



COMMITTEE of the WHOLE

CITY COUNCIL

SUMMARY
January 19, 2021
5:00 P.M.
Virtual Meeting

COUNCIL MEMBERS PRESENT:

J. Waltman, M. Goodman-Hinnershitz, D. Reed (all electronically), M. Ventura, S. Marmarou (via dial in)

OTHERS PRESENT:

L. Kelleher, K. Cochran, W. Stoudt, E. Kraft, A. LaMano, A. Alvarez, C. Jones, S. Smith, M. Rodriguez, A. Amoros, F. Denbowski, W. Stoudt, J. Ruiz, N. Matz, T. Profit, J. Abodalo, J. Kelly (all electronically)

The meeting was called to order at approximately 5:10 pm by Mr. Waltman. He stated that Ms. Sihelnik is excused from the meeting due to an illness. Due to the COVID-19 Emergency Declaration, the public is prohibited from physically attending the meeting. The meeting is convened via virtual app.

I. Parking Ordinances

Mr. Waltman asked Ms. Goodman-Hinnershitz to lead this portion of the meeting.

Ms. Goodman-Hinnershitz reminded the group that the work group she served on was formed to move the Cooperation and Parking Facilities agreements forward, not to review the various ordinance amendments that have been proposed by the Parking Authority (RPA). She stated that the ordinance amendments will continue to be reviewed by Council during the COW sessions. She asked Mr. Matz to walk the group through the proposed ordinances.

Mr. Matz explained that the RPA's strategic plan addresses parking in the downtown and the residential areas. He explained that the RPA first addressed the parking needs for those residing in the downtown area last year by opening the parking garages at a low monthly rate to encourage residents to park in the garages, rather than in the areas with parking meters. This expanded the available parking for patrons of downtown businesses. The RPA next

expanded parking enforcement to Saturdays to further create parking turnover for downtown businesses.

Mr. Matz explained that the RPA is next considering moving to contactless meter payment through a new app. This will replace the need for paying the meter rates with coins. He stated that the downtown parking study undertaken with assistance from the Berks Alliance identified the possible addition of 83 new parking spaces in the downtown.

Mr. Matz stated that while considering the need to ease parking stress in residential areas, the RPA is looking to obtain ownership of vacant lots to expand the availability of off-street parking and to develop public-private partnerships for lots that are privately owned. With agreement from the owner, the RPA will improve, manage and provide enforcements on the privately owned lots. He noted that the Authority is also open to receiving the lots through donation, as the RPA is a 501c3 organization.

Ms. Cepeda-Freytiz connected to the meeting at this time.

Mr. Matz stated that in the first ordinance eligible for enactment on January 25th, **City Code Chapter 576, Part 4, Section 416 Increasing and Reducing the Parking Fines and Penalties**, the RPA would like to withdraw the increase in the Parking Meter Rate. He stated that the RPA originally proposed a \$1 rate increase (\$2 to \$3 per hour) but due to the financial struggles of people due to the pandemic the RPA wishes to withdraw the proposed meter rate increase at this time.

Mr. Waltman asked Mr. Matz to prepare a recap of the fee increases the RPA is and will request, the date that fee was last increased, the projected revenue from the increase and how this revenue will be used. Mr. Matz agreed to provide the report.

Ms. Reed inquired if the RPA is considering acquiring or managing the City owned lot at 423 Schuylkill Avenue. Mr. Matz stated that the RPA is considering this lot for neighborhood off-street parking.

Ms. Reed inquired about the RPA's method to prioritize one lot from another. Mr. Matz stated that the RPA considers the number of spaces that could be provided on the lot, the capital repairs/equipment required and the neighborhood parking need prior to determining which are appropriate and which are not. For example, the RPA has submitted an offer to the City for the vacant lots on the south side of Penn Street in the 900 block. The other lot in this area is completely oversold, with a waiting list which shows the unmet need for additional off-street parking. The capital improvements to utilize this lot fall in the \$200-300K range.

Ms. Cepeda-Freytiz inquired about how the RPA analyzes the data collected to determine the need for off-street parking in an area. Mr. Matz replied that heat maps and complaints about parking violations are analyzed for the pre-pandemic and pandemic periods of time.

In response to a question, Mr. Amoros stated that the RPA board consulted with the mayor's office about the need to withdraw the request to increase the parking meter rate from \$2 to \$3 and the mayor agreed that the increase should be withdrawn. Mr. Matz confirmed that this increase has no bearing on the contribution amount listed in the RPA Cooperation Agreement, recently approved by Resolution 181-2020.

In response to a question from Ms. Cepeda-Freytiz, Mr. Matz stated that he was unsure when the RPA will make a request for an increase in the meter rate.

Mr. Matz stated that the amendment to **City Code Chapter 576, Part 4, Section 416 Increasing and Reducing the Parking Fines and Penalties** increases the fines overall by the 2nd tier rate (an increase of \$10) and the hazardous violations shown in red apply the 3rd tier rates (an increase of \$100).

Ms. Cepeda-Freytiz inquired about when the various time limits for metered spaces, loading zones, etc. began and how the time limits were determined, noting that some areas differ from others. Mr. Matz stated that he is unsure when those limits began. Mr. Marmarou expressed the belief that that the time limits were approved decades ago based on the location and the need.

Ms. Cepeda-Freytiz suggested a new analysis of the parking time limits as they currently exist and their impact on the public. Mr. Matz stated that he will add this analysis to the parking study.

Mr. Matz again stated that the only change to **Chapter 212-144 Vehicles and Traffic to reduce the booting/barnacle fee, modify the daily parking permit fee and increases the parking meter rate fee** is eliminating the proposed meter rate increase and keeping the meter rate at \$2 per hour. He reviewed the updated fee schedule for the daily parking permits, which includes a reduction for non-profit organizations.

Ms. Kelleher stated that a re-advertisement is not required as the current meter rate is being retained.

Mr. Matz stated that the only change to **Chapter 576-502 Parking Zones Established** adds parking meters to the following neighborhoods (shown in bold, italic):

Penn Street — 200, 300, 600, 1000	Franklin Street — 400, 500, 700
<i>North Second Street – 000</i>	<i>North Eighth Street – 000</i>
North Ninth Street — 100, 200, 300	Washington Street — 100, 700, 800
<i>Cherry Street – 700</i>	

Mr. Matz explained the need to add meters in these neighborhoods varies based on neighborhood conditions, complaints and parking violations. He noted that the meters in the 700 and 800 blocks of Washington Street have existed for decades without being included in the City Code and this amendment corrects that oversight.

The problems created by first floor businesses with rental properties in the upper floors was discussed. While there are parking needs for the rental properties there are parking needs for the patrons who visit the businesses, which usually creates the need for business patrons to double park when visiting businesses. It was noted that at one time the business owner lived in the residential space above the business; however, those spaces are now multiple rental units creating a parking battle between business patrons and residents.

Ms. Kelleher explained that the amendment to **Chapter 576-413 Notice of Violation and 576-514 Enforcement** is language requested by the Police Chief. Deputy Chief Ruiz agreed with the need for the Chief to retain the ability to void parking tickets under certain conditions.

Ms. Kelleher explained this practice is decades old. During the negotiation of the new Cooperation Agreement, the Police Chief wanted the agreement to contain this provision; however the RPA disagreed. After multiple work group discussions, it was decided that the language providing the Police Chief with this authority should go in the Parking sections of the City Code. She provided some situations where the Chief would exercise this authority, such as an improperly issued ticket, or a ticket issued when a utility company posted a No Parking sign that was not obtained from the Department or the RPA.

Ms. Kraft suggested some language revisions. Ms. Reed expressed reservations with providing the Chief with this authority as it could be misused or abused. Ms. Kelleher suggested holding off until the Chief returns and explanations why this is necessary.

Ms. Cepeda-Freytiz questioned how parking complaint calls coming to the Desk Sergeant are transferred to the Parking Authority. She suggested that the Desk Sergeant dispatch parking complaints directly to the RPA to create a more seamless process. Ms. Goodman-Hinnershitz stated that that topic can be discussed in the future.

II. Communication

• Setting Meeting Agendas

Mr. Waltman explained that the City Clerk sets the meeting agendas and consults with him if an item is controversial. He stated that this topic was raised due to the 2nd introduction of the DID Reauthorization ordinance. He again expressed the belief that the reintroduction of this ordinance was not controversial as it only provided an opportunity for Council members to reconsider their vote in either way.

Mr. Waltman stated that he leaves the process open to allow any Council members to refer a topic or piece of legislation to a meeting agenda and if the City Clerk believes an item is controversial, she consults with him. He stated that that this process was used by prior Council Presidents as well.

Ms. Cepeda-Freytiz inquired about the process to set agendas. Ms. Kraft explained that topics/legislation must be sent to the City Clerk by noon the Wednesday prior to the meeting which provides the City Clerk with time to develop the agendas with the required support materials, prior to publishing them on the agenda for public review.

Mr. Waltman stated that if the body of Council wishes to change that procedure, he is open to consider suggestions.

Ms. Reed disagreed with the open process, stating that at one time five (5) members of Council had to refer an item to the agenda. She expressed the belief that the placement of the DID Reauthorization ordinance for a 2nd time was controversial, as it was defeated by a 3-4 vote at the previous meeting. She suggested developing "sore loser" language to prevent the reintroduction of legislation in the future.

Mr. Waltman stated that the reintroduction of legislation rarely occurs so there is no need to make an issue out of the situation. Ms. Kelleher agreed, noting the last time she recalls legislation being reintroduced was in the late 1990s when Council was considering legislation regarding the Convention Center.

Mr. Waltman again stated that Ms. Sihelnik was not trying to create drama. Seeing a close vote (3-4) she was only providing Council with an opportunity to reaffirm or reconsider their vote on the matter.

Ms. Goodman-Hinnershitz expressed the belief that Mr. Waltman should take a more active role in setting the agenda as the Administrative Code states that he sets the agenda.

Ms. Kelleher read from Administrative Code Section 5-206 copied in below:

§ 5-206. Agenda.

A. The proposed agenda for a regular or special meeting of the Council shall be prepared by the City Clerk in consultation with the President or committee of Council created for that purpose.

B. The proposed agenda for an emergency meeting of the Council shall be prepared by the City Clerk in consultation with the President.

C. The proposed agenda for any regular meetings shall be forwarded to all members of the Council at least two days prior to the stated meeting and shall be posted two days prior to the meeting on the City's web site. Sufficient copies of the agenda must be

available prior to the beginning of the meeting. **[Amended 1-22-2007 by Ord. No. 1-2007]**

Mr. Marmarou inquired about why people using private trash haulers are now being charged the \$2.50 Clean City charge. Mr. Waltman explained that prior to the change in the legislation only people using the City's trash system were charged the Clean City fee, which benefits all residents.

Ms. Reed requested that in the future that Council members who refer topics or legislation to the City Clerk, inform the body of Council. Mr. Waltman stated that he has no problem with asking Council members to communicate with the body when they refer meeting legislation or topics.

- **COVID-19**

Mr. Amoros stated that while vaccines will be mandatory for all employees, employees can opt out for religious or physical/medical reasons and those will be considered on a case by case basis, as per the EEOC. However, he stated that the PA Labor Relations Board has not yet provided guidance on how mandatory vaccines will effect collective bargaining units. He explained that when the vaccines are available, employees will be scheduled to be vaccinated on a priority basis based on exposure, the essential duties of the employee and the employees' age.

Mr. Amoros stated that a work group composed of the Emergency Management Coordinator and Fire Marshal Jeremy Searfoss, and Fire Prevention Lt. Kirk Litzenberger, City Solicitor Elizabeth Kraft, Human Resources Director Aida Acevedo and Communications Coordinator Christian Crespo will create a roll-out plan and define other needs. He noted that elected officials will be included.

Mr. Amoros explained that the vaccinations must be stored at subzero temperatures and appointments to receive the two part shots cannot be missed. He stated that the vaccines are free and the City is working with health agencies such as Tower Health and the Lehigh Valley Hospital System to coordinate scheduling. He stated that he expects the vaccines to be available around mid-February, depending on the vaccine deployment by the Federal government.

Ms. Goodman-Hinnershitz inquired about how the City will educate employees and citizens on the importance of receiving the vaccines. Mr. Amoros explained that the mayor will be working with communities of color to educate them about the importance of getting vaccinated and dispelling incorrect information that is circulating. He noted that there is some reluctance. Ms. Cepeda-Freytiz agreed, noting her reluctance to be vaccinated.

Ms. Kelleher noted the recent email from the HR Director regarding the expiration of the two (2) week COVID-19 sick leave. She stated that while the latest federal legislation did not make

this leave mandatory, the employer can voluntarily extend it. She stated that without this leave, Police and Fire are covered by Heart and Lung coverage; however, employees working for Public Works, Building/Trades, Property Maintenance, IT and others are without options. She suggested that the City reconsider providing this leave to employees who are without the coverage provided to Fire and Police. Mr. Amoros stated that the work group would consider the issue.

III. DID Wind-Down

Mr. Amoros stated that the administration is asking Council to consider providing 45 additional days for the DID wind-down, as there are many things to undertake before DID operations can cease. He stressed the need for the Finance and Law offices to be provided with additional time to take the proper steps.

Ms. Kraft agreed, noting that the DID solicitor is taking a much larger role to assist with the close down of DID operations.

Ms. Goodman-Hinnershitz agreed that it is impossible to properly close down a 25 year operation in 30-45 days.

Ms. Kelleher stated that the Wind-Down Resolution providing a 30-45 day window was adopted on January 11th so the original wind down date is Monday, March 8th.

After some discussion, Mr. Waltman suggested checking in on where DID is with closing down in two (2) weeks, then making a decision.

IV. Other

Ms. Cepeda-Freytiz inquired if there would be a follow-up retreat this year. Mr. Waltman expressed the belief that a retreat to create a priority list of projects should occur, rather than another team building session.

The meeting adjourned at approximately 6:50 pm.

*Respectfully Submitted by
Linda A. Kelleher, CMC, City Clerk*