



CITY COUNCIL

Committee of the Whole

Monday, February 23, 2015

5:00 pm

Agenda

Although Council committee meetings are open to the public, public comment is not permitted at Council Committee of the Whole meetings. However, citizens are encouraged to attend and observe the meetings. Comment from citizens or professionals during the meeting may be solicited on agenda topics via invitation by the President of Council.

All electronic recording devices must be located behind the podium area in Council Chambers and located at the entry door in all other meeting rooms and offices, as per Bill No.27-2012.

- I. Comp Plan Update – C. Peiffer**
- II. Executive Session re EHD – liability insurance update**
- III. Review Council Rules of Procedure – F. Acosta**
- IV. Agenda Review**
- V. Other Matters**



COMMITTEE of the WHOLE
CITY COUNCIL

MINUTES
February 17, 2015
5:30 P.M.

COUNCIL MEMBERS PRESENT:

D. Sterner, C. Daubert, M. Goodman-Hinnershitz, D. Reed

OTHERS PRESENT:

S. Katzenmoyer, D. Cituk, R. Johnson, A. Morriss, E. Schlegel, D. Rauch, D. Peck, A. Johnson

The Committee of the Whole meeting was called to order at 5:31 pm by Ms. Goodman-Hinnershitz.

I. Statewide Preservation Plan

Mr. Younger and Mr. Acosta arrived at this time.

Ms. Johnson stated that local municipalities are requested to endorse the Statewide Preservation Plan every five years. She stated that this shows the municipality's commitment to preservation. She stated that she has tailored the resolution to Reading and that she already follows this plan and that it contains nothing unusual.

Ms. Reed stated that Council has heard several HARB appeals. She questioned if the State was changing any regulations. Ms. Johnson stated that they are not. She explained that the regulations are set by the Federal Department of the Interior and that

the regulations remain the same. She stated that this is an overall commitment to preservation. The Berks County Planning Commission also endorses the Plan.

Ms. Goodman-Hinnershitz questioned if historic buildings are only those that have been certified or any building with historical significance. She used the East Ends building as an example of a building with historical significance that is not certified or within an historic district. Ms. Johnson stated that it can be any building with historic significance.

Ms. Goodman-Hinnershitz questioned if Ms. Johnson had an inventory of historic buildings. Ms. Johnson stated that she has an inventory. She stated that all the buildings in the entire City were rated in 1978 and that she also has a list of all buildings within Reading that are on the National Register of Historic Places.

Mr. Acosta questioned if Council had the authority over this issue. Ms. Johnson stated that it does.

Ms. Johnson left the meeting at this time.

II. Refinance RAWA 2007 Bond (not guaranteed by the City)

Mr. Peck stated that he is from Concord Financial. He explained that the refinance will save RAWA between \$700,000 and \$800,000. He stated that the RAWA bylaws require Council approval on bond issues. He explained that the only change is a decrease in the interest rate.

Mr. Sterner questioned the term of the bond. Mr. Peck stated that it is a twelve year bond. He stated that all the savings would be realized in 2015.

Mr. Acosta questioned when Council action would take place. Ms. Katzenmoyer explained that the resolution is part of this evening's consent agenda. She stated that Mr. Rauch has provided the resolution.

Mr. Acosta questioned Concord Financial's fee for this transaction. Mr. Peck stated that it would be approximately \$40,000.

Mr. Rauch reminded all that the City does not guarantee this particular bond.

Mr. Rauch and Mr. Peck left the meeting at this time.

Ms. Kelleher and Ms. Snyder arrived at this time.

III. Minority Business Procurement Board

Mr. Denbowski, Mr. Waltman and Mr. Bembenick arrived at this time.

Mr. Denbowski stated that one of his roles is to assist in filling vacant positions on boards, authorities and commissions. He stated that this Board has been dormant for several years. He stated that rather than just fill the positions, he felt it was better to review the legislation and determine if amendments are needed. He stated that he has received feedback from the former chair of this Board and has reviewed similar legislation in other cities. He stated that he has also reviewed the Board with Mr. Bembenick. He distributed an updated draft amendment.

Mr. Denbowski stated that the City has made much progress in this area since 2005. He stated that both the Administrative Code and the purchasing policies have been updated. He suggested that the name of this board be changed to emphasize that it will assist all socio-economic classes. He suggested that a role of this Board should also be as liaison to the business community. He explained that the Minority Contractors Association no longer exists. He suggested that the number of members be reduced from seven to five. It was also suggested that references to employment and labor be stricken from this legislation as it is now under the purview of the Diversity Board.

Mr. Bembenick stated that including employment and labor under this Board would be duplicative with the Diversity Board. He noted the need for better definitions of Disadvantaged Business Enterprise (DBE), Minority Business Enterprise (MBE), and Women Business Enterprise (WBE).

Mr. Denbowski stated that this Board will need administrative support. He stated that this support would be provided by Administrative Services. He reviewed the draft amendment.

Ms. Goodman-Hinnershitz voiced support to change the name of this Board. She stated that the legislation needs additional review. She stated that there have been diversity changes in the City and that the word minority does not have the same meaning.

Ms. Reed suggested that this issue be looked at more deeply to determine if this Board is needed. She suggested that there may be other ways to address the issue. Mr. Denbowski agreed.

Mr. Acosta recalled that the Minority Contractors Association came into being as a reaction to Our City Reading not awarding contracts to minority businesses. He suggested that this group was also the driving force of this legislation. He agreed with the need to change the name of this Board. He suggested that the Board be repealed rather than amended if it is no longer necessary.

Mr. Waltman left the meeting at this time.

Mr. Denbowski stated that there is a lot of rumor and that a role of this Board, as liaison to the community, is to debunk the fact versus fiction. He suggested that the Board be amended if it can assist building trust with the community.

Mr. Acosta suggested that the issue may become political and be counterproductive.

Ms. Goodman-Hinnershitz stated that the wording of Section 705 Powers and duties of the Board may backfire if not amended.

Ms. Reed recommended that the amendment be reviewed at an upcoming Nominations & Appointments Committee meeting. She questioned why this was coming forward at this time. Mr. Denbowski stated that it is to fill the vacant positions.

Ms. Goodman-Hinnershitz stated that the City is entering the season where everything that is done is viewed as political.

Mr. Acosta suggested that the need for this Board must be confirmed. He stated that the role of this Board must be essential to invest in amending the legislation. He stated that the reporting section must be clear and specific. He suggested that if the role of reporting is better defined, that will indicate if the Board is needed.

Mr. Denbowski questioned if the Board should be repealed if it is found that the issue can be addressed in other ways.

Ms. Goodman-Hinnershitz suggested that repealing may be viewed as negative during this season.

Mr. Daubert suggested that a draft amendment be considered first.

Ms. Katzenmoyer requested that she receive the updated draft as she has also begun to review the legislation. Mr. Denbowski stated that he will provide the updated draft.

IV. Agenda Review

Council reviewed this evening's agenda including the following:

- Resolution – relating to contracts and the use of PLAs for the WWTP project

Ms. Kelleher questioned why there is a \$50 fee to access the bid documents. Mr. Johnson stated that the fee is to cover administrative costs and to ensure interest in the project. He stated that this has been done in the past.

Mr. Acosta questioned if everyone agreed with this fee. Ms. Kelleher stated that she never heard of this practice before.

Ms. Goodman-Hinnershitz stated that since the meeting was postponed last week and the RFP was issued earlier today, that this may no longer be an issue.

Mr. Acosta stated that Mr. Waltman must be present for this discussion.

- Resolution – authorizing the submission of Penn Vest loan application in the amount of \$84,586,034

Ms. Morriss stated that the original resolution was approved by Council before she spoke with PennVest. She stated that PennVest recommended increasing the amount of the loan since they didn't have many applications. She stated that this would benefit the City.

Mr. Acosta noted his appreciation for the work done by Ms. Morriss on this issue. He stated that his reaction to adding this resolution to the agenda after the deadline was not a reflection of his attitude toward Ms. Morriss but the overall practice of amending the agenda after the deadline.

- Report from the Reading Public Library Board

Mr. Acosta stated that the report will include a discussion about the library's finances.

Ms. Reed noted her support of libraries but stated that the City must become more fiscally conservative.

Ms. Goodman-Hinnershitz agreed with Ms. Reed and stated that if this was a personal budget, items like the library would not be funded.

Ms. Reed stated that the Library has hired a development person for fundraising.

Ms. Goodman-Hinnershitz stated that the Reading Public Museum came back from financial crisis without additional funding from the School District.

Mr. Acosta stated that this is an unfair comparison. He stated that members of the Museum Foundation have more financial resources. He stated that the library serves many but that taxpayers do not want additional burdens.

Ms. Goodman-Hinnershitz suggested that if the library is not sustainable, future appointments with financial considerations should be made.

Note: There is a Library Foundation created in 1996 and a Library Company that appoints five members to the Board.

Mr. Sterner stated that without specific funding, the library cannot plan. He stated that in the big picture, the small amount given to the library will not bankrupt the City.

Mr. Acosta reminded all that the City owns the library buildings and must continue their maintenance.

- Ordinance increasing the fees for ambulance membership and for non-emergency transport and adding these fees to the fee schedule

Ms. Goodman-Hinnershitz stated that she has been hearing from residents about the great service they receive when using the non-emergency transport service. Ms. Snyder thanked Ms. Goodman-Hinnershitz for the compliments. She stated that this ordinance is part of the six month review of the service.

Mr. Daubert questioned if these fees are paid by individuals or by insurance carriers. Ms. Snyder stated that these fees are paid by individuals. Insurance carriers cover part of the cost for emergency services.

Ms. Reed questioned if discussions have begun with BARTA if the City's non-emergency service is discontinued. Ms. Snyder stated that discussions have begun. She stated that exit planning is being performed in case the program is discontinued after the six month review.

Ms. Goodman-Hinnershitz noted the need for additional care for those using the services that are in wheelchairs.

- Resolution appointing Ron Hatt to the Water Authority

Mr. Acosta stated that Mr. Spencer and Mr. Marmarou support this appointment. He stated that Mr. Marmarou is not present this evening and he will not move the resolution forward without majority support. Those present voiced their support of this appointment.

Ms. Goodman-Hinnershitz questioned if the new question sheets were used during this interview. Ms. Kelleher stated that they were not as this interview occurred before the question sheets were drafted.

Mr. Acosta noted the need for the question sheets to be used for each interview moving forward. He stated that this resolution will be added to this evening's agenda.

- Resolution – relating to contracts and the use of PLAs for the WWTP project (continued)

Ms. Goodman-Hinnershitz stated that she will not support this resolution without a discussion including Mr. Waltman.

Mr. Acosta expressed the belief that the resolution is no longer timely and is not needed.

Ms. Reed expressed the belief that requiring the PLA is the same as being exclusionary. She stated that this is not an open process and she cannot understand why the City would take this course.

Mr. Acosta stated that using local labor would be a large financial infusion in the City. He noted the need for local spending and investment.

Ms. Kelleher stated that PFM is currently reviewing the study.

Mr. Acosta questioned if they had reviewed the bid documents. Ms. Snyder stated that the bid documents were not provided to PFM.

Ms. Reed stated that the bid documents should be provided to PFM for their review.

Ms. Snyder questioned if the bid documents are on the City's website. Mr. Johnson stated that they are not. He stated that there are hundreds of maps and many

documents. He stated that there is a letter on the City's website explaining how to access the documents.

Ms. Goodman-Hinnershitz stated that PFM should be utilized and voiced her frustration that the Mayor did not attend this meeting for discussion.

Mr. Daubert expressed worry that this resolution encroaches on the separation of powers. He questioned if this circumvents the Mayor's powers.

Ms. Reed expressed the belief that including the PLA circumvents Council's powers. She stated that the tight timeline of the consent decree may prevent Council from rejecting bid awards and that if Council does reject the bid awards they will be portrayed as an obstructionist. She stated that it would have been much better to work together.

Mr. Acosta expressed the belief that the resolution is meaningless and immaterial at this time since the bid documents have already been released.

Ms. Goodman-Hinnershitz noted the need for further discussion.

Mr. Sterner noted the need for Council to state its position in this resolution. He stated that there is lots of money to be made on this contract. He stated that as long as this issue remains, there will be conflict.

Ms. Reed noted the need to support local business and expressed the belief that requiring a PLA is exclusionary.

Ms. Goodman-Hinnershitz noted the need for Council to review the RFP language and the PFM opinion on PLA. She noted her concern with the undefined term "local labor" and noted the need to see the specific language.

Mr. Younger stated that the RFP has already been released. Mr. Acosta agreed.

Mr. Waltman joined the meeting by speakerphone.

Mr. Waltman stated that Council should send a message that it will not consider awarding the contracts if they are not obtained through an open process. He stated that a dual process is still an option. He stated that it is good to have Council's position on the record. He stated that a second RFP can be issued without the PLA language in a

short amount of time. He stated that the City cannot be exposed to an additional 20% in costs on this project as that equates to tens of millions of dollars.

Mr. Sterner stated that the Mayor still controls the RFP process. He stated that the Mayor does not need to follow the resolution.

Ms. Reed stated that Council has already been put on alert that a lawsuit will be filed if the PLA language is used. She stated that this resolution shows Council's position and may protect them from the lawsuit.

Mr. Waltman stated that Council must approve the contract award. He suggested that Council not approve any contract awards if the PLA language is included. He stated that the Mayor does not have full power in this case.

Mr. Waltman stated that the bid documents should not have been released without discussion with Council.

Ms. Reed questioned the amount in question. Mr. Waltman stated that an amount cannot be known unless the dual system is used. He expressed the belief that this project is the most important decision this Council will make. He stated that one person cannot control the process.

Ms. Goodman-Hinnershitz stated that Council never had the chance to have in-depth discussion with the Mayor. She noted the disconnect between the Mayor and Council.

Ms. Reed stated that a separate meeting should have been scheduled to discuss this issue to review the details.

Mr. Waltman stated that if Council goes on record as not being supportive of PLAs, the Mayor must live with his decision.

Ms. Goodman-Hinnershitz expressed frustration that the Mayor did not work with Council on this issue.

Mr. Waltman expressed the belief that the Mayor is taking the City down this path.

The meeting adjourned at approximately 6:58 pm.

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

§ 5-208. Rules of procedure. [Amended 4-9-2001 by Ord. No. 7-2001; 3-8-2010 by Ord. No. 7-2010]

A. The standard reference of Council shall be Robert's Rules unless not specifically provided for by the Rules of Procedure herein.

B. Business is conducted by acting on motions. Once a matter has been moved and seconded, no other matter shall be taken up until the main issue is disposed of.

- (1) Rule No. 1. Disclosure of interest. A member who has personal or private interest in any question, measure, bill proposed or pending before the Council shall disclose that fact to Council and shall not vote thereon. If such interested person shall vote without disclosing his interest in such question, measure or bill, Council may avoid the enactment or transaction or not, as it deems best.
- (2) Rule No. 2. Proposed amendments to these rules. Amendments to these rules must be presented in writing at a nonlegislative meeting of the Council held at least one week prior to the date when the same are to be finally considered. Amendments shall be adopted by the affirmative vote of the majority of all members of Council.
- (3) Rule No. 3. Suspension of rules. These rules may be suspended by the affirmative vote of the majority of all members of Council present, but the suspension shall not extend beyond the adjournment. No rule of Council, which is also subject of legislative enactment, shall be suspended.
- (4) Rule No. 4. Legislation.
 - (a) No rule, matter, bill or resolution shall be considered by Council unless a written memorandum, brief, resolution or bill is delivered to the City Clerk by 12:00 noon on the Wednesday preceding the meeting where the matter or legislation is to be considered, introduced or enacted/adopted by Council. The City Clerk shall furnish to the Mayor and all members of Council copies of all proposed resolutions and ordinances by posting the agendas on the website.
[Amended 10-28-2013 by Ord. No. 51-2013]
 - (b) Legislation referred to or being considered by a Council Committee must be returned to the full body of Council for consideration with either a positive or negative recommendation. If the legislation is not returned in this manner, any three Council members may request that the full body, at a regular business meeting, consider the legislation.
- (5) Rule No. 5. Voting.
 - (a) The vote upon any motion, resolution or ordinance will be taken by roll call. The City Clerk will clarify by reading aloud the content of the parliamentary motion, amendment, of the award of contract, ordinance or resolution before the roll call is taken.
 - (b) The yeas and nays of each Councilperson will be entered into the minutes. On the call of yeas and nays, no member shall be excused from voting as such, unless by the consent of the Council and the Solicitor, or if a bona fide conflict of interest exists as defined in Part 10, Code of Ethics, or other provisions of general law. Unless a member of Council is so excused or prevented from voting, the failure to vote shall be recorded as an affirmative vote.

- (c) The City Clerk will rotate the order in which the roll is called after every vote with the exception of amendments to the main question.
- (6) Rule No. 6. Duties of the presiding officer. The President of Council shall decide all questions subject to appeal by any two members of Council and have general supervision of the meeting. He shall determine the appropriate committee to which legislation and other matters shall be referred. The President of Council shall be the designated representative of the body and shall communicate the intentions of Council, with respect to professional service, contracts, legislative action and other matters, as needed.
- (7) Rule No. 7. Reconsideration. A motion to reconsider a question shall be entertained only at the next legislative meeting following the one at which vote was taken. No second motion to reconsider the same motion shall be entertained.

(8) Rule No. 8. Motions to be entertained.

(a) All motions must be moved and seconded. When a question (or main motion) is under consideration, no motion shall be entertained except for:

- [1] Adjournment.
- [2] Previous question (2/3 vote).
- [3] Lay on the table.
- [4] To postpone.
- [5] To commit.
- [6] To amend.
- [7] End debate.
- [8] Call for the question.

(b) These questions have preference in the order given.

- **The first three must be decided without debate.**
- A motion to adjourn is always in order when the main question has been ordered put, when a member has the floor, or during a call of the yeas and nays

(c) Motions for the previous questions to postpone or commit shall preclude amendment or debate

Note: Motions to postpone, to commit, to amend, to end debate and to call for the question require a first and second motion and require a 2/3 (super) majority vote

(9) Rule No. 9. Rules of debate.

(a) Prior to debate, a bill or resolution must be placed on the table by a first and second motion of the body.

- **The sponsor of the bill or the referring committee will have the first opportunity to make a statement. After which, each member of Council shall be entitled to make one statement on the proposed legislation. President of Council may also invite the Mayor and Managing Director to comment.**
- **All first statements shall be no longer than three minutes in length.**

(b) Second statements or comments shall be entertained after each member present has been given the opportunity to speak one time and shall be no longer than two minutes in length.

- In the event no other Council member wishes to address the issue and no one moves to end debate or call for the question, debate will be allowed to continue. In general, it is expected that the body will make their remarks concise and focused on matter or issue proposed. Amendments or statements not relating to the question shall not be made. All such matters not relating to agenda items will be entertained after the Council business portion of the agenda.

(c) **President of Council or presiding officer may, at his discretion, choose to limit debate time on each agenda item to 10 minutes, as stated in Roberts' Rules of Order.**

(d) **Members wishing to speak shall request recognition from the presiding officer, at which time other Council members shall not engage in dialogue or interrupt except for the following:**

[1] Call for the orders of the day (when they are not being conformed to).

[2] Raising a question of privilege.

[3] Point of order (calling the member who has the floor to order or calling his attention to the fact that he is not observing the rules).

[4] Call for a separate vote on one or more subjects that are included in a single motion.

[5] Request or inquiry that requires an immediate response.

C. The body may override the presiding officer's decision on any procedural rule through the passage of a motion.

Robert's Rules of Order Motions Chart

Part 1, Main Motions. These motions are listed in order of precedence. A motion can be introduced if it is higher on the chart than the pending motion. § indicates the section from Robert's Rules.

§	PURPOSE:	YOU SAY:	INTERRUPT?	2ND?	DEBATE?	AMEND?	VOTE
§21	Close meeting	I move to adjourn	No	Yes	No	No	Majority
§20	Take break	I move to recess until (date/time) OR for (#) minutes	No	Yes	No	Yes	Majority
§19	Request action on an issue of importance out of order of business	I rise to a question of privilege -then state the urgent matter	Yes	No	No	No	None
§18	Make follow agenda to keep on schedule	I call for the orders of the day	Yes	No	No	No	None
§17	Lay aside temporarily	I move to lay the	No	Yes	No	No	Majority

		question on the table					
§16	Close debate or call the question	I call the previous question	No	Yes	No	No	2/3
§15	Limit or extend debate	I move that debate be limited to # minutes	No	Yes	No	Yes	2/3
§14	Postpone to a certain time	I move to postpone the motion to ...	No	Yes	Yes	Yes	Majority
§13	Refer to committee	I move to refer the motion to ...	No	Yes	Yes	Yes	Majority
§12	Modify wording of motion	I move to amend the motion by ...	No	Yes	Yes	Yes	Majority
§11	Kill main motion	I move that the motion be postponed indefinitely	No	Yes	Yes	No	Majority

Part 2, Incidental Motions. No order of precedence. These motions arise incidentally and are decided immediately.

§	PURPOSE:	YOU SAY:	INTERRUPT?	2ND?	DEBATE?	AMEND?	VOTE?
§23	Enforce rules	Point of Order	Yes	No	No	No	None
§24	Submit matter to assembly	I appeal from the decision of the chair	Yes	Yes	Varies	No	Majority
§25	Suspend rules	I move to suspend the	No	Yes	No	No	2/3

		rules					
§26	Avoid main motion altogether	I object to the consideration of the question	Yes	No	No	No	2/3
§27	Divide motion	I move to divide the question	No	Yes	No	Yes	Majority
§32	Requests and inquiries	I request a point of inquiry	Yes	No	No	No	None

Part 3, Motions That Bring a Question Again Before the Assembly. No order of precedence. Introduce only when nothing else is pending.

§	PURPOSE:	YOU SAY:	INTERRUPT?	2ND?	DEBATE?	AMEND?	VOTE?
§33	Take matter from table	I move to take from the table ...	No	Yes	No	No	Majority
§34	Cancel or amend previous action	I move to rescind or amend...	No	Yes	Yes	Yes	2/3 or Majority with notice
§36	Reconsider motion	I move to reconsider ...	No but can only be made by one who voted yes	Yes	Varies	No	Majority