



# ***COMMITTEE of the WHOLE***

## ***CITY COUNCIL***

**MINUTES**  
**June 23, 2008**  
**5:00 P.M.**  
**Council Office**

### **COUNCIL MEMBERS PRESENT:**

V. Spencer, S. Marmarou, M. Goodman-Hinnershitz, J. Waltman, S. Fuhs, D. Sterner

### **OTHERS IN ATTENDANCE:**

C. Younger, T. McMahon, R. Hottenstein, C. Jones, D. Hoag, L. Kelleher, S. Katzenmoyer

Vaughn Spencer, President of Council, called the Committee of the Whole meeting to order at 5:00 p.m.

### **I. Executive Session**

Council entered an executive session at 5:01 pm to discuss legal and personnel matters.

Council returned from executive session at 5:50 pm.

### **II. Award of Contract Project and Construction Manager Waste Water Treatment Plant**

Mr. Fuhs noted his belief that the two positions should not be held by one firm. Mr. Marmarou echoed this concern.

Mr. Spencer questioned if all responding firms' proposals included both positions. Mr. Jones noted that the RFP was structured so that firms could bid on either position or both positions. He noted that all firms' submissions included a discount if awarded both positions. He noted the industry standard that one firm hold both positions.

Mr. Waltman noted that Council has been asked to approve this contract but that they have not seen the proposal.

Mr. Spencer questioned how Mr. Jones views each position. Mr. Jones noted that the project manager will be critical at the beginning of the project and will become less critical as the construction begins and the construction manager becomes critical. He noted that both positions will act as watchdogs and keep the best interest of the City at heart. Mr. Hottenstein noted that at the beginning of the process he also felt it would be best for two firms to hold these positions but during the course of the interview process he saw the advantages of having one firm.

Ms. Goodman-Hinnershitz noted her belief that having one point of contact would be in the best interest of the City. She also noted that having two contractors could cause finger pointing and long-term problems. She noted the need to not over-complicate discussions and move forward with the award of contract process.

Mr. Sterner questioned, historically, what percentage of contracts this size are awarded to one firm. This percentage is unknown.

Mr. Waltman felt there was enough of an industry example for the question posed by Mr. Sterner. He noted that the City is currently in the third year of the consent decree. He questioned the current scope of the project. He requested a copy of the RFP and the opportunity to question firms on their responses. He noted that Council must use more diligence with this project than with the normal awarding of contracts.

Mr. Marmarou questioned the deadline set by the consent decree. Mr. Jones noted that the project must be complete by 2012.

Mr. Fuhs noted that the current contract to be awarded is not part of the consent decree timeline. Mr. Jones agreed adding that this contract will allow him and Ms. Hoag to focus on other projects. Ms. Hoag noted that the next quarterly report to the Dept. of Justice is due at the end of June and the awarding of this contract will show that the project is moving forward.

There was discussion regarding Council reviewing the RFP, the responses, and having the opportunity to question firms. Ms. Goodman-Hinnershitz noted the need for this process to be very structured and consistent. Mr. Hottenstein noted that an opinion should be given by the solicitor prior to this type of review by Council. Mr. Younger noted that this would undermine the RFP process.

Mr. Fuhs noted that if the recommended firm is the only to be interviewed, there will be no context to compare the information to and no value to the information. Mr. Hottenstein noted that the review should be between Council and staff. The firms should not be involved.

Mr. Marmarou questioned what projects were completed by the recommended firm. He noted his hope that these projects could be reviewed and references checked.

Mr. Sterner noted that this discussion has not moved Council forward in awarding the contract. He suggested an action plan to move forward on this topic.

Ms. Goodman-Hinnershitz noted her discomfort in circumventing the RFP process. She noted the RFP will be very technical and the expertise of staff should be followed. Mr. Jones noted that the Charter defines the Public Works Director as the City Engineer. He noted his responsibility to advise the City on all engineering matters. He noted he would be willing to answer questions.

Mr. Sterner noted that on issues of this importance, a Council representative should be on the RFP committee to keep Council updated, report on progress, and answer questions.

Mr. Waltman noted that he respects the RFP process as thorough and professional. He's simply trying to gather additional information to make an informed decision.

### **III. Giannessa Master Developer Agreement**

This issue will be discussed at the reconvened Committee of the Whole meeting on Tuesday, June 24 after the Zoning Public Hearing set to begin at 5 pm.

### **IV. Cooperation Agreement and Voluntary Payment Agreement**

Mr. Younger reviewed the agreement.

Mr. Waltman questioned the scope of the Reading Housing Authority. He questioned if these expansion projects are automatically tax exempt. Mr. Younger noted the need to research this issue.

Mr. Fuhs questioned why the Housing Authority was involved in this project. Mr. Spencer noted that it could be to acquire public funding for the project.

Mr. Fuhs questioned if ground has been broken on the project. Mr. Spencer noted that it had not.

Mr. Fuhs noted the continued delays with this project. Mr. Hottenstein will research the project and whether the County and School District have signed the agreement

The meeting was recessed at 7:03 pm.

Respectfully Submitted

By: \_\_\_\_\_  
Linda A. Kelleher, City Clerk