8/00 PUBLIC PROPERTY - PUBLIC MEETING

2 COUNCILMAN KENNEY: It's moved and
3 seconded.

4 All in favor, aye?

5 There are none opposed.

6 Bill No. 000088 will be amended
7 accordingly, as read into the record.

8 The Chair recognizes Councilmember
9 Clarke for a motion on the amended Bill 88.

10 COUNCILMAN CLARKE: I move that Bill
11 No. 000088, as amended, be reported out of this
12 committee with a favorable recommendation and a
13 suspension of the rules so as to allow first
14 reading at the next Council session.

15 COUNCILMAN KENNEY: And that bill will
16 be reported out this committee, as amended. And
17 is there a second?

18 (Duly seconded.)

19 COUNCILMAN KENNEY: All in favor, aye?
20 There are none opposed.

21 Bill No. 000088, as amended, will be
22 reported out of this committee favorably and a
23 request will be made for a rules suspension to
24 allow for first reading at our next Council
25 session.

1 6/8/00 PUBLIC PROPERTY - PUBLIC MEETING

2 Oh, by the way, just so that the record
3 clear, membership at today's committee hearing
4 was: Councilmember Rizzo, Councilmember Nutter,
5 Councilmember Blackwell, Councilmember Miller,
6 Councilmember Reynolds Brown, and Councilmember
7 Clarke, and chaired by Councilman Kenney.

8 That concludes the business of this
9 committee. Thank you very much.

10 (Adjourned at 3:00 p.m.)

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RE: COMMITTEE ON PUBLIC PROPERTY AND PUBLIC WORKS

14

BILL NO.'S 000088, 000219

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JOSEPHINE CARDILLO,

Registered Professional Reporter