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COUNCIL OF THE CITY OF PHILADELPHIA

3

COMMITTEE ON PARKS, RECREATION

4

AND CULTURAL AFFAIRS

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Room 400, City Hall
Philadelphia, Pennsylvania
Tuesday, February 12, 2008
2:15 p.m.

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PRESENT:

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COUNCILWOMAN BLONDELL REYNOLDS BROWN, CHAIR

12

COUNCILMAN DARRELL L. CLARKE

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COUNCILMAN FRANK DiCICCO

14

COUNCILMAN CURTIS JONES, JR.

15

COUNCILMAN JAMES F. KENNEY

16

COUNCILMAN BRIAN J. O'NEILL

17

COUNCILWOMAN MARIA QUINONES-SANCHEZ

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BILL 080078 - An ordinance authorizing the
President of the Fairmount Park Commission,
the Executive Director of Fairmount Park, and
the Procurement Commissioner...

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BILL 080084 - An ordinance authorizing the
President of the Fairmount Park Commission,
the Executive Director of Fairmount Park, and
the Public Property Commissioner...

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V A R A L L O Incorporated
Litigation Support Services
Eleven Penn Center
1835 Market Street, Suite 600
Philadelphia, Pennsylvania 19103
215.561.2220 215.567.2670

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COUNCILWOMAN BROWN: Good

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afternoon, everyone. We wish to say good

4

afternoon to all in attendance. The City

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Council Committee on Parks, Recreation

6

and Cultural Affairs is now in a public

7

hearing to hear testimony on Bill Nos.

8

080078 and 080084.

9

Those Councilmembers in

10

attendance are Co-Chair of this

11

Committee, Councilman of the 4th

12

Councilmanic District, Councilman Curtis

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Jones, and Councilwoman Maria

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Quinones-Sanchez, Councilmember of the

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7th Councilmanic District. Might we add

16

two wonderful members of the Philadelphia

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City Council. Pleased to have them on

18

this Committee.

19

We will now ask our Clerk,

20

Joseph Meade, to read the title of Bill

21

No. 080084.

22

THE CLERK: An ordinance

23

authorizing the President of the

24

Fairmount Park Commission, the Executive

25

Director of Fairmount Park and the Public

1 2/12/08 - PARKS - BILLS 080078 and 080084
2 Property Commissioner, on behalf of the
3 City of Philadelphia, to enter into a
4 lease with the Philadelphia Authority for
5 Industrial Development to lease
6 City-owned land south of Shelmire Avenue
7 adjacent to the campus of the Fox Chase
8 Cancer Center to PAID, under which PAID
9 will enter into a sublease with the
10 Fairmount Park Conservancy, a
11 Pennsylvania non-profit corporation,
12 under which the Conservancy would enter
13 into a sublease and other agreements with
14 Fox Chase, pursuant to which Fox Chase
15 will construct, maintain and operate
16 cancer research and treatment facilities
17 on the property; and authorizing the
18 President of the Fairmount Park
19 Commission, the Executive Director of
20 Fairmount Park, the Public Property
21 Commissioner and the City Solicitor to
22 enter into additional agreements and take
23 all other actions necessary to complete
24 the transaction contemplated by this
25 ordinance; all under certain provisions.

1 2/12/08 - PARKS - BILLS 080078 and 080084

2 COUNCILWOMAN BROWN: Thank you.

3 With that said, then, we would
4 like to call up our first panel of
5 testifiers. And for the record, by way
6 of procedure, we want to alert everyone
7 that once we've heard from all
8 testifiers, we will then hear from the
9 Councilman representing this councilmanic
10 district.

11 So if we could please ask the
12 Commerce Department, Duane Bumb -- please
13 forgive me if I'm mispronouncing your
14 name -- Fairmount Park leadership, Mark
15 Focht, and the Streets Department
16 representative, Charles Denny.

17 With that said, then we would
18 like to hear first from the Commerce --
19 forgive me. Let's start with the
20 Philadelphia Fairmount Park, the context
21 of this enterprise.

22 MR. FOCHT: Good afternoon,
23 Chairwoman Reynolds Brown, Vice-Chair
24 Jones, members of the Committee. I'm
25 Mark Focht, Executive Director of

1 2/12/08 - PARKS - BILLS 080078 and 080084
2 Fairmount Park, and I'm very pleased to
3 appear before you today on behalf of
4 Fairmount Park Commission in support of
5 Bill No. 080084 authorizing the City of
6 Philadelphia, through its Fairmount Park
7 Commission, to enter into a lease with
8 the Philadelphia Authority for Industrial
9 Development, PAID, for a portion of
10 property located in Burholme Park, a park
11 under the jurisdiction of the Fairmount
12 Park Commission, and under which PAID
13 will enter into a sublease with the
14 Fairmount Park Conservancy and under
15 which the Fairmount Park Conservancy will
16 enter into a sub-sublease and other
17 agreements with the Fox Chase Cancer
18 Center, pursuant to which Fox Chase will
19 expand its cancer research and treatment
20 facility.

21 One of the missions of the
22 Fairmount Park Commission is to preserve,
23 protect and maintain the open space,
24 trees, natural and cultural resources of
25 Philadelphia's parks for the recreation

1 2/12/08 - PARKS - BILLS 080078 and 080084
2 and enjoyment of citizens and visitors.
3 However, the Commission understands that
4 sometimes it is essential to balance our
5 mission of preserving open space with the
6 City's critical need for economic
7 stability and development. The
8 Commission believes that this bill
9 strikes that balance.

10 At a special meeting of the
11 Fairmount Park Commission held only last
12 Friday, February 8th, the Commission
13 approved revisions to the lease that it
14 had previously approved on July 24, 2006
15 and which is the subject of this
16 ordinance. The bill before you today is
17 a result of over three years of careful
18 consideration and negotiation.

19 Under this lease agreement, Fox
20 Chase will be required to contribute
21 \$8.25 million over the term of the
22 project in support of both Burholme Park
23 and the Fairmount Park system. This
24 includes a base rent of 1.125 million and
25 a \$5.5 million development fee paid to

1 2/12/08 - PARKS - BILLS 080078 and 080084
2 Fairmount Park. The base rent will be
3 paid within two years from the date that
4 Fox Chase exercises its first expansion
5 onto parkland. One-point-one-two-five
6 million of this base rent must be used
7 exclusively for the maintenance, repair,
8 improvements of the playgrounds, ball
9 fields, wooded parcel and the Ryerss
10 Museum located in Burholme Park. This
11 includes the creation of an endowment to
12 ensure the support, maintenance,
13 improvement and well-being of these
14 facilities far into the future.

15 Six hundred and sixty-five
16 thousand of this development fee will be
17 payable to the Park on the commencement
18 date of the agreement, and the remainder
19 will be paid over the first two phases of
20 Fox Chase's expansion.

21 The Commission will strive to
22 minimize the effects of this expansion on
23 the Park. At the request of the
24 Commission, Fox Chase has reduced its
25 original request of land by 22 percent,

1 2/12/08 - PARKS - BILLS 080078 and 080084
2 from 25 acres to 19.4 acres. Further,
3 Fox Chase is not obligated to take all
4 19.4 acres. Prior to expansion, Fox
5 Chase must acquire the approval of their
6 master plan for the new facility from the
7 Fairmount Park Commission.

8 The Fairmount Park Commission
9 has also addressed impact on the site
10 through terms contained in the lease.
11 Accordingly, the lease includes general
12 design guidelines governing height, scale
13 and exterior appearance of the new
14 campus. A design review committee
15 consisting of Fox Chase, Fairmount Park
16 and a neutral third party will review all
17 design plans for compliance with these
18 guidelines. Fox Chase is required, at
19 its sole cost and expense, to either
20 relocate mature trees up to ten inches in
21 diameter or replace each tree removed in
22 connection with the expansion project at
23 a ratio of two to one with new trees at
24 least four inches in diameter. So the
25 new campus building will be set amongst a

1 2/12/08 - PARKS - BILLS 080078 and 080084
2 canopy of trees and an extension of the
3 Park.

4 In addition, Fox Chase will pay
5 to the City \$4 million for improvements
6 to existing City facilities in the 10th
7 Councilmanic District. These funds will
8 be paid in four \$1 million yearly
9 installments beginning on the first
10 anniversary of Fox Chase's first
11 expansion.

12 The Commission takes its
13 fiduciary responsibility and role over
14 the protection and preservation of the
15 Park under its jurisdiction very
16 seriously. On very few occasions over
17 our over 140-year history has the
18 Commission been willing to consider
19 encroachment on parkland. Yet, this
20 Commission believes that a park is an
21 anchor for a thriving community and
22 recognizes the critical mission of the
23 Fox Chase Cancer Center.

24 The Cancer Center's \$800
25 million expansion positions the City for

1 2/12/08 - PARKS - BILLS 080078 and 080084
2 creation of permanent jobs and the
3 opportunity to generate millions and
4 increase tax revenue for the City,
5 including Fairmount Park. The Cancer
6 Center must expand its current facilities
7 in order to maintain its high standards
8 of service to cancer patients and to
9 maintain its profile as one of the
10 nation's leading cancer research and
11 treatment centers.

12 I, therefore, appear before you
13 today to pledge the full support of the
14 Fairmount Park Commission and staff for
15 this legislation and respectfully ask
16 that this Committee vote in favor of Bill
17 No. 080084.

18 I would also offer the proposed
19 amendments to the bill, which I have
20 before me and I believe were distributed,
21 but here are additional copies if other
22 Councilmembers would like them. I would
23 also request suspension of the rules for
24 consideration of this matter at the next
25 session of City Council, and I would be

1 2/12/08 - PARKS - BILLS 080078 and 080084
2 pleased to answer any questions you may
3 have.

4 Thank you.

5 COUNCILWOMAN BROWN: We thank
6 you for your testimony. We'll hear
7 testimony from the entire panel and then
8 open it up to questions from the members
9 of the Committee.

10 Let us please acknowledge the
11 presence of Councilman Frank DiCicco.

12 Please, Commerce Department.

13 MR. BUMB: Good afternoon,
14 Chairwoman Reynolds Brown and members of
15 the Committee on Parks and Recreation.
16 My name is Duane Bumb. I am the Acting
17 Commerce Director for the City of
18 Philadelphia, and I am pleased to be here
19 today to testify in support of Bill
20 080084 authorizing the City, through the
21 Fairmount Park Commission and the
22 Department of Public Property, to enter
23 into a lease allowing the Fox Chase
24 Cancer Center to expand its medical
25 campus into a portion of Burholme Park.

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2 The transaction authorized by
3 this ordinance had been previously
4 introduced as Bill 070956 by Councilman
5 O'Neill on November 1, 2007 and received
6 a public hearing before this Committee on
7 November 26, 2007. Although that bill
8 did not receive final passage before City
9 Council adjourned in December, a
10 companion zoning bill did receive final
11 approval. Bill No. 070955 authorizing a
12 change to Institutional Development
13 District zoning for the area to be leased
14 to Fox Chase was enacted.

15 I am pleased to report that the
16 ordinance before you today is responsive
17 to the concerns expressed by
18 Councilmembers last fall at that hearing.
19 For example, the Economic Opportunity
20 Plan attached to this bill -- it's
21 actually attached to the amendment
22 today -- reflects the increases in
23 participation levels that had been
24 requested by City Council. The lease
25 agreement authorized by this ordinance

1 2/12/08 - PARKS - BILLS 080078 and 080084
2 also updates the terms under which Fox
3 Chase can draw down land for development
4 and clearly identifies the compensation
5 for those development rights.

6 Most importantly, the current
7 bill allows Fox Chase to proceed with its
8 strategic expansion. As noted in a 2005
9 Milken Institute study, Philadelphia's
10 competitive advantage as a business
11 location for the life sciences includes
12 assets other regions can only aspire to
13 develop. That report, entitled "The
14 Greater Philadelphia Life Sciences
15 Cluster," ranked this region as having
16 the third largest life science cluster in
17 the country. Indeed, since 2001,
18 employment in the City's life sciences
19 sector has increased by 7.1 percent, more
20 than any other sector in the City's
21 economy. Given the growing importance of
22 the City's life sciences and other
23 knowledge-based industries to our future,
24 it is critical that we support those
25 institutions like Fox Chase whose growth

1 2/12/08 - PARKS - BILLS 080078 and 080084
2 is so critical to the City as we seek to
3 maintain a competitive advantage in this
4 vital sector.

5 Fox Chase Cancer Center has
6 long played a central role in the local
7 economy. It was founded in 1904 and, in
8 the last 100 years, has become the second
9 largest employer in Northeast
10 Philadelphia, with over 2,400 employees.
11 Fox Chase has also become an
12 internationally recognized center for
13 cancer treatment and prevention,
14 attracting patients, doctors,
15 researchers, skilled employees and
16 funding from around the world. Fox Chase
17 researchers have been recognized for
18 their work with numerous awards and
19 honors, including Nobel Prizes for
20 chemistry and medicine and American
21 Cancer Society medals of honor.

22 To address growing patient care
23 and research needs, Fox Chase has
24 launched a 25-year \$1 billion expansion
25 program. This expansion will double Fox

1 2/12/08 - PARKS - BILLS 080078 and 080084
2 Chase's clinical enterprise and
3 significantly increase its research
4 capabilities. When the expansion is
5 complete, Fox Chase will be one of the
6 largest comprehensive cancer centers in
7 the country. It will have up to 6,700
8 people working on a campus containing
9 nearly 2.7 million square feet of usable
10 space and an annual budget in excess of
11 \$800 million.

12 A February 2006 economic impact
13 report by Fairmount Capital Advisors for
14 Fox Chase quantified the total economic
15 impact on the City during Fox Chase's
16 25-year capital investment program as
17 almost \$2 billion. Over the course of
18 this multi-phased development schedule,
19 the City directly benefits from this
20 investment by the creation of over 4,000
21 direct jobs, wage tax collections from
22 Fox Chase Cancer employees totalling over
23 \$260 million. When the expansion has
24 been completed, the City is projected to
25 receive approximately \$15.4 million

1 2/12/08 - PARKS - BILLS 080078 and 080084
2 annually in wage tax revenue from Fox
3 Chase operations. Wage tax receipts from
4 construction-related jobs are projected
5 to exceed \$25 million, \$8.2 million in
6 City sales tax receipts from construction
7 sources alone.

8 With that level of projected
9 financial impact, it is clear that the
10 growth of Fox Chase will result in
11 significant economic growth benefiting
12 not only the City but the entire region.
13 I urge you to support this bill allowing
14 for the critical expansion of the Fox
15 Chase Cancer Center.

16 Thank you for allowing me to
17 provide testimony on this important
18 matter, and I also would be happy to
19 answer any questions you may have.

20 COUNCILWOMAN BROWN: Thank you
21 for the testimony and the very clear
22 financial impact.

23 Please. Good afternoon.

24 MR. DENNY: Good afternoon,
25 Madam Chairman, members of the Committee.

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2 Thank you for the opportunity to appear
3 before you today. My name is Charles
4 Denny. I am the Acting Chief Traffic
5 Engineer for the Department of Streets
6 and I am here today to offer testimony on
7 Bill 080084 which pertains to the
8 expansion of the Fox Chase Cancer Center.

9 On August 20, 2007, the Traffic
10 Engineering Unit of the Streets
11 Department met with Mr. Thomas K. Garvey,
12 Vice-President of Community and
13 Government Relations at Fox Chase Cancer
14 Center, in the presence of the designated
15 neighborhood consultant, Mr. Charles
16 Trainor, former Chief Traffic Engineer
17 with the City Streets Department. The
18 following points were discussed and
19 agreed upon regarding the Fox Chase
20 Cancer Expansion Project into Burholme
21 Park.

22 The Fox Chase Cancer expansion
23 will spread over several phases and
24 years, and under the initial phase, the
25 traffic impact will be comprehensively

1 2/12/08 - PARKS - BILLS 080078 and 080084
2 studied and full mitigation measures will
3 be recommended in consultation with the
4 community and the Streets Department. A
5 few of the mitigation measures identified
6 at the meeting are all signalized
7 intersections along Cottman Avenue
8 between Oxford and Central Avenue will be
9 fully upgraded for which appropriate
10 designs will be developed by Fox Chase
11 Cancer Center's consultant for the City's
12 review and approval. This will assure
13 safe and efficient traffic flow along
14 this major arterial street.

15 The Streets Department and the
16 Fox Chase Cancer Center are in agreement
17 to install new traffic signals at the
18 intersection of Cottman Avenue and Park
19 Drive and also at Central Avenue and
20 Shelmire Street. Fox Chase Cancer Center
21 will be responsible for all the costs
22 pertaining to the design and construction
23 of these signals.

24 Fox Chase Cancer Center will
25 work with Joseph Scoffield of Jeanes

1 2/12/08 - PARKS - BILLS 080078 and 080084
2 Hospital to reroute their main driveway
3 so as to share the main exit at the
4 intersection of Central Avenue and
5 Shelmire. A new signal will be installed
6 here again. Fox Chase Cancer Center
7 agrees to bear all the costs pertaining
8 to this new driveway design, construction
9 and its signalization. Fox Chase Cancer
10 Center will obtain a written commitment
11 from Jeanes Hospital pertaining to this
12 project.

13 Under Phase II, Fox Chase
14 Cancer Center's consultant will study
15 Oxford Avenue and its impact on traffic
16 circulation.

17 These are just some of the
18 traffic mitigation measures discussed and
19 agreed upon as of now. The Streets
20 Department or Fox Chase Cancer Center
21 reserves the right to identify other
22 measures as this project moves forward.
23 The Streets Department will work with
24 Cheltenham Township to ensure
25 coordination of the construction and to

1 2/12/08 - PARKS - BILLS 080078 and 080084
2 mitigate its impact. Fox Chase Cancer
3 Center will bear all the costs pertaining
4 to the design and construction of all the
5 mitigation measures agreed to now and in
6 the future.

7 Thank you for the opportunity
8 to speak to you today, and I'll be here
9 to answer any questions.

10 COUNCILWOMAN BROWN: Thank you
11 for your testimony.

12 To the Streets Department,
13 Mr. Denny, would it be fair to assume
14 based on your testimony that there is no
15 check-back with the District
16 Councilmember in case you run into what
17 I'll call a bump in the road where the
18 parties are not able to work through any
19 of the mitigation measures you just
20 cited, or what provision is there to
21 check back with the stakeholders should
22 you hit an unreconcilable bump in the
23 road?

24 MR. DENNY: Well, I was under
25 the impression that somewhere along the

1 2/12/08 - PARKS - BILLS 080078 and 080084
2 process the District Councilman would be
3 briefed as to what is planned and what's
4 being done and, therefore, the community
5 would also be briefed.

6 COUNCILWOMAN BROWN: Councilman
7 Brian O'Neill.

8 COUNCILMAN O'NEILL: Madam
9 Chair, it's probably a good time for me
10 to mention this item.

11 There's a first initial phase
12 piece that's not in Mr. Denny's
13 testimony. It wasn't in place on August
14 20, 2007.

15 COUNCILWOMAN BROWN: Was not?

16 COUNCILMAN O'NEILL: Which is
17 the date of the meeting that's referenced
18 in his testimony. But it was the biggest
19 and most important stumbling block in the
20 traffic mitigation, traffic improvement
21 area, and, that is, on Cottman Avenue in
22 the block from Park Drive going east to
23 Central Avenue, the creation of a center
24 lane dedicated to turns, requiring
25 PennDOT to remove parking in front of

1 2/12/08 - PARKS - BILLS 080078 and 080084
2 residents on the south side of Cottman
3 Avenue. Those residents live in
4 Cheltenham Township. The hospital is
5 responsible for mitigating the loss of
6 that parking. The Governor had to get
7 involved in this to get proper language
8 and the proper letter from PennDOT before
9 I introduced the bills in early November.

10 It's not mentioned anywhere in
11 this letter, and PennDOT did agree to do
12 that. They have the power to do it. And
13 I would want -- I think a letter was
14 actually brought up at the last hearing
15 back in '07, late '07, and it may be, if
16 not Mr. Denny, then the Traffic Engineer
17 that was engaged by the hospital I
18 believe is in attendance and was in all
19 the meetings with PennDOT to put that on
20 the record, because that is key both for
21 the turns in and out of the -- safe turns
22 in and out of the hospital on Cottman
23 Avenue at the new signalized intersection
24 at Park Drive and also turns from Cottman
25 Avenue onto Central Avenue going north,

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2 that those cars be taken out of the
3 traffic flow and be able to turn.

4 It was the highest -- I'm
5 looking at the letter, and we may want to
6 have this letter read into the record,
7 because this is very, very important. Of
8 all these things, they're all good. They
9 cost, I'm told, upwards of \$4 million,
10 but this is the one that will make the
11 biggest difference for the hospital and
12 the neighborhood in terms -- and for the
13 park users that come by car in terms of
14 safety and also traffic flow.

15 COUNCILWOMAN BROWN: I was not
16 aware of the criticalness of this, but we
17 will have it read into the record given
18 the background you presented, Councilman
19 Brian O'Neill.

20 COUNCILMAN O'NEILL: Thank you.

21 COUNCILWOMAN BROWN: Any other
22 questions from members of the Committee?

23 (No response.)

24 COUNCILMAN O'NEILL: Could I
25 have Mr. Denny look at it and read it

1 2/12/08 - PARKS - BILLS 080078 and 080084

2 himself, if he has any problems with it?

3 COUNCILWOMAN BROWN: Surely.

4 COUNCILMAN O'NEILL: Because I
5 really want this not just slipped in as a
6 piece of paper but actually as further
7 testimony on the traffic issue.

8 COUNCILWOMAN BROWN: Mr. Denny,
9 do you have a copy?

10 MR. DENNY: Yes, I have a copy.

11 COUNCILWOMAN BROWN: Please, if
12 you would read it into the record for us.

13 MR. DENNY: Sure.

14 COUNCILMAN O'NEILL: And if we
15 could have an explanation as to why it
16 wasn't in the testimony initially,
17 because I consider it the most important
18 part and it's not even -- and it's in the
19 initial phase. It's not a later phase or
20 something that we looked at.

21 COUNCILWOMAN BROWN: Well,
22 having had the good opportunity to tour
23 that area last summer with you,
24 Councilman, the one thing I was struck by
25 is the potential not only dangerous but

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2 uncomfortable doesn't even begin to
3 capture the angst that neighbors would
4 have given what's coming to their
5 community.

6 So if you would, please.

7 MR. DENNY: Sure. It's
8 addressed to the Honorable Brian J.
9 O'Neill. It says, "Dear Mr. O'Neill,
10 PennDOT is committed to working with both
11 the City of Philadelphia and Cheltenham
12 Township to resolve traffic and parking
13 issues in order for the Fox Chase Cancer
14 Center project to proceed. It is my
15 understanding that the project will
16 include a controlled build-out over a
17 number of years. These phases are likely
18 to require PennDOT review and approvals
19 at the appropriate time to resolve any
20 traffic impacts.

21 "The initial phase of the
22 build-out directly impacts the operation
23 of the Cottman Avenue and Central Avenue
24 intersection. PennDOT owns the
25 right-of-way on Cottman Avenue and agrees

1 2/12/08 - PARKS - BILLS 080078 and 080084
2 to remove the current parking within the
3 right-of-way. The stopping/parking
4 prohibition is needed to accommodate the
5 additional lane for current and projected
6 eastbound traffic volumes. Fox Chase
7 Cancer Center will be responsible for the
8 cost and implementation of the
9 stopping/parking prohibition and lane
10 markings.

11 "While the prohibition of
12 parking on Cottman Avenue is not
13 dependent on mitigating its impact, Fox
14 Chase Cancer Center will investigate all
15 aspects of the mitigation for those
16 residences" with off-street parking.

17 COUNCILWOMAN BROWN: "Without
18 off-street parking."

19 MR. DENNY: Without. Sorry.
20 "Mitigation measures could include, but
21 will not be limited to, constructing
22 off-street driveways. Fox Chase Cancer
23 Center will also be responsible for the
24 cost and the implementation of the
25 mitigation measures.

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2 "Fox Chase Cancer Center will
3 coordinate traffic signal ownership,
4 installation and modification issues
5 between the City and Cheltenham
6 Township."

7 Then it ends, "We look forward
8 to working with you to bring this to a
9 conclusion." Signed, Rina Cutler, Deputy
10 Secretary for Administration with
11 PennDOT.

12 COUNCILWOMAN BROWN: And let us
13 just state for the record the date that
14 this letter says.

15 MR. DENNY: October 31, 2007.

16 COUNCILWOMAN BROWN: Thank you
17 very, very much.

18 COUNCILMAN O'NEILL: I just
19 would like Mr. Denny to state for the
20 record that as far as the Streets
21 Department is concerned -- I mean,
22 Ms. Cutler is now our Deputy Mayor for
23 Transportation, as things turned out, but
24 this means that this will happen as part
25 of the Phase I improvements.

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2 COUNCILWOMAN BROWN: Mr. Denny?

3 MR. DENNY: Correct.

4 COUNCILMAN O'NEILL: This is
5 the document we needed or agreement or
6 approval we needed, commitment from
7 PennDOT. Okay.

8 MR. DENNY: It will be part of
9 the design of Cottman Avenue from the
10 Park driveway to Central Avenue.

11 COUNCILWOMAN BROWN: Thank you,
12 Mr. Denny.

13 Any other questions, comments
14 or observation from members of the
15 Committee?

16 (No response.)

17 COUNCILWOMAN BROWN: I do have
18 one question here to Mark Focht. I'm
19 curious to know, is this agreement that
20 Fox Chase Cancer Center and Philadelphia
21 10th Councilmanic District and Fairmount
22 Park, would it be conventional or
23 unconventional in its nature when you
24 look at the complexity of it and the
25 long-term benefits to the community?

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2 MR. FOCHT: I'd say it's
3 unconventional in its magnitude in
4 length. It's certainly not
5 unconventional in the sphere that we've
6 done other agreements like this.
7 Obviously we built the School of the
8 Future on Park property. We've done
9 other major civic improvements on
10 Fairmount Park property to serve the
11 communities and the populus in general.

12 I think the length of this
13 arrangement, the magnitude of it, the
14 significant impact of it positively is
15 what makes this one a little bit more
16 unique. But the fact that Fairmount Park
17 would structure such an arrangement to
18 benefit the community, work with the
19 Councilman, work with a private
20 institution and the City is not unusual.

21 COUNCILWOMAN BROWN: Okay.

22 Councilman Brian O'Neill.

23 COUNCILMAN O'NEILL: Yes.

24 Thank you. And I think it would be good
25 rather than when I testify for the Park

1 2/12/08 - PARKS - BILLS 080078 and 080084
2 Commission's representative, Mr. Focht,
3 and their leader to put on the record
4 that what is being leased -- the ground
5 that's being leased to the hospital does
6 not impact on the ball fields, which is
7 the largest public use in the facility.
8 It does not impact on the sledding hill,
9 which is a long time-honored tradition in
10 the community. It does not impact on the
11 picnic pavilion, which is a major part of
12 the Park for the community. It does not
13 impact on the Mansion, the Ryerss
14 Mansion, at the top of the hill, and it
15 does not impact on the play equipment
16 area, which is quite large, was very
17 expensive and probably will be very
18 expensive to redo very shortly in terms
19 of its capital life. But not only if
20 Mr. Focht would talk about that, but also
21 what is taken and in what way the public
22 either doesn't use it or has very limited
23 use because there's a cost and a fence
24 around the area, part of the area.

25 COUNCILWOMAN BROWN: Mr. Focht?

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2 MR. FOCHT: Be pleased to do
3 that.

4 Every park use that the
5 Councilman just cited is all correct, and
6 all those uses are outside the area that
7 will be impacted by the expansion of the
8 Fox Chase Cancer complex.

9 What will be impacted is wooded
10 lawn area with a number of trees and,
11 hence, the speculation -- the stipulation
12 that I reference in my testimony about
13 the movement or replacement of trees so
14 that we don't lose significant tree
15 canopy, and then the golf driving range,
16 which is the Burholme Driving Range,
17 which has a number of functions to it.
18 It's a golf driving range. There's also
19 a miniature golf course and some batting
20 cages.

21 In the farther-out phases of
22 Fox Chase's expansion, that facility
23 would be impacted. The driving range
24 portion would be closed, because as the
25 expansion would move to the south, deeper

1 2/12/08 - PARKS - BILLS 080078 and 080084
2 into the park, it would impact the
3 driving range component. We have not yet
4 made a decision as to the other uses,
5 such as the miniature golf and batting
6 cages and other uses which are beyond the
7 area of impact by the Cancer Center's
8 expansion and we could or could not
9 choose to keep those uses in the park. I
10 think that's a decision for many years
11 down the road as the Cancer Center gets
12 closer to that portion of the park.

13 COUNCILWOMAN BROWN: Okay.
14 Now, you said there will be an impact of
15 the driving ranges. That's both short
16 term and long term?

17 MR. FOCHT: That's in the outer
18 phases of the plan. It's in subsequent
19 phases. I believe the Fox Chase's
20 current master plan is four phases of
21 expansion, and in the outer phases, I
22 believe Phase III and IV, there's impact
23 on the golf driving range. But, again,
24 only the driving range component of that
25 complex, not the miniature golf or

1 2/12/08 - PARKS - BILLS 080078 and 080084
2 batting cages or clubhouse that's farther
3 down closer to Cottman Avenue.

4 COUNCILWOMAN BROWN: Which
5 would still be available to the local
6 residents?

7 MR. FOCHT: Absolutely.

8 COUNCILWOMAN BROWN: Councilman
9 Brian O'Neill.

10 COUNCILMAN O'NEILL: And on the
11 financial side, I think it's important to
12 note and have the record show with
13 Fairmount Park represented here that
14 right now that concession gets upwards of
15 \$200,000, and that's only recently that
16 it's gotten up that high from the vendor.
17 That money goes into the General Fund
18 under the Charter. That's where it has
19 to go.

20 Under this lease agreement that
21 has been worked out, the Park Commission,
22 through its Conservancy, which can take
23 money, is the recipient of roughly 8 plus
24 million dollars over a period of a few
25 years as payment of this lease. The City

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2 did not say, Oh, we're entitled to --
3 we're losing the 200, we're entitled to
4 whatever. We're talking about trying to
5 raise money for the Park Commission.
6 This is a very real dollar value, that
7 they've got nothing out of this. I think
8 there's only 1.25 million out of the
9 eight-point-some million that has to be
10 used at Burholme Park under the different
11 agreements that are going to be handed in
12 as an amendment.

13 COUNCILWOMAN BROWN: Councilman
14 Jones.

15 COUNCILMAN O'NEILL: Is that
16 correct, Mr. Focht?

17 MR. FOCHT: That is correct,
18 Councilman. Thank you.

19 COUNCILWOMAN BROWN: Councilman
20 Jones.

21 COUNCILMAN JONES: Thank you,
22 Madam Chairman.

23 Good afternoon.

24 MR. FOCHT: Good afternoon.

25 COUNCILMAN JONES: A couple of

1 2/12/08 - PARKS - BILLS 080078 and 080084
2 questions from the side of patient
3 participation at this point.

4 What is the volume of people
5 that are seen at the facility now and
6 what will be the volume under each of the
7 phases of construction as I understand
8 they're going to go?

9 MR. FOCHT: I think it would be
10 best to have representatives of Fox Chase
11 answer that question, so I don't know if
12 you'd like them to come up now --

13 COUNCILMAN JONES: We can put a
14 pin in that.

15 MR. FOCHT: -- or they're going
16 to be called up --

17 COUNCILMAN JONES: No. Here's
18 how we'll do it: We'll put a pin in that
19 one, go back to it a little later.

20 While I have you here, you
21 mention the Milken study, Mr. Bumb, about
22 how important life sciences are. As this
23 construction and project comes underway,
24 what will be the phases of job creation
25 in that that is beneficial to the City of

1 2/12/08 - PARKS - BILLS 080078 and 080084
2 Philadelphia? What types of jobs are
3 going to be created and under what phase
4 of this development?

5 MR. BUMB: I think for the
6 detail for that, I think I'm going to
7 defer to Fox Chase officials as well, but
8 to say that I think that each of the sort
9 of -- again, as Mr. Focht had mentioned,
10 there are four phases of development that
11 will happen within the City property, and
12 each of those is an expansion of either a
13 research or treatment facilities, and
14 there's a sort of whole range of jobs,
15 permanent jobs, that are attached to each
16 of those. I think I mentioned in my
17 testimony the growth of over 4,000 jobs
18 over the full 25-year expansion of the
19 project.

20 To the extent that Fox Chase
21 knows specifically how much -- sort of
22 what facilities are in each phase, they
23 can probably better answer your question
24 of what jobs are attached and the
25 economic impact attached to each of those

1 2/12/08 - PARKS - BILLS 080078 and 080084
2 phases.

3 COUNCILMAN JONES: I mention it
4 because it seems to me that we need to be
5 proactive. If it's going to be this type
6 of economic benefit, if in fact we are
7 going to develop these type of jobs, that
8 we might be of assistance to them in
9 creating training programs that are
10 designed for those jobs of the future.
11 If life sciences is a major cornerstone
12 in which we will build our economy, then
13 we might want to know per phase and what
14 to expect by way of training dollars that
15 might be needed for a facility like this
16 so that Philadelphians can benefit.

17 All too often what happens with
18 a project like this, we get an injection
19 of new Philadelphians, which I'm fine
20 with because they pay taxes, but as much
21 as we can, as proactively as we can, I'd
22 like to design into the construction and
23 the expansion of these projects
24 home-grown talent that might be
25 developed.

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2 If we have a nursing academy in
3 the City of Philadelphia that can gear
4 its curriculum towards jobs of the future
5 at the completion of this project, I
6 think that's a worthwhile endeavor. If
7 we in fact can start to better coordinate
8 that understanding of life sciences, we
9 can incorporate that into the curriculum
10 of our fine public school institutions.

11 So I like reading these kinds
12 of numbers. I've liked saying them in
13 the past, but I think what we can do as a
14 city is when private sector money comes
15 in here like this, that we can do a
16 better job of anticipating their
17 workforce needs, and I think that always
18 needs to be an integral part of our
19 planning.

20 MR. BUMB: Councilman, I agree
21 with that, and we in fact for this sort
22 of project would be working closely with
23 the Philadelphia Workforce Development
24 Corporation as this first phase, for
25 example, comes online to make sure that

1 2/12/08 - PARKS - BILLS 080078 and 080084
2 we are anticipating the types of jobs and
3 job growth needs of Fox Chase so that we
4 can with, as much as possible, with
5 Philadelphians fill those jobs. Agreed.

6 COUNCILWOMAN BROWN: And that
7 agreement that you just mentioned is
8 actually written into the documentation
9 of this bill?

10 MR. BUMB: What I just
11 mentioned is in fact standard operating
12 practice for any sort of major growth
13 within the City of Philadelphia.
14 Anything that goes -- for example, major
15 projects go through our Development and
16 Services Committee and that's where
17 that's linked.

18 COUNCILWOMAN BROWN: Very good.
19 Councilman, please.

20 COUNCILMAN JONES: Madam
21 Chairman, as -- and that is a worthwhile
22 goal and that is what exactly we should
23 be doing, but the devil is in the
24 details. After ground-breaking,
25 everybody shakes hands, slaps each other

1 2/12/08 - PARKS - BILLS 080078 and 080084
2 on the back and we go about our merry
3 business to the next deal, and what does
4 not happen enough is the follow-up to
5 make sure that the job creation numbers,
6 expectations actually happen. And what
7 I'm saying to you, I know -- I used to be
8 on that side of the table and I spoke
9 from that side of the table. I'm on this
10 side of the table now. I used to play
11 defense. Now I'm playing offense. I'm
12 just telling you, we're going to look for
13 that in the future.

14 MR. BUMB: Right.

15 COUNCILWOMAN BROWN: Thank you.

16 Let us please acknowledge the
17 presence of Councilman Darrell Clarke, a
18 member of this Committee.

19 Any other questions,
20 observations or comments from members of
21 the Committee?

22 Councilwoman.

23 COUNCILWOMAN SANCHEZ: Since
24 I'm new to this discussion, what would
25 you say, Mark, in particular is not

1 2/12/08 - PARKS - BILLS 080078 and 080084
2 addressed based on the concerns raised
3 from residents in this agreement? You've
4 highlighted what you think are some of
5 the achievements. Is there anything that
6 we were not able to accommodate residents
7 on, and what are those issues?

8 MR. FOCHT: I think we were
9 able to -- I'm confident that we were
10 able to address all the concerns
11 balancing everyone's input, and that
12 includes the Cancer Center, their
13 constituents, all the constituents that
14 have been involved in this dialogue for
15 three years or so.

16 About two and a half years ago,
17 we had a special public Park Commission
18 meeting in the neighborhood. Many, many
19 people testified in support of or opposed
20 to this project. There was very ardent
21 feelings on both sides. I respect both
22 sides. I think we have negotiated,
23 through lots of hard work and many people
24 beyond this table, have negotiated a very
25 sound, thoughtful arrangement for the

1 2/12/08 - PARKS - BILLS 080078 and 080084
2 Park and the City.

3 I don't think everyone is going
4 to be happy with this arrangement.
5 That's the nature of doing the deal.

6 COUNCILWOMAN SANCHEZ: What
7 would be some of the issues that you
8 think still may fall short if I were to
9 speak to someone from --

10 MR. FOCHT: Well, I think the
11 most ardent critics of this agreement are
12 any development on parkland. Most people
13 are opposed to any --

14 COUNCILWOMAN SANCHEZ: Outside
15 of that. I'm talking about quality of
16 life issues, traffic.

17 MR. FOCHT: Outside of that, I
18 don't think there are any issues that
19 have not been addressed by this plan.

20 COUNCILWOMAN SANCHEZ: Okay.

21 COUNCILWOMAN BROWN: I might
22 add, Councilwoman, that it really was not
23 last summer, Councilman O'Neill. It was
24 two summers ago that I had the chance to
25 tour that entire community, meet and talk

1 2/12/08 - PARKS - BILLS 080078 and 080084
2 with --

3 COUNCILMAN O'NEILL: It was a
4 little over two years ago.

5 COUNCILWOMAN BROWN: Yes. But
6 I say that to indicate that the homework
7 and ground work that's been done on a
8 number of levels has transpired. That is
9 not to say that there is 100 percent
10 acceptance. There's never 100 percent
11 acceptance of anything anywhere on the
12 planet, but my sense is that due
13 diligence at every corner, at every
14 juncture has occurred and in a meaningful
15 way, and this hearing is actually a
16 continuation of work done prior to the
17 end of the year where we still needed to
18 work out some kinks and some wrinkles in
19 the process.

20 Would you agree, Councilman
21 O'Neill?

22 COUNCILMAN O'NEILL: Yes.
23 That's correct.

24 COUNCILWOMAN BROWN: Thank you
25 very much.

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2 Any other questions?

3 (No response.)

4 COUNCILWOMAN BROWN: We thank
5 you for your testimony.

6 MR. FOCHT: Thank you.

7 COUNCILMAN O'NEILL: Madam
8 Chair, I believe there were questions for
9 the Cancer Center representatives.

10 COUNCILWOMAN BROWN: Yes, we
11 will, indeed.

12 If we can now ask to come
13 forward members of the Fox Chase Cancer
14 Center team: Carl Primavera, Esquire,
15 Klehr Harrison; Dr. Robert Young, Fox
16 Chase Cancer Center; Mr. Thomas Garvey,
17 Fox Chase Cancer Center. And if the need
18 arises, Ms. Susan Phillips, Traffic
19 Engineer, is available to address any
20 questions or concerns.

21 (Witnesses approached the
22 witness table.)

23 COUNCILWOMAN BROWN: Good
24 afternoon, everyone. Welcome back.
25 We'll ask you to please begin with your

1 2/12/08 - PARKS - BILLS 080078 and 080084
2 testimony.

3 Please.

4 DR. YOUNG: Honorable Committee
5 Chair, members of the Committee, I'm
6 Dr. Robert Young, Chancellor of Fox Chase
7 Cancer Center.

8 In the four years since we
9 began this effort, we have had over 85
10 meetings with representatives of the
11 City, the Fairmount Park Commission, our
12 City Council Councilman Brian O'Neill,
13 our two homeowners associations, the
14 Commonwealth of Pennsylvania, PennDOT and
15 our neighbors. We have had two open
16 houses at Fox Chase where neighbors could
17 come, see, hear and comment on our
18 expansion plans, which are shown up
19 there, and representatives of Fox Chase
20 Cancer Center have attended every
21 homeowners association meeting held in
22 the past four years.

23 During this complex process,
24 the representatives of each of these
25 groups have sought to balance the

1 2/12/08 - PARKS - BILLS 080078 and 080084
2 interests of the various constituencies
3 with the overall goal of the project.
4 Through their hard work and dedication,
5 this has been accomplished. Special
6 thanks go to Mayor Nutter, who was
7 instrumental in resolving some of the
8 residual difficulties which prevented
9 this legislation's consideration back in
10 December. The product of this four-year
11 effort is reflected in the bill proposed
12 today.

13 Its passage will result in a
14 healthier and safer Burholme Park,
15 funding for much-needed public projects
16 in our neighborhood, traffic improvement
17 measures linked to the expansion, the
18 creation of 4,000 new non-outsourceable
19 jobs for the City, and the opportunity of
20 Fox Chase Cancer Center to fulfill its
21 mission of scientific discovery and the
22 delivery of state-of-the-art cancer care
23 to those who need it.

24 We urge its passage.

25 Thanks again to Mayor Nutter

1 2/12/08 - PARKS - BILLS 080078 and 080084
2 and his staff, the Fairmount Park
3 Commission and the City Council members
4 for all of their help and guidance during
5 this process.

6 I would be happy to answer any
7 questions you might have.

8 COUNCILWOMAN BROWN: We thank
9 you for your testimony, and we'll be sure
10 to entertain questions once all the
11 members of the panel have offered
12 testimony.

13 Please, Mr. Thomas Garvey.

14 MR. GARVEY: Good afternoon,
15 Honorable Chairwoman Reynolds Brown,
16 honorable members of Council. We
17 respectfully request your enthusiastic
18 support for this legislation. It's so
19 vitally important to Fox Chase, to our
20 patients and to our community. It is
21 vitally important not for the ability to
22 plan these buildings. It is vitally
23 important so that we can establish a
24 direction for Fox Chase Cancer Center
25 into the future.

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2 Without this ability to plan
3 for our future, we, in essence, support
4 the status quo and ultimately mediocrity.
5 We must have this direction in order to
6 identify and attract the scientific
7 research programs of the future, which
8 are in many ways upon us now, and to
9 support and maintain the excellence of
10 care for our patients and their families.
11 It is this ability to plan our future
12 that is so vitally important.

13 I'd also like to note and build
14 upon Dr. Young's comment for this
15 Committee that this expansion was
16 developed from the very beginning in
17 partnership with the City, with Fairmount
18 Park, with our community, with our City
19 Councilman, with our community
20 leadership. We have held well over 30
21 public meetings specifically dedicated to
22 these plans, which in fact yielded many
23 important suggestions, which in turn
24 caused the plan to be twice revised.

25 We believe that we have a very

1 2/12/08 - PARKS - BILLS 080078 and 080084
2 long track record of working closely and
3 openly with our community and the
4 leadership of the community and the Park.
5 We do look forward to a true partnership
6 as we move forward.

7 We believe in the importance
8 and vitality of our community, which is
9 our home. We respectfully request your
10 enthusiastic support for this legislation
11 and certainly be available to answer
12 questions or go through details, if you
13 choose.

14 Thank you.

15 MR. PRIMAVERA: Madam Chair,
16 members of the Committee, Carl Primavera,
17 attorney for Fox Chase Cancer Center.

18 As was mentioned, this really
19 is a continuation of the end of last
20 year's hearing where we had additional
21 testimony, which we don't want to repeat
22 or belabor, but I'm going to ask my
23 colleague, Darwin Beauvais, to make sure
24 that the record has the testimony from
25 Mark Schweiker, who appeared in person on

1 2/12/08 - PARKS - BILLS 080078 and 080084
2 behalf of the Philadelphia Chamber of
3 Commerce, Joseph Frick, who is the
4 Chairman of Independence Blue Cross who
5 was here to testify in support, as well
6 as Bill Sasso, another member of the
7 Chamber of Commerce, who has worked very
8 closely with all parties, really as an
9 ambassador of the City, to accomplish
10 what we are here seeking today.

11 In addition, two of our Board
12 members testified, David Marshall from
13 Amerimar and William Avery, who is the
14 former Chairman of what used to be Crown
15 Cork and Seal, I guess it's Crown
16 Holdings, two really important
17 Philadelphians. And then we had the
18 Building Trades represented by Bernard
19 Griggs and Mike Nakowski, Mike Nakowski
20 also being a resident of the area. And,
21 finally, Maria Carasella, who spoke
22 passionately as a member of the community
23 and someone who received care at the
24 facility.

25 We're also handing up into the

1 2/12/08 - PARKS - BILLS 080078 and 080084
2 record the Economic Development Plan
3 prepared by Fairmount Capital Investors,
4 which really does, Councilman Jones, go
5 into a lot of the details as to the
6 phasing and the number of jobs and the
7 capital directed to each of the phases.
8 And then, finally, there's a book, which
9 I want to make sure again it's in the
10 record, which shows the general growth
11 pattern associated with the phases, and
12 as you'll see, and as hopefully you can
13 see from the boards which have been
14 mounted, the wonderful nature of this
15 expansion. It will happen gradually so
16 as not to cause a dramatic change.

17 We're also doing Phase I on our
18 own property, which is a hospital
19 addition as well as a garage. The need
20 for this, which was testified to last
21 time, is astounding. The demands on our
22 facilities are beyond that which we're
23 able to reasonably accommodate.

24 So we've already started Phase
25 I on our own land. That was one of the

1 2/12/08 - PARKS - BILLS 080078 and 080084
2 reasons we asked the Councilman to hold
3 up on this ordinance at the end of last
4 year. Some of the phasing was out of
5 order, because we moved ahead in a
6 different way, but ultimately designed to
7 bring the facilities online for the
8 benefit of the community that we serve.

9 So with that and with the
10 introduction of the materials that we've
11 spoken about and with thanks to
12 Councilman O'Neill, who has worked
13 tirelessly with the full development
14 team, we thank you for your attention
15 today, and we're answering any questions
16 you may have.

17 COUNCILWOMAN BROWN: Thank you
18 for your testimony, gentlemen.

19 Councilman Jones.

20 COUNCILMAN JONES: Gentlemen,
21 on behalf of myself, I'd like to say
22 thank you. I understand in the testimony
23 you started this process how long ago?

24 DR. YOUNG: Well, we started it
25 four years ago. We actually began to

1 2/12/08 - PARKS - BILLS 080078 and 080084
2 think about what the needs of the Center
3 were likely to be in a series of retreats
4 with our Board of Directors in 2002. So
5 the process is five years, but it's four
6 years interacting with the City and the
7 Fairmount Park Commission and the
8 Council.

9 COUNCILMAN JONES: And how many
10 subsequent meetings have you had?

11 DR. YOUNG: Well, I said 85.
12 There are certainly at least 85. There
13 may be more than that.

14 MR. PRIMAVERA: Tom attended
15 most of them.

16 COUNCILMAN JONES: So I want to
17 say thank you, because you must really,
18 really, really want it to be in this
19 location and be Philadelphians. So I
20 want to say thank you at the outset.

21 But let me go back to some of
22 my questions. I'd be interested in
23 understanding -- I appreciate the
24 briefing that was provided here and the
25 briefings that we got along the way, but

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2 made easy for a freshman Councilperson.

3 My colleagues are far more adept at

4 digesting quickly information.

5 Tell me and for the record what

6 phases are the jobs going to be created

7 and what opportunities are there for

8 folk, Philadelphians, and in particular

9 young people that are recently graduating

10 from both high school and some of the

11 great colleges and medical facilities

12 that we have here to train the brightest

13 and best and these are the kind of jobs

14 that get them to commit to stay, and that

15 is the framework of why I'm asking these

16 questions and in what phases are they

17 coming so that we can assist you in

18 marketing them to Philadelphians, assist

19 in getting them to the PCOMs and Drexels,

20 particularly in the 4th Councilmanic

21 District. No disrespect to any other

22 district, but I have some fine medical

23 institutions there.

24 So if you can help me with that

25 kind of information, that would be good.

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2 DR. YOUNG: It's a great
3 question, and one of the nice things
4 about the expansion is, as has been said,
5 it's going to be done over time at a
6 fairly well-defined pace. The major
7 increase in jobs that will be permanent
8 at Fox Chase will follow the first phase
9 on the park, in which we will build a
10 200-bed hospital and a major expansion of
11 our research capacity. The subsequent
12 phases are smaller and, therefore, will
13 accumulate smaller positions.

14 The other nice thing about this
15 is that while the science that will be
16 explored within the institution, we
17 anticipate will explore brand new edges
18 of the science of cancer treatment, the
19 background and expertise of the people
20 involved with that exploration are
21 already well defined. We're going to be
22 looking for M.D.s, Ph.D.s, nurses,
23 laboratory technicians, food managing
24 folks, maintenance people, the kinds of
25 individuals that we can define in advance

1 2/12/08 - PARKS - BILLS 080078 and 080084
2 phase of the kinds of positions that
3 would be anticipated through that
4 expansion.

5 COUNCILMAN JONES: I appreciate
6 that information.

7 To what degree are you
8 interacting with job-training entities in
9 the City of Philadelphia proper or
10 privately that are using a reservoir of
11 Philadelphia talent? Is there any
12 dialogue, interaction with that type of
13 entity?

14 DR. YOUNG: Tom, you want to
15 comment?

16 MR. GARVEY: I'm at a loss to
17 say as Duane did of specific entities.
18 We've not worked with the City in the way
19 that Duane described. Certainly that's
20 where we want to be. We have an
21 affiliation or training program with
22 nearly every nursing school, not only for
23 the kind of program that Dr. Young
24 describes where we provide supplemental
25 training on site after a hire, but also

1 2/12/08 - PARKS - BILLS 080078 and 080084
2 for recruiting to our operations at Fox
3 Chase.

4 We also have affiliations with
5 nearly every major Allied Health program
6 for individuals who are working in
7 medical laboratories, x-ray and
8 diagnostic imaging programs, and there
9 aren't that many programs, so it's to a
10 lesser extent with radiation therapy
11 programs.

12 Quite frankly, we do an awful
13 lot of our training inside, because
14 oncology care and the care of oncology
15 patients and the technology in many
16 respects is very specialized.

17 I do know we have working
18 relationships with Drexel, because you
19 mentioned Drexel, with the University of
20 Pennsylvania and certainly with Temple
21 University, and I hope maybe that would
22 help answer the question.

23 COUNCILMAN JONES: As a kid I
24 grew up on the sci-fi movies, and there's
25 always the scene in a sci-fi movie where

1 2/12/08 - PARKS - BILLS 080078 and 080084
2 the clumsy janitor knocks over the vile
3 and then the chemicals merge and there's
4 this monster that arises. Since then,
5 because of biohazards and things like
6 that, there is no such thing as a
7 dim-witted janitor. The sophistication,
8 level of skill sets for environmental
9 engineering, I want to know about those
10 types of jobs, and where do you train and
11 get those people from?

12 MR. GARVEY: Well, certainly we
13 have those types of jobs and, again, at
14 the risk of beating this drum again, we
15 have found -- you're actually,
16 Councilman, taking me back to earlier in
17 my career in human resources, where I
18 began my -- and training was where I
19 began my career.

20 We have found that many
21 individuals come in with the basic skills
22 but are not properly experienced with the
23 kinds of precautions that you're speaking
24 of for handling biohazardous material,
25 for handling today cleaning chemicals,

1 2/12/08 - PARKS - BILLS 080078 and 080084
2 and we have found it incumbent upon us to
3 offer those training programs on site on
4 all three shifts, if it is all three
5 shifts that are affected.

6 COUNCILMAN JONES: I would look
7 to try to provide entry-level
8 opportunities to folk. These are the
9 kinds of opportunities that a young
10 person right out of high school can be
11 mentored and nurtured. And the sky is
12 the limit in a facility like yours on
13 what they can wind up becoming in ten
14 years, 15 years, and hopefully they'll
15 still be Philadelphians.

16 So what I would like to do --
17 and I'm going to encourage and get used
18 to this theme for all development -- I
19 want to know how that impact trickles
20 down to neighborhoods and things like
21 that.

22 So I'm going to be looking to
23 Duane and -- he's my colleague and he
24 knows I care a great deal. They give him
25 all the hard work while he was acting so

1 2/12/08 - PARKS - BILLS 080078 and 080084
2 that someone can come and take the bows,
3 I understand that, but I'm going to ask
4 the tough questions that are always on
5 behalf of the people who have an
6 opportunity to -- you have an opportunity
7 to change lives by way of dealing with
8 the suffering that your patients have,
9 but you also have a way to change lives
10 of people who want economic opportunity,
11 jobs to be able to support their
12 families, and I'm always going to speak
13 up and be a voice for that.

14 MR. PRIMAVERA: Well, we
15 welcome that. As we embark on this
16 tremendous campus expansion and undertake
17 growth of our mission, I think we've
18 learned a lot going through this
19 councilmanic process about the need to
20 have greater outreach and to, in effect,
21 link our future with that of people in
22 Philadelphia all over the City. So we'll
23 be aware of that. We'll be focused on
24 that, and it's also good business,
25 because the availability of trained,

1 2/12/08 - PARKS - BILLS 080078 and 080084
2 diligent local workforce is going to make
3 it easier to fill these positions and
4 more likely they're going to stay.

5 So we think they're good
6 comments and we're going to be focused on
7 them.

8 COUNCILMAN JONES: Well, I have
9 one more, if Madam Chairman will indulge
10 me.

11 COUNCILWOMAN BROWN:
12 Absolutely.

13 COUNCILMAN JONES: Every
14 facility in Philadelphia is probably
15 going to be asked this question, which is
16 the greening question and what types of
17 jobs will be created out of that
18 experience, whether it's the use of --

19 COUNCILWOMAN BROWN: Solar
20 panels.

21 COUNCILMAN JONES: -- solar
22 panels or other things like that. I just
23 wanted to know if you could speak to that
24 briefly.

25 MR. PRIMAVERA: In terms of the

1 2/12/08 - PARKS - BILLS 080078 and 080084
2 green technology?

3 COUNCILMAN JONES: Yes.

4 MR. PRIMAVERA: Well, we are
5 working with Ewing Cole. They are an
6 international engineering and
7 architectural firm. The materials that
8 they've prepared and we've submitted
9 speak to that, and we're going to try to
10 meet and exceed basically the latest
11 cutting-edge requirements. I'm not going
12 to say whether we're platinum LEED
13 certified in green roofs, but everything
14 we do, if you look at our campus, really
15 suggests that the environment where we
16 treat our patients is, in large part,
17 part of the success in their recovery.
18 And our campus really is a campus. It
19 doesn't look like a traditional hospital.
20 And Dr. Young and Tom Garvey and the
21 design team and we have representatives
22 from Ewing Cole here today if you want to
23 get into more detail, but their heart and
24 soul was put into the design and meeting
25 the highest standards, both in design and

1 2/12/08 - PARKS - BILLS 080078 and 080084
2 in materials and operations. So we think
3 our campus is going to continue to be an
4 example of how to do things right.

5 COUNCILMAN JONES: Again, even
6 the maintenance person in a green
7 environment is not that clumsy janitor of
8 our grandfathers. They are a better
9 trained workforce that has to deal with a
10 variety of new technologies, and as we go
11 forward, the more we can put
12 retro-engineering into our public
13 schools, the better prepared they are to
14 take on these new opportunities.

15 COUNCILWOMAN BROWN: Well
16 taken, Councilman Jones.

17 Any other comments,
18 observations from members of the panel?

19 MR. PRIMAVERA: Thank you very
20 much.

21 DR. YOUNG: Well, Councilman
22 Jones earlier asked the question about
23 patient volume. Just to give you an idea
24 of the growth and the need in our area of
25 the City and elsewhere, in about 1980 we

1 2/12/08 - PARKS - BILLS 080078 and 080084
2 took care of about just a little less
3 than 800 new patients that year. This
4 year we will exceed 7,000 new patients a
5 year and have about 70,000 outpatient
6 visits.

7 This whole thing got initiated
8 in 2002 because we recognized that with a
9 five to seven percent growth per year in
10 volume of patients needing cancer care of
11 the type we deliver, that we were going
12 to be seeing and caring for something in
13 the range of 12,000 new patients each
14 year, and that simply exceeds our
15 capacity, both inpatient hospital
16 capacity and outpatient facility. So
17 that's been the major driver of this need
18 to expand, to care for the patients in
19 need. And about somewhere around a
20 third -- somewhere between a fourth and a
21 third of our patients come from right
22 around our neighborhood area. And so we
23 deliver a substantial amount of care to
24 patients in need right around our
25 institution.

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2 COUNCILWOMAN BROWN: Well, let
3 me say finally on behalf of members of
4 this Committee thank you for not only
5 listening to the concerns raised by the
6 District Councilmember and members of
7 this Committee around the EOP plan, but
8 actually listening to what our concerns
9 were and then acting in a way we
10 certainly believe is responsible and
11 acceptable. Thank you very, very much.

12 DR. YOUNG: Thank you.

13 MR. PRIMAVERA: Thank you.

14 MR. GARVEY: Thank you.

15 COUNCILWOMAN BROWN: If we
16 could please ask Ms. Denise Earley
17 representing the Chamber of Commerce to
18 come forward and offer testimony.

19 (Ms. Earley approached the
20 witness table.)

21 COUNCILWOMAN BROWN: Good
22 afternoon.

23 MS. EARLEY: Good afternoon,
24 Chairwoman Reynolds Brown and members of
25 the Committee. For the record, I am

1 2/12/08 - PARKS - BILLS 080078 and 080084
2 Denise Earley. I'm the Director of
3 Public Policy for the Greater
4 Philadelphia Chamber of Commerce, and I
5 am pleased to come here before you today
6 in support of Bill 080084.

7 This bill provides the lease
8 agreements between the City of
9 Philadelphia, the Fairmount Park
10 Commission and the Fox Chase Cancer
11 Center that would finally bring this
12 much-needed expansion project underway.

13 As you are aware, the Greater
14 Philadelphia Chamber of Commerce has been
15 a very staunch supporter of the expansion
16 plan for a number of years, and Mark
17 Schweiker has personally testified in
18 support of it before this Council on a
19 number of occasions, most recently on
20 November 26, 2007 on a companion bill
21 that approved the zoning for this
22 project, and attached to my testimony
23 today is an article from January 2005,
24 over three years ago, that appeared in
25 the Philadelphia Inquirer from Mark

1 2/12/08 - PARKS - BILLS 080078 and 080084
2 Schweiker urging the Fairmount Park
3 Commission to approve this plan.

4 For 100 years, the hospital of
5 Fox Chase Cancer has been providing the
6 highest level of cancer care while making
7 important research discoveries which have
8 contributed to the transformation of our
9 understanding of cancer. Utilizing a
10 current 750,000 square foot facility, the
11 Fox Chase Cancer Center is a
12 world-renowned comprehensive cancer
13 center that is literally bursting at its
14 structural seams. Fox Chase treated 740
15 new patients in 1980 and is expected to
16 treat between 9,000 and 12,000 new
17 patients in 2010.

18 As you likely know, the problem
19 of cancer in the Commonwealth and the
20 nation is growing with the aging of our
21 population. At Fox Chase, patient care
22 now represents 40 percent of its mission,
23 while research and scientific enterprise
24 account for the other 60 percent.

25 From the medical standpoint,

1 2/12/08 - PARKS - BILLS 080078 and 080084
2 let me emphasize that a preeminent
3 institution like Fox Chase Cancer Center
4 reflects well on Philadelphia and the
5 entire region. Its life-improving
6 research and care is well known and
7 attracts not only needy patients and
8 their families but the world's finest
9 cancer researchers. In fact, researchers
10 at Fox Chase Cancer have earned
11 recognition and significant honors,
12 including the Nobel Prize in medicine.

13 The facts are clear. This \$1
14 billion expansion over 25 years will
15 create 4,000 new jobs and more than \$40
16 million in additional tax revenues for
17 Philadelphia and Pennsylvania. More
18 importantly, the expansion would enable
19 Fox Chase to double its ability to treat
20 cancer patients from around the world as
21 well as those in its own backyard.

22 It is worth noting that the
23 plan has been significantly scaled back
24 from 35 to 19.4 acres in order to
25 preserve as much parkland as possible.

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2 In addition, Fox Chase is a proven and
3 good neighbor and an asset to the
4 community, providing beautifully
5 landscaped grounds and added security in
6 the neighborhood.

7 Fox Chase has worked hard to
8 provide employee off-street parking to
9 address residential parking concerns, and
10 they have more than met each and every
11 request made of them to bring this
12 project forward, and they deserve to be
13 commended for their diligence and
14 perseverance over the last four years.

15 Finally, I would like to
16 applaud the sponsor, Councilman Brian
17 O'Neill, for his tireless efforts in
18 working with the community and Fox Chase
19 to bring this project to fruition.

20 Thank you for this opportunity.

21 COUNCILWOMAN BROWN: You're
22 welcome, Ms. Earley.

23 Any comments, observations,
24 questions from members of the Committee?

25 (No response.)

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2 COUNCILWOMAN BROWN: What I
3 will simply offer to the Chamber is in
4 the few years that I've been here, it's
5 rare for me to be a part of a discussion
6 where the developer in question has
7 looked to and taken seriously issues
8 raised by this Committee. Going forward,
9 I think when representatives of corporate
10 Philadelphia come before the Chamber
11 seeking Chamber support, it behooves the
12 Chamber leadership to now help them
13 understand that questions around green
14 buildings is going to become the norm,
15 questions around training opportunities
16 and linkages with members of the higher
17 education community and the School
18 District is going to become the norm.
19 Just like now, questions around an EOP
20 plan is now the norm.

21 So we want and appreciate and
22 need the jobs that grow exponentially
23 from enormous projects like this. Fox
24 Chase has led by example in honoring
25 requests by this Committee. Going

1 2/12/08 - PARKS - BILLS 080078 and 080084
2 forward, developers and corporations who
3 come before us need to be more than
4 adequately prepared to answer and address
5 the questions of green buildings and
6 training programs, et cetera.

7 MS. EARLEY: Thank you. Point
8 well taken.

9 COUNCILWOMAN BROWN: Very well.
10 Thank you very much for your testimony.

11 MS. EARLEY: You're welcome.

12 COUNCILWOMAN BROWN: We now
13 will ask residents of the community.
14 Jean Gavin -- forgive me.

15 Councilman Brian O'Neill.

16 COUNCILMAN O'NEILL: Could I
17 speak now?

18 COUNCILWOMAN BROWN: Yes, yes,
19 yes.

20 COUNCILMAN O'NEILL: I'll keep
21 it short. Rather than be in between the
22 two groups.

23 COUNCILWOMAN BROWN: Got it.

24 COUNCILMAN O'NEILL: And I'll
25 try to be very brief.

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2 First I want to thank my
3 colleagues for supporting me in late last
4 term, in December, when there was a lot
5 of bad information out there about this
6 project and why it wasn't moving and a
7 lot of finger pointing, mostly at me, and
8 I had the support of my colleagues that I
9 knew more about this project than what it
10 needed, still needed at that time, to
11 warrant it being held up, even though it
12 was the end of an administration and a
13 Council term. Again, I thank all my
14 colleagues for that, and this is an
15 example of District Council prerogative
16 working the way it should. A District
17 Councilmember working with community
18 groups, knowing the community better than
19 anybody else and trying to balance all
20 the interests in as best a way as
21 possible, and even bringing the Chair of
22 the Committee three years earlier or two
23 and a half years earlier to get a real
24 feel for the area and the project site.

25 COUNCILWOMAN BROWN: But a

1 2/12/08 - PARKS - BILLS 080078 and 080084
2 useful effort.

3 COUNCILMAN O'NEILL:

4 Absolutely.

5 I probably in the last two and
6 a half years during this period, or
7 almost three years -- March will be the
8 third year anniversary of the Fairmount
9 Park resolution approving this project --
10 have probably attended 40 to 50 community
11 meetings in Burholme Civic and Town Watch
12 and the Fox Chase Homeowners Association,
13 both areas impacted by this project. And
14 while I don't think there's ever been
15 unanimous support, as I've explained each
16 time, the traffic solutions necessary
17 that were still being worked on, the
18 potential land purchase, which never
19 materialized -- but money to facilitate
20 land purchase, should it become
21 available, has materialized -- always had
22 overwhelming support from those present,
23 always had opposition from people you're
24 going to hear today, who have their own
25 view, and they're very much entitled to

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2 it, that no park ground under any
3 circumstances should ever be taken for
4 any reason. And there will be a court
5 hearing on that, because it involves the
6 will of Mr. Ryerss. This land was
7 granted by Mr. Ryerss' will years and
8 years ago, but we need final City action
9 before the judge will hear that case.

10 COUNCILWOMAN BROWN: I see.

11 COUNCILMAN O'NEILL: And I feel
12 very comfortable with this project in
13 terms of balancing all those interests.
14 And I particularly want to thank our
15 former colleague and new Mayor, Michael
16 Nutter. He met with me on his first full
17 day in office. We discussed the project,
18 what had happened, what I thought could
19 be done, and Mayor Nutter within three
20 weeks on -- two weeks ago today, I think
21 it was the 29th of January, convened a
22 meeting in his office with members of the
23 hospital, the Fairmount Park Commission,
24 myself and some legal people from the
25 City and the other entities, and within

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2 an hour, hour and a half, we had a
3 consensus on all the issues that had been
4 outstanding at the end of last year that
5 were unresolvable in December were
6 resolved by the Mayor. Even the
7 community benefits agreement, which the
8 hospital couldn't sign until they
9 actually signed an agreement with the
10 Park Commission, the Mayor came up with
11 the solution, which I think is preferable
12 to anything I had envisioned, and, that
13 is, just taking the money, putting it in
14 our Capital Projects Fund. So there's
15 clearly a public purpose, it clearly has
16 to go through all the hurdles of what is
17 a capital project for those
18 neighborhoods. And it just broke every
19 problem down, and we didn't leave until
20 it was settled. And here we are two
21 weeks later, all the agreements -- if
22 you've seen, it's about an inch thick --
23 have been put together. Everyone gave a
24 little. Everyone got a lot. And I
25 really want to compliment him. If it's

1 2/12/08 - PARKS - BILLS 080078 and 080084
2 any indication of what the next four
3 years are going to be like, I think we're
4 in for a good ride.

5 Thank you.

6 COUNCILWOMAN BROWN: Thank you
7 for your leadership, Councilman.

8 COUNCILMAN O'NEILL: Thank you.

9 COUNCILWOMAN BROWN: Please, if
10 we could ask residents Jean Gavin and
11 Michael Hardy to come forward, offer
12 testimony.

13 (Witnesses approached the
14 witness table.)

15 COUNCILMAN O'NEILL: You may
16 want to take them separately, because
17 they're opposing -- I think you're going
18 to get opposing testimony from them.

19 MS. GAVIN: Well, the table is
20 large. He can sit here.

21 COUNCILWOMAN BROWN: Good
22 afternoon, Ms. Gavin.

23 MS. GAVIN: Good afternoon.

24 COUNCILWOMAN BROWN: How are
25 you?

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2 Sir, Mr. Hardy, I'm going to
3 exercise what's called a chairperson's
4 prerogative and ask you to please allow
5 her to speak and then you'll have the
6 table. Okay?

7 COUNCILMAN O'NEILL: Madam
8 Chair, it may be helpful --

9 COUNCILMAN KENNEY: You're an
10 at-large Councilperson. How could you do
11 prerogative things? I don't see how that
12 works.

13 (Laughter.)

14 COUNCILWOMAN SANCHEZ: We're
15 giving her permission.

16 COUNCILMAN O'NEILL: Madam
17 Chair, there's a group of people who are
18 very dedicated to opposing this project
19 and they're very clear from the
20 beginning. Ms. Gavin is one of them.
21 There are others here. I'm just thinking
22 it may be better, as you hear their views
23 at one time, especially since we had this
24 before -- and Mr. Hardy is probably one
25 of the few people here in support of it

1 2/12/08 - PARKS - BILLS 080078 and 080084
2 from the community.

3 COUNCILWOMAN BROWN: See, I
4 misunderstood. Forgive me. I thought
5 you were also not in favor of this
6 enterprise. So if I could just ask you
7 to step behind the gate, we can give
8 everybody an opportunity to have their
9 say.

10 Good afternoon. For the
11 record, Ms. Gavin, were you here with us
12 in November?

13 MS. GAVIN: Yes, I was.

14 COUNCILWOMAN BROWN: Okay,
15 then. Thank you very much. Please state
16 your name for the record and provide your
17 testimony.

18 Let me ask, do you have written
19 testimony?

20 MS. GAVIN: Well, I have notes,
21 only because I only read about this this
22 morning in the public record. That's how
23 I am here today.

24 COUNCILWOMAN BROWN: It's not a
25 problem. We don't mind you having notes.

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2 We just want you to stay on point with
3 your testimony.

4 MS. GAVIN: Right. Okay. Let
5 me know if I go off the point.

6 My name is Jean Gavin. I live
7 in Fox Chase. My home is on Rhawn
8 Street. Rhawn Street is one of the major
9 thoroughfares. The other one is Cottman
10 Avenue. They're the only two major
11 thoroughfares we have, and yet I can't
12 get a copy of this traffic report that
13 they keep talking about.

14 I cannot see any way that the
15 traffic can do anything but make our
16 neighborhood turn into a slum, because
17 people are going to move out. And nobody
18 mentions that bridge, that CSX bridge, on
19 Cottman Avenue that's ready to fall in.
20 Try walking across that. When you come
21 to Burholme Park the next time -- and I
22 wish you would come. I give tours at the
23 Mansion every Sunday afternoon from 2:00
24 to 4:00. I am happy to have people come,
25 and Councilman included, because I don't

1 2/12/08 - PARKS - BILLS 080078 and 080084

2 think he's been in that place in a long
3 time or walked that park.

4 Now, we're losing all of that
5 park. It certainly will be safer because
6 it won't exist, and it certainly -- there
7 won't be anything happening there,
8 because the Fox Chase Cancer Center
9 intends to take the guts out of our park.
10 They will go from Shel mire Avenue that
11 they're admitting is a street here in
12 this public hearing notice. They've been
13 saying all along it's their driveway,
14 Shel mire Avenue. They are taking our
15 park from there to Cottman Avenue, and
16 it's going from the street that goes up
17 to the Mansion over to the river that's
18 in the middle of the woods. They're
19 taking the guts of the park. What we
20 have left is west of that little stream
21 in the woods. That is at such an angle,
22 the reason why the City bought that was
23 because they're trying to protect that
24 waterway there, that we use that for
25 drinking. And the other side they're

1 2/12/08 - PARKS - BILLS 080078 and 080084
2 taking -- they're saying they're saving
3 the playground. That playground --
4 they'll find a reason to take that
5 playground. They intend to go right up
6 to the part of the Mansion that is the
7 Carriage House. So they will be taking
8 all of the central part of our park. We
9 will have the building, the Mansion, the
10 Carriage House, I'll bet very little, if
11 any, parking and coming down the road to
12 the ball fields in the front that
13 Councilman O'Neill made sure that was no
14 longer open. He's put ten- or 12-foot
15 fences all around that area so you
16 can't -- that's not an open field any
17 longer. Saying to protect the field.
18 Give us a break. There's plenty of land
19 between the playing area and the streets.
20 Plus he wants to make Cottman Avenue
21 wider really. He could have put trees
22 there between the playing area and
23 Cottman, or bushes at least. No, he has
24 to put up great big fences.

25 I thought that we needed a

1 2/12/08 - PARKS - BILLS 080078 and 080084
2 two-week notice before we have meetings
3 like this here today. My notice was
4 today, and this public record came out
5 February 7th. Today is the 12th. Two
6 weeks have not passed. If this really
7 was a public hearing, it would be held in
8 Fox Chase and Burholme and it would be
9 held in the evening when the working
10 people would be able to attend, and that
11 two-week notice would have been in the
12 local papers so people would know about
13 it.

14 Now, I watch the Inquirer every
15 day. I watch this public record, and I
16 didn't know until this morning, because I
17 got this paper yesterday, that this
18 meeting was being held today.

19 COUNCILWOMAN BROWN: Let me
20 just advise you, you've spoken out for
21 about five minutes offering testimony.
22 You say you do have notes and you've
23 re-articulated a number of answers that
24 were addressed by previous testifiers.
25 So I'm going to give you about five more

1 2/12/08 - PARKS - BILLS 080078 and 080084
2 minutes to honor your notes and then we
3 need to move on.

4 MS. GAVIN: Okay.

5 We hear that the Fox Chase
6 Cancer Center is here to study, to cure
7 cancer. I have a book that says it cures
8 cancer. It's called The Cure for All
9 Cancers and it was written by Hulda
10 Clark, and she is a researcher, and Fox
11 Chase Cancer Center does research. I
12 think they should research from what she
13 is doing, at least study it.

14 It says, "We are accustomed to
15 thinking about a cure for cancer. We
16 think of remission as the only
17 possibility. But this book is not about
18 remission. This is about cure. This is
19 possible, because in 1990, I discovered
20 the true cause of cancer. The cause is a
21 certain parasite, for which I have found
22 evidence in every cancer case regardless
23 of the type of cancer. So lung cancer is
24 not caused by smoking. Colon cancer is
25 not caused by a low roughage diet.

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2 Breast cancer is not caused by a fatty
3 diet."

4 I know that because I've had
5 breast cancer and I don't eat fatty
6 things.

7 "Retinol blastoma is not caused
8 by a rare gene, and pancreatic cancer is
9 not caused by alcohol consumption.
10 Although these are all contributing
11 factors, they are not the cause.

12 "Once the true cause was found,
13 the cure became obvious. But would it
14 work?

15 "I set a goal of a hundred
16 cases to be cured of cancer before
17 publishing my findings. That mark was
18 passed in December 1992. The discovery
19 of the cause and the cure of all cancers
20 has stood the test of time," and here it
21 is.

22 And if they really wanted to
23 cure cancer, they would investigate this
24 woman's work.

25 COUNCILWOMAN BROWN: With that

1 2/12/08 - PARKS - BILLS 080078 and 080084

2 said --

3 MS. GAVIN: Thank you.

4 COUNCILWOMAN BROWN: -- let me
5 remind you that any and all documents
6 shared by members of the Committee are
7 public documents. So you're welcome to
8 get that over here. You had one comment
9 about not being privy to information.

10 Councilman Brian O'Neill
11 stipulated what areas of the park are
12 indeed being protected by this new
13 expansion, and your issues raised around
14 the Streets Department lanes, traffic
15 lanes and the like, in my view, have been
16 fully researched and stipulated by Rina
17 Cutler.

18 MS. GAVIN: Then why won't they
19 give me a copy?

20 COUNCILWOMAN BROWN: Please let
21 me finish. All of these documents are
22 available for you to have and take with
23 you over here on this side table.

24 MS. GAVIN: Thank you.

25 COUNCILWOMAN BROWN: And then,

1 2/12/08 - PARKS - BILLS 080078 and 080084
2 finally, with regards to the advertising
3 of meetings, I've checked with my
4 technician colleague friend, Councilman
5 Frank DiCicco, that because you saw it
6 recently in the public record, we have to
7 follow the law which says there has to be
8 at least seven days' notice.

9 Is that correct?

10 COUNCILMAN DiCICCO: Yes.

11 COUNCILWOMAN BROWN: And so
12 there may have been other publications
13 where there was notice of this meeting.
14 But know that the Chief Clerk's Office is
15 clear and thorough in making sure we
16 follow the law and give citizens adequate
17 notice of meetings. So I needed to
18 respond --

19 MS. GAVIN: Shouldn't that have
20 been in The Breeze?

21 COUNCILWOMAN BROWN: Forgive
22 me?

23 MS. GAVIN: Should it have been
24 in The Breeze, the local paper, letting
25 people know that this meeting was being

1 2/12/08 - PARKS - BILLS 080078 and 080084
2 held?

3 COUNCILWOMAN BROWN: It has to
4 be in at least three papers.

5 MS. GAVIN: It should have been
6 in The Breeze. That's the local
7 throw-away paper. Everybody gets it.
8 They don't have to pay for it.

9 COUNCILWOMAN BROWN: Okay,
10 then.

11 MS. GAVIN: And that's Fox
12 Chase.

13 COUNCILWOMAN BROWN: Well, the
14 bottom line is this: We honored the law
15 and stipulated by the Chief Clerk's
16 Office.

17 We thank you for your
18 testimony.

19 MS. GAVIN: Thank you for
20 hearing me.

21 COUNCILWOMAN BROWN: Thank you
22 for caring about your community. Thank
23 you very much.

24 Anyone else here to testify on
25 Bill No. 080084?

1 2/12/08 - PARKS - BILLS 080078 and 080084

2 (Witness approached the witness
3 table.)

4 COUNCILWOMAN BROWN: Sir, you
5 want to state your name for the record?
6 Good afternoon.

7 MR. MAURER: My name is Fred
8 Maurer.

9 COUNCILWOMAN BROWN: Do you
10 have written testimony, Mr. Maurer?

11 MR. MAURER: I will give the
12 Clerk my written testimony. I only made
13 one copy. Unfortunately, I can't
14 distribute anything else.

15 COUNCILWOMAN BROWN: Not a
16 problem. We'll make copies. We simply
17 ask that you stick with your testimony,
18 as we have a few more witnesses before we
19 take action on this measure.

20 Were you here in November as
21 well?

22 MR. MAURER: Yes, I was.

23 COUNCILWOMAN BROWN: Okay,
24 then. Proceed with your testimony.

25 MR. MAURER: Okay. My name is

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2 Fred Maurer.

3 At 7:00 a.m. today I was
4 informed of this Committee hearing on
5 Bill 080084. This day to honor the
6 accomplishments of President Lincoln
7 should recall his message that the union
8 cannot be dissolved or allowed to split
9 because it is perpetual once signed and
10 ratified by the states. This notion of
11 not dissolved or split in perpetuity
12 should ring in your ears today.

13 Lincoln did not have an easy
14 time in Philadelphia because the
15 businessmen and the cotton manufacturers
16 wanted free trade and bales of cotton to
17 create their private wealth.

18 This ordinance today is
19 designed to remove perpetual care of
20 Burholme Park and to split it for a
21 private user and their private wealth,
22 and cotton money still leads today.

23 The sponsor of this bill is a
24 lawyer and he knows it is wrong. It is
25 wrong. The sponsor has a long private

1 2/12/08 - PARKS - BILLS 080078 and 080084
2 motive to harm the general public welfare
3 and the good of this park. This bill is
4 a renewal of Bill 070596 that he allowed
5 to lapse in December after it was
6 amended. This is the same bill disguised
7 with a few words to include the City PAID
8 agency as a straw man and with no
9 amendments as a continuance.

10 The preface of this bill as
11 authorizing the President and Executive
12 Director of Fairmount Park Commission to
13 enter into land leases for the sole
14 benefit of Fox Chase Cancer Center is the
15 intent continuity.

16 There is significant
17 opposition -- there is significant public
18 opposition to this park taking when you
19 received and recorded the testimony at
20 the Parks and Rules Committee on November
21 26th, '06 on Bill 070956 as sworn
22 testimony from seven, actually eight
23 persons. The names were Fred Maurer,
24 Gerald Waln, Paul Canty, Mary Tracy,
25 Doris Simon, Jean Gavin, Kate Friend and

1 2/12/08 - PARKS - BILLS 080078 and 080084

2 Fred Guass.

3 The testimony of Gerald Waln
4 was as one of the heirs of the park and
5 its donation forever.

6 My testimony that day was
7 stopped when the Chairman said that she
8 did not want to hear anymore. The
9 Chairman promised to include my written
10 testimony into the transcript. When I
11 checked later, it was not done.

12 The testimony of Mr. Tim
13 Kearney, who was present for two hours
14 that day, and he was called. His printed
15 testimony was received and passed out for
16 all 16 Councilmembers as a public record.
17 After he was called and after he left,
18 the Chairman promised to write his
19 testimony into the record, but that
20 testimony has not been recorded into the
21 transcript.

22 At a joint hearing in November,
23 with only a few Councilmembers changed in
24 this year, all of this sworn testimony is
25 still fresh and relevant testimony today.

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2 As the Councilmember expressed
3 after the November hearing,
4 Councilmembers I should say, that they
5 don't know what to do, so let the courts
6 decide. If that is your attitude as
7 lawmakers, then it is useless for the
8 public to testify and to expect justice
9 or honor before you.

10 I'll close with a message I
11 made at the February 8th Commission
12 meeting -- that's this year -- on the
13 same matter as for the amended resolution
14 of March '05 to refresh the situation for
15 them.

16 We have had only one public
17 meeting on November 30, 2004 at the Fox
18 Chase Cancer Center -- Fox Chase public
19 school. The room was full, and I noticed
20 about 40 Labor members were present in
21 the audience to pack the audience and to
22 cheer. Most were the Carpenters and the
23 Electricians Union.

24 The public testimony was from
25 83 persons. I examined the content and

1 2/12/08 - PARKS - BILLS 080078 and 080084
2 counted 46 persons' support to save the
3 park, including employees of Fox Chase
4 Cancer Center, including four persons who
5 said you had to compromise because it was
6 a done deal and you can't win against
7 them.

8 Of the 45 percent others to
9 kill the park, many were purely Fox Chase
10 Center officers and the Northeast Chamber
11 of Commerce. Of the few local residents
12 who supported to give away the park,
13 there was a constant repeated theme:
14 Give it away to keep out the
15 undesirables.

16 Of the businessmen and unions
17 talking to take the park -- I would point
18 out they had a money interest in it, they
19 did not have a park -- they had a money
20 interest in it.

21 The person who talked last was
22 Mr. Pat Gillespie. He said that they are
23 willing to demolish a park and build it
24 anew. I did not hear of any free land or
25 free labor and free materials, but we did

1 2/12/08 - PARKS - BILLS 080078 and 080084
2 hear Fox Chase Cancer Center, Dr. Young,
3 call the golf course a commercial use in
4 a park.

5 When that public meeting ended,
6 there was a promise to call a second
7 public meeting, but we are still waiting
8 for that promise to be held.

9 Thank you.

10 COUNCILWOMAN BROWN: Thank you
11 very much for your testimony.

12 Any questions for this witness?
13 (No response.)

14 COUNCILWOMAN BROWN: We thank
15 you, sir, for your testimony.

16 Any other witnesses pleased to
17 speak on this bill? Please come forward
18 to the table.

19 (Witness approached the witness
20 table.)

21 COUNCILWOMAN BROWN: Good
22 afternoon, sir. State your name for the
23 record and proceed with your testimony.

24 MR. HARDY: My name is Michael
25 Hardy and I'm one of the co-founders of

1 2/12/08 - PARKS - BILLS 080078 and 080084
2 the Burholme Civic Association and Town
3 Watch. I have lived in Burholme for over
4 40 years a few blocks from the park. I
5 have been a user of the park, my children
6 are users of the park, and my
7 grandchildren now are users of the park.
8 As a private resident, I strongly support
9 the Fox Chase Cancer Center expansion.

10 The benefit of the park --

11 COUNCILWOMAN BROWN: I'm sorry.
12 Continue.

13 MR. HARDY: -- to our community
14 remains after the expansion. That is,
15 the Ryerss Museum, playground, sledding
16 hill, ball fields and picnic grove area
17 stay. In fact, when the existing
18 commercial establishments are removed,
19 the golf driving range, the miniature
20 golf course and shops, there's more park
21 area available for use, and you create a
22 flow from east to west in the park.

23 The nature of the work of the
24 Cancer Center in treating and finding a
25 cure for cancer far surpasses any

1 2/12/08 - PARKS - BILLS 080078 and 080084
2 perceived loss of parkland to our
3 community. All of our lives have been
4 affected or will be by this terrible
5 disease. In my life I've lost my mother,
6 my wife and my sister-in-law. How can
7 one not support this humanitarian work?

8 I thank you very much.

9 COUNCILWOMAN BROWN: We thank
10 you very much for your testimony.

11 Any questions, comments for
12 this witness?

13 (No response.)

14 COUNCILWOMAN BROWN: We thank
15 you, sir.

16 MR. HARDY: You're welcome.

17 COUNCILWOMAN BROWN: Sir, we do
18 have a question from Councilmember Maria
19 Quinones Sanchez.

20 COUNCILWOMAN SANCHEZ: Are you
21 still part of the Burholme Park
22 organization?

23 MR. HARDY: I no longer hold a
24 position or an officer, but the meetings
25 I attend. And where they're held is only

1 2/12/08 - PARKS - BILLS 080078 and 080084
2 a block from where I live, so I generally
3 go to the meetings on the second Thursday
4 of the month.

5 COUNCILWOMAN SANCHEZ: How many
6 active members?

7 MR. HARDY: How many members?
8 The average attendance at a meeting would
9 be 50 to 70 depending upon an issue, and
10 if it's an issue like the Burholme Park,
11 it could go to a hundred.

12 COUNCILWOMAN SANCHEZ: Okay.
13 Thank you.

14 COUNCILWOMAN BROWN: Thank you,
15 sir.

16 MR. HARDY: You're welcome.

17 COUNCILWOMAN BROWN: In an
18 interest to respect and honor the
19 schedules of testifiers on this
20 particular bill, we're going to do the
21 following: We're going to bring this
22 hearing to a close, go into a public
23 meeting, move this bill out of Committee,
24 vote on this bill up or down, move it out
25 of Committee, then go back to a public

1 2/12/08 - PARKS - BILLS 080078 and 080084
2 hearing to take care of our second order
3 of business.

4 So with that said, this
5 concludes our public hearing. We are now
6 going to go into a public meeting.

7 I will ask Councilmember Frank
8 DiCicco to please make a motion on Bill
9 No. 080084. And we want to ask or
10 request that there be a suspension of the
11 rules.

12 COUNCILMAN DiCICCO: Thank you,
13 Madam Chair. I move that Bill No. 080084
14 be reported out of this Committee with a
15 favorable recommendation -- is there
16 amendments?

17 (Yes.)

18 COUNCILMAN DiCICCO: I'm sorry.
19 I will rephrase that.

20 I move that the amendments to
21 Bill No. 080084 be approved.

22 (Duly seconded.)

23 COUNCILWOMAN BROWN: The
24 amendments have been moved and seconded.

25 All in favor say aye.

1 2/12/08 - PARKS - BILLS 080078 and 080084

2 (Aye.)

3 COUNCILWOMAN BROWN: All

4 opposed?

5 (No response.)

6 COUNCILWOMAN BROWN: Therefore,

7 the amendments to Bill No. 080084 have

8 been approved for consideration.

9 We will now ask for a motion on

10 the bill as amended, Bill No. 080084.

11 COUNCILMAN DiCICCO: Thank you,

12 Madam Chair. I move that Bill No. 080084

13 as amended be reported out of this

14 Committee with a favorable recommendation

15 and a further recommendation that the

16 rules of Council be suspended so as to

17 permit first reading in our next session

18 of City Council.

19 (Duly seconded.)

20 COUNCILWOMAN BROWN: This bill

21 has been moved and properly seconded.

22 All in favor say aye.

23 (Aye.)

24 COUNCILWOMAN BROWN: All

25 opposed?

1 2/12/08 - PARKS - BILLS 080078 and 080084

2 (No response.)

3 COUNCILWOMAN BROWN: Therefore,
4 Bill No. 080084 as amended will be
5 reported out of this Committee with a
6 favorable recommendation and further
7 moved that the rules of Council be
8 suspended so as to permit first reading
9 at the next scheduled session of
10 Philadelphia City Council.

11 We thank you all here for this
12 bill number. We thank you for your
13 attendance and your presence.

14 We will now move back into a
15 public meeting, and I will ask our Clerk,
16 Joe Meade, to read the title of Bill No.
17 080078.

18 THE CLERK: An ordinance
19 authorizing the President of the
20 Fairmount Park Commission, the Executive
21 Director of Fairmount Park and the
22 Procurement Commissioner, on behalf of
23 the City of Philadelphia, to enter into a
24 Concession Agreement with Billy Casper
25 Golf, LLC, under which Billy Casper Golf

1 2/12/08 - PARKS - BILLS 080078 and 080084
2 LLC, would improve, operate, manage and
3 maintain four 18-hole golf courses and
4 one sports center under the jurisdiction
5 of the Fairmount Park Commission,
6 including Olde Course and Karakung Course
7 at Cobb's Creek Golf Club, Franklin D.
8 Roosevelt Golf Course, John D. Byrne Golf
9 Course and the City Line Sports Center;
10 all under certain terms and conditions.

11 COUNCILWOMAN BROWN: We thank
12 you very, very much.

13 If we could please ask the
14 leadership, the Executive Director of
15 Fairmount Park, to please come forward,
16 Mark A. Focht, and provide testimony on
17 this bill.

18 (Mr. Focht approached the
19 witness table.)

20 COUNCILWOMAN BROWN: Let me
21 start off first by saying thank you very,
22 very much for the briefing last Thursday.

23 MR. FOCHT: Certainly.

24 COUNCILWOMAN BROWN: It was
25 quite informative and gave us an

1 2/12/08 - PARKS - BILLS 080078 and 080084
2 opportunity to at least hear what lies
3 before us and discuss any potential
4 wrinkles that we're able to figure out
5 today.

6 MR. FOCHT: It was our
7 pleasure. Thank you. And, again, good
8 afternoon, Chairwoman Reynolds Brown,
9 Vice-Chair Jones, Committee members. I'm
10 Mark Focht, Executive Director of
11 Fairmount Park. On my left is Barry
12 Bessler, the Chief of Staff for Fairmount
13 Park. On my right is Doug Kubinski,
14 Director of Properties and Concessions
15 Management for Fairmount Park. We appear
16 before you today on behalf of the
17 Fairmount Park Commission in support of
18 Council Bill 080078 authorizing the City
19 of Philadelphia, through the Procurement
20 Department and Fairmount Park Commission,
21 to enter into a long-term Concession
22 Agreement with Billy Casper Golf, LLC, to
23 improve, operate, manage and maintain the
24 golf courses specified in this bill.

25 Golf facilities under the

1 2/12/08 - PARKS - BILLS 080078 and 080084
2 jurisdiction of the Fairmount Park
3 Commission have been operated through
4 private concession agreements since 1985.
5 Improvement in our approach to management
6 of the golf facilities is a significant
7 recommendation of the Fairmount Park
8 Strategic Plan, of which you are very
9 aware and supportive of, and Park staff
10 has been working diligently for over a
11 year to address this recommendation
12 through the City's required request for
13 proposal, or RFP, process.

14 Prior to issuing the RFP,
15 Fairmount Park staff conducted research
16 on best practices used in other
17 municipalities with multiple golf
18 courses. The RFP was drafted and
19 reviewed by an array of City agencies,
20 including the Mayor's Office, Managing
21 Director's Office, Finance, Budget,
22 Procurement, City Solicitor, Health,
23 Recreation, Minority Business Enterprise
24 Council and Fairmount Park staff. We met
25 in very large meeting rooms to

1 2/12/08 - PARKS - BILLS 080078 and 080084
2 accommodate everyone's interest. The RFP
3 was publicly advertised, and golf
4 management companies from across the
5 country were directly solicited.

6 An RFP selection committee was
7 formed, comprised of representatives of
8 many of these same City agencies. In
9 addition to close scrutiny of each
10 proposal submitted in response to the
11 RFP, the committee conducted interviews
12 with each respondent and reviewed
13 references, financial data and planning
14 strategies. Ultimately, Billy Casper
15 Golf, LLC of Vienna, Virginia was
16 selected for the concession agreement.

17 Billy Casper Golf has an
18 18-year history as a management golf
19 company, including experience managing
20 more than 50 municipal golf courses
21 throughout the United States. Their
22 mission is solidly based in golf
23 operations, and they have a national
24 reputation as a leader in facility
25 management and maintenance, marketing,

1 2/12/08 - PARKS - BILLS 080078 and 080084
2 agronomy and customer service. Their
3 references, which include multiple public
4 course arrangements in Cook County,
5 Illinois, outside of Chicago, West
6 Chester, New York and Cincinnati, Ohio,
7 are impeccable.

8 The public golf industry has
9 become increasingly competitive and in
10 order for the City's courses to be
11 successful, improvements must be made to
12 both the condition and the management of
13 the courses. Therefore, the business
14 terms of this Concession Agreement are
15 aimed at improving the courses so they
16 can operate at their full potential,
17 serving all users.

18 Under this agreement, Billy
19 Casper Golf will be required to provide a
20 net worth of \$3.5 million in payments and
21 capital improvements to the courses,
22 including a \$350,000 investment in the
23 first year of the agreement. The golf
24 facilities will also benefit from an
25 aggressive revenue-sharing structure.

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2 The more revenue that is generated at the
3 courses, the more money will be available
4 for course improvements. Along with
5 annual savings to the Park from no longer
6 operating the facilities as we have for
7 the last two and a half years, the
8 positive financial results from this
9 agreement exceed \$8 million over ten
10 years, and the conditions of the courses
11 will improve. We are also confident that
12 increased use of the golf facilities
13 resulting from capital investment,
14 improved conditions and aggressive
15 marketing will drive that amount even
16 higher.

17 Several issues were raised when
18 we briefed members of the Council and
19 this Committee last week on the
20 Concession Agreement, and I would like to
21 address them directly.

22 The first issue involved
23 maintenance of the courses, particularly
24 along the perimeters. This Concession
25 Agreement obligates Billy Casper Golf

1 2/12/08 - PARKS - BILLS 080078 and 080084
2 full responsibility and expense for all
3 care of the golf facilities. This care
4 and maintenance extends beyond the actual
5 courses to the perimeters of the
6 facilities and includes turf and tree
7 maintenance and snow removal, and seeks
8 to establish good working relations with
9 neighborhood residents. Billy Casper
10 Golf is well aware of these
11 responsibilities under this agreement and
12 is contractually bound to compliance as
13 per Section 3.10.2 of Exhibit B of the
14 proposed Concession Agreement.

15 The next issue involved
16 outreach to schools in the vicinities of
17 each course. Fairmount Park golf courses
18 have had a long history of providing high
19 schools, PAL centers and summer camps
20 with golf opportunities. In addition to
21 improvement to the condition and
22 management of the golf facilities, Billy
23 Casper Golf is contractually committed to
24 expand and enhance youth golf
25 opportunities, especially for those

1 2/12/08 - PARKS - BILLS 080078 and 080084
2 schools that may not currently use the
3 facilities. And based upon our
4 conversation last week, an amendment to
5 Bill 080078 will specifically require
6 Billy Casper Golf to provide to Fairmount
7 Park and City Council a school outreach
8 plan by June 1st of this year for
9 engaging local schools in the sport of
10 golf, as well as programming and seasonal
11 employment opportunities available at the
12 courses. Again, this plan will be
13 submitted to Fairmount Park and City
14 Council by June 1st of this year. The
15 plan will then be implemented beginning
16 with the 2008-'09 school year. In
17 addition, Fairmount Park staff will also
18 investigate the potential throughout the
19 City for increased public golf programs
20 with the School District of Philadelphia.
21 The third item that was raised
22 in our meeting was a possible future use
23 of our golf facilities for tournament
24 play. Fairmount Park's golf facilities,
25 specifically Cobbs Creek or especially

1 2/12/08 - PARKS - BILLS 080078 and 080084
2 Cobbs Creek Golf Course, have hosted many
3 local and regional tournaments over the
4 years. The idea of hosting a more
5 national golf tournament is appealing and
6 has been discussed with our partners at
7 the Philadelphia Sports Congress, on
8 whose Board I serve, and with our prior
9 management operators. While there are
10 some obvious challenges of size and space
11 at our courses, particularly Cobbs Creek,
12 Billy Casper Golf has experience and
13 knowledge to pursue such an undertaking,
14 having renovated other courses in their
15 portfolio for tournament play.

16 To be clear, such a national
17 event would require significant capital
18 investment to bring the Cobbs Creek Golf
19 Course up to an appropriate standard for
20 such an event, but we have already
21 discussed this with Billy Casper Golf.

22 The fourth item from our
23 meeting last week involved a request for
24 periodic reports on the status of golf
25 operations. Billy Casper has agreed to

1 2/12/08 - PARKS - BILLS 080078 and 080084
2 an amendment to the Concession Agreement
3 which will require that they provide to
4 Fairmount Park and City Council a,
5 quote/unquote, "State of the Courses"
6 report every two years on the anniversary
7 date of the Concession Agreement. This
8 document will report on provisions of the
9 Concession Agreement, including, but
10 obviously not limited to, course
11 conditions, the financial performance,
12 special activities, compliance with the
13 employment opportunity plan and school
14 outreach and engagement.

15 The final issue that we
16 discussed last week was the Equal
17 Opportunity Plan, or EOP, its monitoring
18 and enforcement. As I stated at our
19 meeting, the obligation to monitor and
20 enforce the EOP rests with us at
21 Fairmount Park, as does any provision of
22 any of our legal agreements. I and Park
23 staff take this role very seriously and
24 will monitor this Concession Agreement to
25 ensure compliance with all of its

1 2/12/08 - PARKS - BILLS 080078 and 080084
2 provisions, including the EOP, throughout
3 the term of the agreement. However, in
4 response to concerns heard from this
5 Committee, additionally, Billy Casper's
6 EOP, Equal Opportunity Plan, Exhibit F,
7 Section 4(D)4 has been amended to
8 specifically make non-compliance with the
9 EOP an event of default under the
10 Concession Agreement.

11 In order to implement the
12 above, we request that this Committee
13 amend Ordinance No. 080087 by replacing
14 the prior version of Exhibit 1 with a
15 version we forwarded to the Committee
16 members yesterday and which was just
17 passed out to you.

18 As outlined above, again,
19 briefly the changes to Exhibit 1 are as
20 follows: To amend Exhibit B, Section 3.7
21 of the Concession Agreement to require
22 Billy Casper Golf to submit to Fairmount
23 Park and City Council by June 1, 2008 a
24 plan of outreach and engagement to local
25 schools surrounding the four courses to

1 2/12/08 - PARKS - BILLS 080078 and 080084
2 be implemented at the beginning of the
3 2008-'09 school year.

4 No. 2, amend Exhibit B, Section
5 4.9 of the Concession Agreement to
6 require Billy Casper Golf to provide to
7 Fairmount Park and City Council a "State
8 of the Courses" report every two years on
9 the anniversary date of the Concession
10 Agreement.

11 And, finally, 3, amend Billy
12 Casper's Equal Opportunity Plan, Exhibit
13 F, Section 4(D)4 to specifically make
14 non-compliance with the Equal Opportunity
15 Plan an event of default under the
16 Concession Agreement.

17 We are confident that this new
18 Concession Agreement with Billy Casper
19 Golf Management promises a bright future
20 for the City golf courses. The
21 Concession Agreement before you today was
22 approved unanimously by the Fairmount
23 Park Commission in November 2007. I,
24 therefore, appear before you today to
25 pledge the strong support of the

1 2/12/08 - PARKS - BILLS 080078 and 080084
2 Fairmount Park Commission and staff for
3 Bill 080078.

4 I would also request of this
5 Committee a suspension of the rules for
6 consideration at the next session of City
7 Council. And I would like to thank you
8 for your time, and I would be very
9 pleased to answer any questions.

10 COUNCILWOMAN BROWN: Any other
11 testimony from other members of the panel
12 there before we move to questions?

13 MR. FOCHT: No.

14 COUNCILWOMAN BROWN: Very well.
15 Councilman Frank DiCicco.

16 COUNCILMAN DiCICCO: Thank you,
17 Madam Chair, and good afternoon, almost
18 good evening.

19 I was not able to make the
20 briefing. I apologize for that. I
21 really wanted to go there and hear what
22 you had to say.

23 I actually started playing golf
24 a few years ago. Let me rephrase that.
25 I bought a set of golf clubs, and I hope

1 2/12/08 - PARKS - BILLS 080078 and 080084
2 that I'm not embarrassing the company
3 whose logo is on those clubs. But in any
4 event, I live in South Philadelphia and
5 FDR, which is more commonly known as The
6 Lakes, has been a place that I have
7 frequented from a very young age, and
8 more recently since I took up the game of
9 golf I had the opportunity to go down
10 there a few times. I don't know how to
11 compare that with the other three golf
12 courses, but rumor has it that it's
13 probably the worst of the four, and a lot
14 of it has to do with the flood tides and
15 all those things.

16 I was not aware until several
17 months ago when I was down there on a
18 very hot day and it was very dusty,
19 there's no irrigation system down there,
20 other than when the river exceeds high
21 tide and the ground gets saturated and
22 you have to wait a few days for it to
23 recede and then presume to then resume
24 playing golf or whatever.

25 I know it's an expensive

1 2/12/08 - PARKS - BILLS 080078 and 080084
2 ordeal, irrigation. I can't imagine what
3 it would cost. Is there any
4 consideration long term? I know there
5 are other improvements that need to be
6 made, and that may not be the priority,
7 but I just was curious if that's -- and
8 it's not a deal-breaker. I'm not putting
9 you on the witness stand as a
10 deal-breaker. I'm just kind of curious.

11 The interesting thing -- and I
12 suspect this may happen at the other
13 courses as well -- when I first started
14 going to the course -- again, I was a
15 kid, I played on the fields but never on
16 the golf course -- I was surprised at the
17 number of people who play golf, number
18 one, and who are from the area or even
19 from South Jersey who maybe were former
20 South Philadelphians who come back on a
21 daily basis. It's a social gathering
22 place in addition to the game of golf,
23 which pretty much is what golf is really
24 all about. And I was just kind of
25 dreaming one day about if that place was

1 2/12/08 - PARKS - BILLS 080078 and 080084
2 ever to be given some sort of a really
3 upgrade, improvements and maybe a
4 clubhouse kind of an environment, I think
5 there's a real potential there. But,
6 again, it takes money, and I was just
7 kind of curious of what -- and I'm not
8 discounting the other courses. I really
9 don't know anything about them. That's
10 kind of in my neighborhood, so I was just
11 concerned and have some questions about
12 that.

13 MR. FOCHT: Certainly,
14 Councilman. The issue of irrigation
15 system at all of our courses is a very
16 significant one for the long-term
17 sustainability of the courses, and as I
18 said in my testimony, increasing the
19 rounds of play to increase more revenue,
20 which, through our revenue-sharing, will
21 funnel more improvements back into the
22 courses.

23 So you are correct, it is an
24 expensive item, but we can probably, in
25 the case of FDR, no longer rely on Mother

1 2/12/08 - PARKS - BILLS 080078 and 080084
2 Nature's irrigation down there when they
3 flood the courses, particularly that one,
4 as you know.

5 So putting in irrigation in all
6 four of our courses will be one of our
7 first issues of priority for capital
8 improvements in our conversations with
9 Billy Casper. As I testified, they will
10 be making \$350,000 worth of improvements
11 in the first year of the contract alone.
12 We have not yet sat with them to
13 determine exactly how that will be
14 allocated over the four courses and the
15 sports center and what exactly will be
16 done, but I would give you my assurance
17 that irrigation is high on that list for
18 all the courses.

19 COUNCILMAN DiCICCO: This might
20 be late in the game, no pun intended, but
21 I was wondering if -- and I know a lot of
22 work went into this agreement from all
23 parties -- if there was an opportunity to
24 tweak some of the numbers as it relates
25 to what your contribution in regards to

1 2/12/08 - PARKS - BILLS 080078 and 080084
2 the contract was that will enable you to
3 have more money for capital so you can
4 get the capital stuff done sooner.
5 Because from a business standpoint, the
6 quicker you get that done, the likelihood
7 is you're going to increase
8 participation. But I don't want to
9 rewrite this. I'm just thinking out
10 loud.

11 MR. FOCHT: The financial
12 arrangements in the agreement have been
13 the results of several months actually of
14 negotiations. These were not the numbers
15 that were in the original RFP, and,
16 frankly, most of the respondents to the
17 original RFP, which were, frankly, more
18 aggressive financially for the benefit of
19 the courses, the operators -- all
20 proposers, I should say, came back to us
21 and basically said we were a little crazy
22 in thinking, based upon the condition of
23 our courses now, how much money the
24 rounds of play could generate that could
25 then be plowed back into the courses.

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2 And so there's been a very delicate
3 balance in wanting to make sure -- we
4 have a long history of these courses, 22
5 years. They've been operated through a
6 string of private contracts, private
7 concession agreements, each of which at
8 some point in time have failed for
9 financial reasons, one or the other. So
10 going into this, that's why all those
11 City operating departments were involved,
12 with Budget and Finance and everyone, to
13 try and figure out what's the best
14 financial agreement for both parties, for
15 the City and for the operator. Because,
16 clearly, if we want a private operator to
17 operate the courses, we want them to be
18 successful.

19 Billy Casper has a great
20 history in this, so I think the financial
21 package that we're at is probably the
22 best we could do in this marketplace now
23 considering the conditions of our
24 courses.

25 COUNCILMAN DiCICCO: Is there

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2 any opportunity -- I tried to get through
3 it as quickly as I could.

4 Is there any opportunity to
5 revisit the financial considerations in a
6 year or two that may make some of the
7 business sense that I just talked about?
8 If there was some further relief to the
9 Billy Casper organization to say, look,
10 we had committed to X, but if we get a
11 little bit of relief here, we will plow
12 additional money into the capital.

13 We want it to work. I mean,
14 everybody wants it to work. Is there any
15 language in that document that --

16 MR. FOCHT: That's addressed
17 through a progressive revenue-sharing
18 agreement that has certain thresholds,
19 that the more money that they achieve at
20 the courses through a series of
21 thresholds, the more comes back into the
22 courses. So it's in their best interest
23 to meet those thresholds obviously from a
24 business perspective, but also for us to
25 help them reach those to get more money

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2 back into the courses.

3 COUNCILMAN DiCICCO: Thank you.

4 MR. FOCHT: Thank you.

5 COUNCILMAN DiCICCO: No further
6 questions. Thank you very much.

7 COUNCILWOMAN BROWN: You're
8 welcome, Councilman DiCicco.

9 Councilwoman Maria Quinones.

10 COUNCILWOMAN SANCHEZ: You
11 mentioned that your initial proposal,
12 folks came back to you and said it was
13 unrealistic. When we allowed to change
14 the bid, did we send that back out
15 nationally?

16 MR. FOCHT: Yes. Working with
17 Procurement then, we revised some of the
18 terms and conditions of the RFP, and
19 though it was not a formal reissue, it
20 was sent back out to all the folks who
21 had indicated interest in the project by
22 coming to the pre-proposal meeting, going
23 on the tours of the courses, basically
24 working with us through the whole
25 process. They got the information back,

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2 yes.

3 COUNCILWOMAN SANCHEZ: So it
4 was only the folks who had expressed
5 interest. We didn't go back to a
6 national pool based on the revised RFP to
7 see if there were some other folks --

8 MR. FOCHT: No, we did not.

9 COUNCILWOMAN SANCHEZ: Okay. I
10 noticed that the terms of this agreement,
11 initially we started with five and we
12 went up to ten, but in the community
13 setting one, we set up for one year. Are
14 we working with them? I had an
15 opportunity to spend time yesterday with
16 both of the community operators, one
17 which is Juniata, which is physically in
18 the district, and Impact Services, which
19 the course is not in the district but the
20 provider is in the district.

21 Are we working with them to
22 make sure that whatever goals that we put
23 in -- I was trying to skim through the
24 contract before coming down, and these
25 things are legalese stuff.

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2 What are we doing to secure
3 their success in that one year so that in
4 a year from now -- and my concern
5 specifically is the community groups
6 making investments and then in a year
7 from now, we're not renewing their
8 leases.

9 MR. FOCHT: Sure. I'll speak
10 specifically first to Juniata, because
11 the Juniata Golf Foundation sent us plans
12 that they have developed to take a
13 portion of the building that they store
14 the golf carts in and do renovation in it
15 to convert it into a clubhouse, which, as
16 we discussed when we were out there a few
17 months ago, burned to the ground a few
18 years ago via an arson fire. So we
19 reviewed those plans. We've already
20 given them feedback on those plans.
21 Those have been approved by staff. We'll
22 work them any ways they need it to make
23 sure that they can build that renovation
24 to build the clubhouse so they have a
25 real setting.

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2 That's just one example.

3 That's really the first one that they've
4 come to us with a request for that
5 specific course, but I would look to the
6 Chief of Staff, who has had regular
7 interaction with both operators. It's
8 only been a few weeks, but it's been
9 great so far in our relationship with
10 them.

11 MR. BESSLER: This is Barry
12 Bessler.

13 I would just add that also at
14 Juniata they've submitted some
15 preliminary plans for expansion of tee
16 boxes and some turf renovation projects,
17 as well as some cart path replacement
18 that is sorely needed at that particular
19 facility. And both of those projects, in
20 addition to the clubhouse renovations
21 that Mark suggested, have been met by our
22 staff with resounding approval, because
23 we know that these are things that are
24 very much necessary on the course and can
25 only improve conditions, which drives

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2 rounds, and everybody is happy at that
3 point.

4 COUNCILWOMAN SANCHEZ: Their
5 revenue goals are pretty aggressive,
6 because they always count on -- well, it
7 counts on them sustaining the same type
8 of revenue. How realistic is that?

9 MR. BESSLER: Well, their
10 revenue projections are based on, I
11 think, the past five years of history
12 that they've done. So they are very
13 confident and ambitious that they can
14 meet those goals. And allowing them to
15 do the kind of improvements that they're
16 talking about can only add to that.

17 I would also say from Fairmount
18 Park's standpoint that just after the
19 first of the year, we committed to an
20 extensive tree work contract of \$75,000,
21 I believe, for much-needed tree work at
22 all of our courses as a way of showing
23 our good faith to them for the enterprise
24 that they were undertaking, that this is
25 stuff that normally would fall to either

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2 a concession operator or a non-profit
3 operator to be responsible for, and we
4 took that on and said, This is something
5 that we would like to do for you in
6 exchange of you helping us with these
7 contract arrangements.

8 COUNCILWOMAN SANCHEZ: Are
9 there any trigger points where we're
10 reviewing this to make sure that the
11 revenues are being met? Because they're
12 going to spend at a certain rate. I
13 mean, other than the lease agreement and
14 they're responsible -- because this is
15 the first time they're doing this.

16 MR. BESSLER: Right. They have
17 a \$1 per year non-profit lease
18 arrangement with us, and the revenue
19 projections that they made, if they're on
20 target, is obviously in their best
21 interest. If they're not, that's why
22 we've entered into one-year agreements
23 with both of these operators. If they
24 feel after a certain period of time that
25 they cannot do it financially, it gives

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2 them a bail-out, as well as us if we
3 would seek to do something else with the
4 properties.

5 MR. FOCHT: I would also add, I
6 think, to your question, there's no
7 specific trigger points. We don't have
8 anything in our lease with them where we
9 look at their financials on a monthly
10 basis or a quarterly basis. The way the
11 lease is drafted, it's annually. I think
12 certainly we could do it. Particularly
13 if you have a concern or we have a
14 concern, we could look at their
15 financials on a quarterly basis.

16 COUNCILWOMAN SANCHEZ: I want
17 them to be successful, but I don't want
18 to have the conversation in September
19 when they're due up for renewal in
20 October.

21 MR. FOCHT: I understand.

22 COUNCILWOMAN SANCHEZ: I was
23 concerned after our briefing and that's
24 why I scheduled those visits yesterday,
25 and I want to make sure that we're being

1 2/12/08 - PARKS - BILLS 080078 and 080084
2 as proactive as possible, because unlike
3 these other folks, they got one year to
4 make it or break it. I have a vested
5 interest that Juniata is successful.
6 It's in a more challenging community
7 because the demographics are changing.
8 There's more vandalism and some other
9 issues. So I'll ask Mr. Bessler to join
10 me as we kind of look at some of those
11 real challenges, because my goal is to
12 make them successful. I just want to
13 make sure that we're just not leaving
14 them out there.

15 MR. BESSLER: No. I agree, and
16 they've been able to -- that group in
17 particular has been able to garner a
18 tremendous amount of community support
19 and the support of other legislators and
20 other community interest groups, if you
21 will, to further their cause. So I
22 really think that they will be
23 successful, and we certainly hope that
24 that's the case.

25 COUNCILWOMAN BROWN: Thank you.

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2 What I have been struggling
3 with trying to find here is the exhibit
4 that stipulates that Philadelphia area
5 public or charter schools adjacent to the
6 golf courses will be involved with the
7 Casper enterprise.

8 MR. FOCHT: Councilwoman, what
9 it is is, it's Exhibit B, Section 3.7,
10 and what it requires is that, again,
11 Billy Casper Golf submit to Fairmount
12 Park and City Council by June 1st this
13 outreach plan of engagement to City
14 schools, both engaging them about the
15 sport of golf, employment opportunities,
16 health and fitness opportunities.

17 So, again, the way it's
18 structured, the way the amendment is
19 structured, is, Billy Casper would
20 produce a plan to submit to Fairmount
21 Park and City Council by June 1st for our
22 review for them to put in effect when
23 schools commerce again this September,
24 for school year '08-'09.

25 COUNCILWOMAN BROWN: Okay. I'm

1 2/12/08 - PARKS - BILLS 080078 and 080084
2 going to need you to find out, is that in
3 this document here? I need you to help
4 me find out where it is.

5 MR. KUBINSKI: Councilwoman,
6 yeah, I can clarify that a little bit.

7 MR. FOCHT: Introduce yourself.

8 MR. KUBINSKI: Doug Kubinski,
9 Fairmount Park.

10 COUNCILWOMAN BROWN: Sure.

11 MR. KUBINSKI: I did some of
12 the drafting on this and some of it is
13 done kind of circuitously, especially the
14 amendments, but if you look at Page 15 of
15 the Concession Agreement, Section 16.07.
16 So it would actually be 16.07(a). That's
17 where we put in the provision that "Billy
18 Casper Golf shall submit to Fairmount
19 Park and Philadelphia City Council by
20 June 1, 2008 a plan of outreach and
21 engagement to local schools surrounding
22 the four courses to be implemented at the
23 beginning of the 2008-2009 school year
24 for the duration of the Concession
25 Agreement," and then "such plan shall

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2 include, but not be limited to, outreach
3 to promote school golf programs, youth
4 programs and seasonal employment."

5 That's Page 15, Section 16.07.

6 COUNCILWOMAN BROWN: That is
7 actually stronger. The language here is
8 actually stronger than that reflected in
9 the letter, which speaks, I guess,
10 somewhat generically.

11 Okay. So that was one concern
12 raised at the briefing. And then the
13 other, in the body of the letter
14 presented to us on February 11th, Item
15 No. 3, it says, the Equal Opportunity
16 Plan as an, quote, "event of default,"
17 end quote. What does that mean, "event
18 of default"?

19 MR. KUBINSKI: Sure. An event
20 of default is when you default someone
21 under the contract. So if Billy Casper
22 in this case didn't comply with the terms
23 of the EOP, then we could hold them in
24 default of the contract. Hopefully we
25 would never get to that point. We would

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2 never plan on getting to that point, but
3 it's an item of recourse.

4 COUNCILWOMAN BROWN: Okay. And
5 so what is the recourse? What's the
6 penalty? What is the clawback?

7 MR. FOCHT: It's severing our
8 contract with them. This was done in
9 direct response to your question at our
10 meeting last week, what is the claws, I
11 think you asked us. This is that. What
12 it is is that if Billy Casper is not in
13 compliance with their EOP, it gives us,
14 the City, the ability to sever our
15 agreement with Billy Casper so they no
16 longer operate the courses and we move
17 on. Then we figure out what to do. I
18 don't know what the options would be, but
19 you asked specifically for what is the
20 remedy, if you will.

21 COUNCILWOMAN BROWN: Yes.

22 MR. FOCHT: And this is the
23 remedy. It's very specific.

24 COUNCILWOMAN BROWN: Does this
25 document -- it stipulates that we will

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2 get a plan by June 1st. However, it does
3 not provide either the Fairmount Park or
4 City Council an opportunity to comment on
5 the plan should we deem it incomplete or
6 unacceptable.

7 MR. FOCHT: I apologize. That
8 was implicit. We felt that by them
9 submitting the plan, the submitting is
10 for both Fairmount Park and City Council
11 to comment on the plan. We can make that
12 very clear if you'd like. So they would
13 submit the plan by June 1st for both of
14 our comments for them to implement with
15 the beginning of the school year.

16 COUNCILWOMAN BROWN: Yes. For
17 our comments and for them to respond to
18 our comments.

19 MR. FOCHT: Of course.

20 COUNCILWOMAN BROWN: I'm just
21 leaning on limited experience now. If
22 it's not written down, it doesn't exist.

23 MR. FOCHT: Okay.

24 COUNCILWOMAN BROWN: And we
25 can't presume that those seeking to do

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2 business with the City are going to do
3 the right thing, because we've had too
4 many examples where they say it and then
5 you listen to what people say and then
6 you watch what they do.

7 MR. FOCHT: I certainly
8 appreciate that. It was our full
9 intention at Fairmount Park that if
10 someone shares a report with us and, on
11 this particular report, with City
12 Council, we comment on it and we give
13 those comments back, with the expectation
14 that they act on those comments.

15 COUNCILWOMAN BROWN: Okay.

16 Councilman Clarke, any
17 questions at all?

18 COUNCILMAN CLARKE: Actually,
19 one.

20 Related but unrelated.

21 MR. FOCHT: Okay.

22 COUNCILMAN CLARKE: Can you
23 briefly, very briefly, tell me where we
24 are with Strawberry Fields, 33rd and
25 Oxford?

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2 MR. FOCHT: We are waiting on
3 another response from Sintera on their
4 most recent revision to their financial
5 package. They came back to us about a
6 month ago with a new financial package
7 that was very, very different than what I
8 had agreed to about ten months ago with
9 the leadership there, and, frankly, it
10 was so dramatic that it might have
11 triggered rebidding the entire project.
12 So we went back to them through the Law
13 Department, through Larry Copeland, and
14 said, This isn't acceptable to the City
15 or the Park.

16 They have come back verbally
17 via telephone call to Larry Copeland from
18 their attorney saying, Well, here's what
19 we're thinking about. But we've not
20 received anything in writing yet. So
21 we're squarely waiting for Sintera
22 Partners to give us a revised proposal,
23 knowing that the one they gave us about a
24 month ago was not acceptable to the City
25 or the Park.

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2 COUNCILMAN CLARKE: The verbal
3 discussion reflects something that could
4 be acceptable?

5 MR. FOCHT: It was very vague.
6 It was very vague. What they did is,
7 they acknowledged that what they had
8 offered previously was not acceptable to
9 us and that they understood that this may
10 cause us to have to rebid the project and
11 so they wanted to retrench and come back
12 to us, and we're waiting.

13 COUNCILMAN CLARKE: Is there a
14 timeline on the submission of the most
15 recent?

16 MR. FOCHT: We ask for them --
17 every time we speak with them,
18 Councilman, we remind them that we want
19 them in the ground this spring, but the
20 ball is squarely in their court to get us
21 information. Right now we don't have a
22 deal.

23 COUNCILMAN CLARKE: Is this
24 ongoing?

25 MR. FOCHT: This is a back and

1 2/12/08 - PARKS - BILLS 080078 and 080084
2 forth volley between --

3 COUNCILMAN CLARKE: Is there
4 some point where we say, You haven't met
5 your responsibilities and duties as it
6 relates to this submission?

7 MR. FOCHT: It could come to
8 that, yes. I mean, we don't have a
9 set -- we have not set a time for that.
10 I mean, we've been trying to work with
11 them in good faith. They were the
12 successful bidder. They're a known
13 quantity. And the plans they've done,
14 the physical plans they've done, have
15 been accepted by the Park Commission, had
16 been vetted on any number of levels, and
17 we consider the physical plans ready to
18 go. The financial component of the deal
19 is where we're still apart on.

20 COUNCILMAN CLARKE: All right.

21 MR. FOCHT: Thank you.

22 COUNCILMAN CLARKE: Thank you,
23 Madam Chair.

24 COUNCILWOMAN BROWN:
25 Councilwoman Quinones Sanchez.

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2 COUNCILWOMAN SANCHEZ: No.

3 COUNCILWOMAN BROWN: Any other
4 questions for these witnesses?

5 (No response.)

6 COUNCILWOMAN BROWN: Let me say
7 thank you for working closely with my
8 staff to ensure that concerns raised at
9 the briefing were more than adequately
10 addressed in the amendments. Thank you
11 very much.

12 MR. FOCHT: Thank you. Thank
13 you for the opportunity.

14 COUNCILWOMAN BROWN: Anyone
15 else to testify on this bill?

16 Please.

17 (Witness approached the witness
18 table.)

19 COUNCILWOMAN BROWN: Good
20 afternoon. State your name for the
21 record and offer your testimony.

22 MR. HAVER: Good afternoon.
23 Thank you very much for this opportunity
24 to testify this afternoon. My name is
25 Lance Haver. I'm the Director of

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2 Consumer Affairs for the City of
3 Philadelphia.

4 I'm here to raise a very small
5 point. I'm here to ask Council to
6 consider requiring a discount for all
7 City residents on golf fees.
8 Historically we have not done that. The
9 golf fees set by other contractors have
10 been the same whether you're a City
11 resident paying City taxes or you're a
12 suburbanite not paying City taxes.

13 While I recognize that golf
14 fees are not a critical issue for most
15 citizens, I believe that Philadelphia
16 should price fees in accordance with what
17 is done on other municipally owned
18 courses. Other municipalities offer
19 discounts to their residents. The reason
20 is simple: Citizens of the municipality
21 are already supporting the course with
22 their tax dollars.

23 The same is true in
24 Philadelphia. Philadelphians, unlike
25 others, have paid through their tax

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2 dollars for the courses and should be
3 entitled to similar discounts that
4 residents of other municipalities
5 receive.

6 Thank you.

7 COUNCILWOMAN BROWN: Councilman
8 DiCicco.

9 COUNCILMAN DiCICCO: Thank you.
10 Thank you, Madam Chair.

11 Good afternoon, Mr. Haver.

12 MR. HAVER: Good afternoon.

13 COUNCILMAN DiCICCO: You
14 reference other municipalities. What is
15 the structure in those other
16 municipalities? Are they privately run?
17 Are they municipally run?

18 MR. HAVER: With all due
19 deference, I would say that this is a
20 significant positive change, bringing in
21 this firm to run the City's courses.
22 This is a big step forward for us.

23 Other courses have very
24 different structures. Some are done
25 privately, some are done municipally.

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2 The one thing that unites almost every
3 municipally owned course in Pennsylvania
4 is the discount for the residents. The
5 management is sometimes contracted out,
6 sometimes done through their own park
7 system.

8 COUNCILMAN DiCICCO: Look, I'm
9 all for promoting Philadelphia and giving
10 Philadelphians opportunities. I just
11 don't know the business structure enough
12 to know if it would make that much sense,
13 because they do have an obligation to
14 plow a certain amount of money back into
15 the course.

16 I think from their standpoint,
17 once they get up and running, they may
18 make a business decision to offer those
19 discounts, because it may bring more
20 people in or something like that. Again,
21 on the one hand, I'm pro Philadelphia and
22 buy Philadelphia and all that. I just
23 don't know, since it's a whole new
24 venture we're getting into, if we want to
25 put another financial requirement, if you

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2 will, on the new folks that are coming
3 in.

4 MR. HAVER: I would just point
5 out, sometimes it's done during off --

6 COUNCILMAN DiCICCO: And I'm
7 not arguing with you. I'm just trying
8 to --

9 MR. HAVER: Sometimes it's done
10 in the form of off-peak hours or twilight
11 hours, that what has been set up in
12 another places is non-prime time use of
13 the courses, there's a discount for city
14 residents. I'm sure that they will tell
15 you -- if you're now golfing yourself,
16 you must know -- there are certain times
17 where it's harder to get on the greens
18 than others, and there are ways of
19 balancing that out. This is a very
20 professional firm, has shown an excellent
21 track record.

22 COUNCILMAN DiCICCO: And,
23 again, because of their professionalism
24 and their desire obviously from a
25 business standpoint to increase revenues

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2 by bringing more people to the facility,
3 I think that would be a business decision
4 that they would make, a conscious
5 decision about offering some of those
6 programs going forward.

7 MR. HAVER: I understand the
8 wisdom of your statement.

9 COUNCILMAN DiCICCO: But I
10 appreciate your comments, though. Thank
11 you.

12 COUNCILWOMAN BROWN: It is a
13 very, very interesting consideration, and
14 I'll reserve my comment.

15 We'll call on Councilwoman
16 Maria Quinones Sanchez.

17 COUNCILWOMAN SANCHEZ: Well, I
18 wasn't sure if Mark and them were
19 prepared to respond. I'm sure if Lance
20 was testifying, they knew this was
21 coming.

22 MR. HAVER: This has been an
23 ongoing discussion.

24 COUNCILWOMAN SANCHEZ: Okay.
25 So we'll have a friendly discussion about

1 2/12/08 - PARKS - BILLS 080078 and 080084
2 what is the financial impact,
3 particularly if we're looking at off-peak
4 hours.

5 MR. FOCHT: Thank you. Again,
6 Mark Focht, Fairmount Park.

7 As Mr. Haver referenced, we
8 have discussed this many times over the
9 years in relation to our golf operations,
10 and we have discussed this issue with
11 Billy Casper Golf, and, in fact, their
12 financial model in some of their other
13 municipally run courses does offer
14 different discounts for different users
15 at different times of the day. However,
16 my concern would be going into this
17 particular arrangement -- Councilman,
18 kind of along your train of thought --
19 kind of tying their hands financially
20 before they really know the market,
21 before they're in here operating these
22 courses. Again, their business model in
23 other urban courses outside Chicago,
24 other places, Cincinnati, do have a
25 tiered structure.

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2 I'm very concerned about the
3 concept of pre-determining that that's
4 what we should do with our courses,
5 considering the very significant level of
6 investment that needs to be made in our
7 courses. And over the years when we've
8 discussed this in the past with Mr. Haver
9 and others, part of the lack of financial
10 performance of our courses has been a
11 number of stipulations or conditions that
12 were put on the operator to address
13 certain user groups.

14 So I completely understand it
15 and I'm philosophically in support of the
16 concept, but I would prefer not to have
17 it be part of the legislation. I would
18 prefer it to be part of their business
19 model, and perhaps in their reports back
20 to the Park and Council every two years
21 where they have to report on the business
22 model and the financial performance of
23 the courses, it could be a subject for
24 evaluation, discussion as we move forward
25 on these two-year intervals.

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2 Thank you.

3 COUNCILWOMAN BROWN: And so how
4 does the subject for evaluation or
5 re-evaluation X number of years down the
6 line differ from actually putting in the
7 legislation that at whatever point you
8 are at whatever revenue profit margin,
9 you are then subject to discount for
10 Philadelphia residents?

11 MR. FOCHT: I guess part of the
12 conversation, Councilwoman, would be not
13 yet knowing what those points are, if
14 it's a year, a year and a half, two
15 years, if it's X millions of dollars.
16 Again, they're not on the ground yet.
17 They're not operating these courses. We
18 know from operating them for the last
19 year and a half that we lost a million
20 dollars in the operations of these
21 courses, as we shared with you last week,
22 in operating all six courses at that
23 time, not just these four, but that
24 historically these courses have not
25 performed financially.

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2 So, again, I would be concerned
3 about setting a certain date in time or a
4 certain financial threshold that would
5 require that. Instead, and it's in the
6 agreement, any changes of rates to the
7 agreement have to be approved by the
8 Executive Director of the Park. So Billy
9 Casper Golf cannot just change the rates
10 of the courses without us knowing it. It
11 has to come back to staff. It has to be
12 vetted, and at the end, I have to approve
13 any changes to the rate structure. So as
14 part of that continual evaluation, we can
15 determine through their financial
16 performance if we think it's appropriate,
17 collectively we, all of us think it's
18 appropriate to offer that rate structure,
19 while at the same time knowing that we're
20 not going to be taking away revenue
21 that's so sorely needed to go back into
22 the courses.

23 COUNCILWOMAN BROWN:

24 Councilwoman.

25 COUNCILWOMAN SANCHEZ: I guess

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2 my concern with this is that when we
3 write these agreements, we either are
4 very deliberate in specifying a spirit or
5 we're not, and I happen to agree with
6 Mr. Haver. Because we're subsidizing the
7 maintenance of these fields and we are
8 starting a new agreement, I prefer it to
9 be the opposite, that we ask for some
10 accommodations on non-peak, because then
11 you're not infringing on their main
12 revenue stream, but potentially creating
13 a new revenue stream of people who would
14 likely use the golf courses if they were
15 more affordable.

16 I mean, that has always been my
17 concern with golf, and it was one of the
18 discussions I had yesterday with Juniata,
19 was the fact that it is not affordable.
20 Someone like me should be able to afford
21 it, and it's pretty expensive given the
22 market, the marketplace.

23 I mean, we know the profile of
24 the person who is using it, and I look at
25 this as an opportunity to create a new

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2 profile of someone, a Philadelphian who
3 may not look at golf as an option, to
4 look at golf, given the height behind the
5 Tiger Woods and all those folks of the
6 world.

7 So since we are saying
8 aggressively we want the schools to use
9 it, if we're really serious about that,
10 then we have to make it more affordable
11 for the school to use it, because then
12 they'd be doing outreach to a population
13 who couldn't afford your traditional
14 fees.

15 MR. FOCHT: If I could address
16 two points, please. One is, I think you
17 referenced resources that we put into the
18 courses. I just want to be very clear
19 that under this Concession Agreement, the
20 City has no obligation to put any money
21 into these courses. So we're not
22 actually subsidizing golf, because we're
23 not spending anything. We have no staff
24 at these courses. We have no operating
25 or capital expenses into these courses.

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2 So, in fact --

3 COUNCILWOMAN SANCHEZ: But we
4 have lost money, and those are taxpayer
5 monies over the years.

6 MR. FOCHT: But we've lost
7 money during the time that we were
8 managing them as a City entity, not as a
9 for-profit business on a concession
10 agreement.

11 Also, the second thing with --

12 COUNCILWOMAN SANCHEZ: Was that
13 Liberty, a private provider?

14 MR. FOCHT: Correct, but they
15 were doing it under a management
16 agreement with the City, not a concession
17 agreement, which is very different.

18 The second component is, on the
19 teams, I mean, there's a whole different
20 structure for team play and school play
21 that doesn't involve extensive fees. So
22 the whole school issue -- and when they
23 develop their school plan, they'll
24 address it even more. The whole school
25 issue is very separate from resident

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2 versus non-resident play.

3 Again, I completely understand
4 it. I just think that it is in Billy
5 Casper's best interest to develop a
6 multi-tiered fee structure to get as many
7 people playing the golf as possible,
8 because that improves their revenue via
9 the revenue-sharing agreement we have.
10 I'm just concerned about us dictating
11 financial terms of an agreement which
12 wasn't part of an RFP, wasn't part of a
13 whole vetting process of selecting an
14 operator for these courses, and that
15 might tie their hands financially.

16 COUNCILWOMAN SANCHEZ: My
17 question is, why wasn't it if it was an
18 issue that Lance Haver brought up before?

19 MR. FOCHT: It was chosen,
20 again, through all the agencies that were
21 involved in reviewing this to leave the
22 financial operations of the course to be
23 as wide open as possible to entice as
24 many potential operators to bid on
25 this -- and, again, we only got three,

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2 two national and one local. Fortunately,
3 we're very pleased with the ones we
4 got -- for them to structure the best
5 business model to produce as much revenue
6 back into these courses as possible.

7 So it was discussed during the
8 development of the RFP and it was
9 specifically chosen not to put it in as a
10 requirement because it felt that it
11 was -- again, I keep going back to this
12 phrase, but tying the hands of the
13 operator.

14 COUNCILWOMAN BROWN: Our
15 agencies such as?

16 MR. FOCHT: Everyone that was
17 on my list. I'm sorry. Procurement,
18 Finance, Mayor's Office, MDO, Fairmount
19 Park, Recreation, Health. Everyone that
20 was on my list in developing the RFP.

21 MR. HAVER: Perhaps a way of
22 balancing it would be to ask if we could
23 re-examine it two years from now to give
24 the new firm an opportunity to look at
25 what's going on, and perhaps Council

1 2/12/08 - PARKS - BILLS 080078 and 080084
2 could just ask in two years to revisit
3 the idea. If Billy Casper hasn't
4 implemented themselves a discount for
5 City residents, that City Council would
6 then be able to enter that as a
7 negotiation two years from now.

8 COUNCILWOMAN BROWN: I'm going
9 to take it a step further. When they
10 come back on June 1st with the plan that
11 accommodates and outreaches to the area
12 schools, they would be well advised to
13 indicate how those families of those kids
14 that attend those schools have a chance
15 to play golf at those courses.

16 MR. FOCHT: Understood. And
17 then in addition to that, if I may,
18 Councilwoman, I would fully agree with
19 Mr. Haver's suggestion that on the
20 two-year anniversary -- again, our
21 proposal is at the two-year anniversary
22 of the commencement date. So if this
23 Committee passes this, it is eventually
24 passed by Council, we would hope to have
25 an April 1st contract date so that Billy

1 2/12/08 - PARKS - BILLS 080078 and 080084
2 Casper would begin operating the golf
3 courses on April 1st under this
4 Concession Agreement, assuming it's
5 signed by the Mayor and we execute the
6 contract. So it would be April 1st of
7 2010, which be would the first two-year
8 anniversary date and the first report is
9 due in addition to your June 1st of 2008
10 that you just mentioned. So there would
11 be an April 1st contract start, June 1st
12 report, which could address the point you
13 just made, and then an April 1st, 2010
14 full report, at which point we may find
15 that Casper has already implemented the
16 tiered structure, and if not, as we
17 talked earlier, we jointly assess the
18 report and come back to them with
19 requirements.

20 COUNCILWOMAN BROWN: Okay. Let
21 me make sure I heard something. You said
22 that somewhere in this document is a
23 discussion or recommendation for a
24 multi-tiered fee structure?

25 MR. FOCHT: No. It's not in

1 2/12/08 - PARKS - BILLS 080078 and 080084
2 the proposal. It's in their business --
3 how they structure their businesses at
4 the other cities.

5 MR. HAVER: May I, Madam
6 Chairman?

7 COUNCILWOMAN BROWN: Please.

8 MR. HAVER: Almost every single
9 course does that, because certain times
10 have greater value than other times. I
11 know -- and there are a number of people
12 who are dedicated to golf. I, unlike the
13 Councilman, am not a golfer, but I've
14 studied the structure. There is no
15 structure that I've ever looked at that
16 has a single fee.

17 MR. FOCHT: And we have never
18 had a single fee either. I don't want to
19 confuse issues here. We've always had
20 structured fees for different times of
21 play, different times of play, different
22 types of play. So I don't want Mr. Haver
23 to confuse the issues here. We have
24 always had a structured fee system. It
25 just has not had a -- historically it's

1 2/12/08 - PARKS - BILLS 080078 and 080084
2 not had a discount for City residents,
3 which was your first point.

4 MR. HAVER: Yes.

5 MR. FOCHT: But we have always
6 had a structured tiered fee structure.

7 COUNCILWOMAN BROWN: Council
8 Lady?

9 COUNCILWOMAN SANCHEZ: No. I
10 guess if we're understanding -- because
11 we're going to have to pass this, so I
12 just want to be clear on the passing. At
13 a two-year point, we will revisit the
14 Philadelphia residency discount, and
15 that's satisfactory to you, Mr. Haver?

16 MR. HAVER: Yes, Councilwoman.
17 That would be a great step forward, in my
18 opinion, in bringing this company --

19 COUNCILWOMAN SANCHEZ: We're
20 taking little steps, right?

21 MR. HAVER: Right. But
22 bringing in this company -- and I feel
23 awkward saying it, but bringing in this
24 company is a big step forward.

25 COUNCILWOMAN BROWN: Okay.

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2 MR. FOCHT: And coming from
3 Mr. Haver, I do appreciate that. Thank
4 you.

5 COUNCILWOMAN BROWN: And the
6 friendly amendment I would make to your
7 comment, Councilwoman, is that we first
8 get a chance to look-see on June 1 when
9 we see how they accommodate the families
10 of the young people attending the area
11 high schools.

12 MR. FOCHT: Clearly, yes.

13 COUNCILWOMAN BROWN: Any other
14 questions of these witnesses?

15 (No response.)

16 COUNCILMAN DiCICCO: No
17 discounts for elected officials?

18 (Laughter.)

19 COUNCILWOMAN BROWN: No.

20 MR. HAVER: Soon, Councilman,
21 seniors, retirees.

22 COUNCILMAN DiCICCO: You know
23 about pay-to-play, so we don't want to go
24 down that road.

25 MR. HAVER: Councilman,

1 2/12/08 - PARKS - BILLS 080078 and 080084
2 retirees.

3 COUNCILWOMAN DiCICCO: For the
4 record.

5 MR. FOCHT: Yeah. No comment.

6 COUNCILWOMAN BROWN: We thank
7 you for your work on this bill,
8 gentlemen.

9 MR. FOCHT: Thank you very
10 much.

11 COUNCILWOMAN BROWN: Anyone
12 else here to testify, please, on Bill No.
13 080078?

14 (Witness approached the witness
15 table.)

16 COUNCILWOMAN BROWN: Good
17 afternoon, sir.

18 MR. MAURER: Fred Maurer. I
19 didn't know this bill was up at all.

20 I do monitor the golf situation
21 in Fairmount Park, so I have some
22 familiarity with it. I've always been
23 pleased that they were trying to do a
24 good job even though the City takes away
25 their assets.

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2 I think if it comes to fees,
3 you got to be very careful. You should
4 know that the ex-Director, Bill Mifflin,
5 tried to bring Tiger Woods here in order
6 to stimulate golf in Philadelphia. It
7 never happened, but I think that was a
8 good attempt as part of the Commission to
9 do a better job for golf.

10 So it's a difficult problem.
11 If you screw around with your fee system,
12 you're going to mess up the negotiation,
13 what they're doing.

14 I do want to caution you, there
15 is a state law that says you cannot
16 charge non-residents a different fee for
17 any facility in the park. It's a state
18 law, and we have already tiered things,
19 graduated to the needs of the business
20 community, but once you put a fee in and
21 it's a different one for non-residents,
22 then you are violating state law. So be
23 very careful how you discuss this matter.
24 You're running afoul of these things.

25 Philadelphia has been great to

1 2/12/08 - PARKS - BILLS 080078 and 080084
2 deal with residents, because we are a
3 bigger thing than a city park and we have
4 different rules. So be very careful.
5 Don't mess around with their fee systems
6 and violate the residency rules that
7 Philadelphia committed to by the state.

8 COUNCILWOMAN BROWN: Thank you
9 very much, sir.

10 Anyone else to testify on this
11 bill?

12 (No response.)

13 COUNCILWOMAN BROWN: This
14 concludes our public hearing on Bill No.
15 080078. We will now move into a public
16 meeting.

17 I would ask Councilman DiCicco
18 for a motion on the amendment to this
19 bill.

20 COUNCILMAN DiCICCO: Thank you,
21 Madam Chair. I move that the amendment
22 to Bill No. 080078 be approved.

23 COUNCILWOMAN BROWN: Any
24 seconds?

25 (Duly seconded.)

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2 COUNCILWOMAN BROWN: All in
3 favor say aye.

4 (Aye.)

5 COUNCILWOMAN BROWN: All
6 opposed?

7 (No response.)

8 COUNCILWOMAN BROWN: Very well.

9 Then we state that Bill No. 080078 has
10 been amended.

11 We now ask that Bill No. 080078
12 be moved as amended.

13 COUNCILMAN DiCICCO: Thank you,
14 Madam Chair. I move that Bill No. 080078
15 as amended be reported out of this
16 Committee with a favorable
17 recommendation, that the rules of Council
18 be suspended so as to permit first
19 reading at our next session.

20 (Duly seconded.)

21 COUNCILWOMAN BROWN: Bill No.
22 080078 has been moved and properly
23 seconded.

24 All in favor say aye.

25 (Aye.)

1 2/12/08 - PARKS - BILLS 080078 and 080084

2 COUNCILWOMAN BROWN: All

3 opposed?

4 (No response.)

5 COUNCILWOMAN BROWN: Therefore,

6 Bill No. 080078 will be reported out of

7 this Committee with a favorable

8 recommendation and further moved that the

9 rules of Council be suspended so as to

10 permit first reading at the next

11 scheduled session of Philadelphia City

12 Council.

13 This concludes the meeting of

14 the Committee on Parks, Recreation and

15 Cultural Affairs.

16 Thank you all very, very much.

17 (Committee on Parks, Recreation

18 and Cultural Affairs adjourned at 4:40

19 p.m.)

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