



COMMITTEE of the WHOLE

CITY COUNCIL

MINUTES
May 27, 2014
5:00 P.M.

COUNCIL MEMBERS PRESENT:

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

OTHERS PRESENT:

L. Kelleher, S. Katzenmoyer, C. Snyder, C. Younger, D. Cituk, V. Spencer, T. Coleman, E. Schlegel, D. Weand, D. Vind

The Committee of the Whole meeting was called to order at 5:00 pm by Councilor Goodman-Hinnershitz.

I. Animal Ordinance Amendment

Mr. Coleman explained that the Board of Health has been looking at the number of dogs and/or cats. He stated that this amendment does not set a hard limit to the number of dogs and/or cats but requires registration only. There is no fee for the registration.

Ms. Goodman-Hinnershitz questioned how this tied into the County's licensing requirements. Ms. Katzenmoyer explained that the license number is requested on the registration form.

Ms. Goodman-Hinnershitz stated that this amendment is being introduced this evening.

Mr. Waltman arrived at this time.

Mr. Daubert expressed the belief that this will be very beneficial. He stated that he appreciates that there is no fee for registration.

Mr. Coleman stated that the Board of Health worked closely with the Animal Rescue League and also invited the Humane Society to comment. He stated that the Animal Rescue League will help publicize the need to register at their monthly events and as they make public contact.

Mr. Waltman questioned if it was the goal to track the number of pets in households. Mr. Coleman explained that the goal is to identify those properties with six or more dogs and/or cats. He stated that this will also assist the Animal Rescue League to identify those who need assistance with their animals.

Mr. Daubert stated that the amendment also clearly defines harboring.

Ms. Goodman-Hinnershitz stated that she was glad to hear that the Animal Rescue League was involved. She stated that more and more people are breeding pit bulls for income.

Mr. Marmarou suggested that college students often have pets that they leave behind when they move home. He stated that they will probably not register the animals.

Mr. Coleman explained that this amendment is not unconstitutional. He stated that the number six is not a limit but a threshold which requires registration when met.

Mr. Acosta arrived at this time.

Mr. Coleman left the meeting at this time.

II. Ipads

Ms. Goodman-Hinnershitz requested follow up by IT to determine the problem with the ipads and the "bounce back" problems with emails. She noted that these problems cause some to question the integrity of the City's communications systems.

Ms. Kelleher stated that there have been problems the last three meetings.

Ms. Katzenmoyer stated that IT believed they had corrected the problem last week. She stated that they functioned fine when she loaded the agendas on Friday. She stated that she will follow up with IT.

III. Other Matters

- **CRIZ**

Mr. Acosta stated that he met with Senator Schwank today about CRIZ. Senator Schwank believes that Senator Argall's version of CRIZ legislation will be the one to move forward. This version chooses three cities in 2014 and two in 2015 and then has a sunset clause. She noted her concern as there are nine cities competing for five approvals. She stated that the City's current political environment will not help Reading get approval. It is expected that one of the cities chosen will be Tamaqua.

Ms. Goodman-Hinnershitz stated that she will review the information before commenting.

Mr. Spencer stated that he has learned from Pennsylvania Municipal League that York and Erie have hired the same firm (Pugliese) used by Allentown and Bethlehem to obtain CRIZ status.

Mr. Acosta stated that York currently has bi-partisan leadership but that they are working well together. He stated that Senator Schwank has spoken with Reading's CRIZ board members and explained that the CRIZ designation is the cherry on top when development has already begun.

Mr. Spencer stated that Pugliese charges six figures for their work.

Mr. Waltman expressed his frustration at State legislation with spotty success. He suggested that instead of being the cherry, CRIZ should be the crust. He suggested that if not all cities win, then all cities lose. He suggested that this type of approach is killing cities and is causing increased prison and court costs.

Ms. Goodman-Hinnershitz expressed the belief that the State does not deal with root causes. She suggested that they use the "favorite son" approach and that the State is suffering.

Mr. Acosta expressed the belief that the CRIZ board has excellent members but that he is not confident that Reading will receive CRIZ designation.

Mr. Waltman suggested that if this is the case, Reading can spend its time and energy in more productive ways.

Mr. Acosta explained the political connections of Pugliese.

Ms. Goodman-Hinnershitz questioned if the applications are public. Mr. Acosta stated that they are not.

Mr. Waltman suggested that cities needing this type of solution mean that State policies are not working.

Mr. Spencer reminded all that at the beginning of the CRIZ process there were population requirements which have since been removed.

- Penn Street Properties

Ms. Kelleher stated that the Administration has requested the adoption of a resolution approving the Our City Reading proposal.

Mr. Acosta stated that Council does not have the details of the proposal.

Ms. Goodman-Hinnershitz noted the need for Council to prioritize its time. She stated that many items need attention this evening.

Mr. Acosta stated that the resolution is on the consent agenda. He suggested that it needs further discussion. He stated that many comments were made about the two proposals at the review meeting held. He questioned if this was the right thing for these properties and noted his concern about bringing low income housing to the project. He suggested that this be reviewed at the Strategic Planning Committee meeting next Monday.

Ms. Goodman-Hinnershitz suggested that it was not appropriate for a consent agenda item if it needs further discussion. She noted the need for more time to review the information. She stated that she prepares for Monday meetings during the preceding weekend and that she does not have time to review information provided the same day as a meeting.

Mr. Acosta noted the need for details.

Ms. Reed stated that the agenda deadline is noon the preceding Wednesday. She stated that Councilors who work have difficulty reviewing information submitted late. She noted the importance of the project and that review is needed.

Ms. Snyder explained that she requested the heading on the agenda but that the final document was not prepared until after the deadline. She stated that Council heard presentations on both projects and hoped that this would allow minimal review by Council.

Mr. Acosta stated that changes have been made since Council heard the presentation from Our City Reading. He stated that there was discussion at the project review meeting about this project. He noted the importance of the project as it will set the tone for future development and the need for Council to defend their vote after it is taken. He explained that he is not speaking against this proposal but expressing a need for better understanding about the recommendation.

Mr. Murin arrived at this time.

Mr. Acosta requested details at the Strategic Planning Committee meeting along with a better definition of the low income housing that will be part of the project.

Ms. Snyder stated that the resolution allows for flexibility in design and tenants to be negotiated.

Mr. Acosta noted the need to adjust the boundary of Ricktown and questioned how this affected other downtown locations. Ms. Snyder stated that she will be out of town next week but that Mr. Agudo will attend the meeting to answer questions.

Mr. Acosta suggested that this item be withdrawn for further discussion.

IV. Agenda Review

Council reviewed this evening's agenda including the following:

- Resolution authorizing a temporary transfer of funds within the Fire Department for the purchase of a refurbished ambulance to avoid a late payment penalty

Mr. Acosta noted his understanding that this was already approved. Ms. Snyder stated that the work is complete and the bill has been received. She explained that the extra layover period due to the holiday is problematic to pay the invoice on time.

- Ordinance amending the Purchasing Policies

Mr. Younger stated that there has been a legal review and the policies are fine as written.

Ms. Kelleher distributed several updated ordinances for Council review. In addition, she distributed a resolution authorizing the updated MOU with RAWA regarding the collection of curbside collection program fees. She stated that the Administration has requested that this resolution be added to this evening's agenda.

Mr. Waltman requested the item be tabled. He stated that this resolution contradicts other potential actions of Council this evening.

Ms. Goodman-Hinnershitz noted her concern with the timing of this resolution and questioned why it was being brought forward at this time.

Mr. Acosta suggested that this resolution also be addressed at another meeting. He questioned the need for the resolution if RAWA was already collecting the fees.

Ms. Goodman-Hinnershitz noted her concern with liability for Council. She stated that Council requested information and should not have liability. Ms. Snyder stated that Mr. Younger has opined that Council does not need to approve the MOU. However, the RAWA articles of incorporation do require it.

Ms. Goodman-Hinnershitz noted the need for documentation. She stated that this is bad business practice and that the initial agreement for collection of the fees should have had Council approval.

Mr. Waltman noted the need to change the language of numbers one and two. He stated that budget approval was never deemed as ongoing approval. He stated that this is no basis and that if that was the case Council would approve the budget and never need to take any

additional action. He stated that this basis is extremely far-reaching. He noted his difficulty approving the resolution when it contradicts other possible actions this evening.

Mr. Younger questioned if that was Mr. Waltman's only reason for delaying the resolution. Mr. Waltman stated that it was.

Mr. Acosta questioned when this resolution should be reviewed. Mr. Waltman suggested that it be reviewed at next Monday's Strategic Planning Committee meeting.

V. Water Authority

Mr. Waltman stated that the RFP process has fallen apart. He stated that Council did contact RAWA and that they were unresponsive. He stated that there was no two year bridge offered by RAWA and expressed the belief that it is clear to him that the system is far from public control. He stated that RAWA should consider themselves an extension of Council and that Council's goal is to strengthen public control of the asset. He stated that Council no longer approves RAWA budgets. He stated that their autonomy has grown since they have relocated outside City Hall.

Mr. Waltman suggested that current RAWA members resign so that new members can be appointed with more Council oversight. He noted the need to examine their billing and collections and improve public relations. He expressed the belief that most residents do not feel that RAWA is a part of City operations.

Mr. Waltman noted his concern with comments made on social media and in the press. He stated that the supermajority of Council supports going through the full RFP process. He stated that not all may like this approach but that there should be mutual respect and support. He stated that this asset is at risk.

Mr. Spencer questioned if Stevens & Lee was hired by Council because of a conflict of interest. Mr. Waltman stated that Charter Section 103 gives Council this power.

Mr. Spencer stated that the choice of legal firm should have gone through the RFP process. Mr. Waltman stated that Council tried to initiate an RFP and it was blocked. He stated that Council felt threatened.

Mr. Spencer stated that the Administration has the option not to pay invoices. Mr. Waltman stated that Council controls the budget and it will ensure that invoices are paid.

Ms. Reed stated that this discussion has gotten off topic.

Ms. Goodman-Hinnershitz stated that she has been contemplating dissolving RAWA for some time. She stated that there is a lot at stake and noted the need to increase public control of this asset.

Mr. Daubert questioned who would run the asset if RAWA is dissolved. Ms. Reed suggested that specific questions may be answered by reviewing the ordinance.

Mr. Weand reviewed the ordinance. He explained that the ordinance does several things:

- Terminates the lease agreement with RAWA - He stated that written notice must be received by RAWA no later than June 30 or else the lease automatically extends another year.
- Requires the resignation of current RAWA board members
- Dissolves the authority
- Takes the asset back from RAWA
- Transfers the asset to a new authority created by Council – Members of the new authority will be appointed by Council and it is hoped that they will be more cooperative than current RAWA members.
- RAWA will convey the asset to the new authority
- The City assumes RAWA debt and transfers the debt to the new authority.
- RAWA cannot interfere with the take back or file legal challenges; no funds can be spent to fight the actions of Council.
- The Mayor cannot interfere with the take back or file legal challenges; no funds can be spent to fight the actions of Council.
- Anyone who violates the above provisions is subject to a fine of \$600 per occurrence.

Mr. Weand stated that one member of RAWA has recently resigned. He stated that if the majority of members resign, Council may not need to dissolve RAWA and create a new authority if Council can gain control. He stated that there is still flexibility and that it may not be necessary to go through the entire process. He explained that if the City takes the asset back it will need a certificate from the PUC.

Mr. Daubert questioned the timeframe to create an authority. Mr. Weand stated that it will take 60 – 90 days. He stated that it is contingent on it not being a long court battle.

Mr. Daubert questioned what would happen if the processes went quickly and the City is not ready. Mr. Waltman suggested that this may be the best way. He stated that new members on the existing board with new controls would be more secure and provide more transparency and cooperation.

Ms. Goodman-Hinnershitz stated that if RAWA is reformed there needs to be better oversight. She noted the need for members not to make decisions without full knowledge of issues. She noted the need for members to have the time and a high level of commitment. Ms. Reed noted the need for expertise.

Ms. Goodman-Hinnershitz questioned if having a five member board would cause issues with a quorum. She stated that this could potentially lead to three board members making big

changes. She questioned adding members to the Authority. Mr. Younger noted the need to amend the articles of incorporation.

Mr. Acosta questioned amending the articles of incorporation. Mr. Weand stated that he would need to research this issue. (*Note: Amendments to the articles of incorporation must be initiated by the authority.*)

Mr. Acosta stated that RAWA was created by Council and other boards are amended by Council. He questioned why RAWA could not be amended. Mr. Waltman suggested that this can be done at any time. Mr. Younger noted the need for further research.

Ms. Reed expressed concern about possible litigation. She suggested an executive session.

Mr. Spencer questioned if Mr. Weand and Mr. Vind were providing services to Council. Mr. Weand stated that they are.

Mr. Spencer stated that he would like a copy of the letter of agreement as it should be a public document.

VI. Executive Session

Mr. Acosta announced that Council will be entering an executive session to discuss potential litigation. Council entered executive session at 6:10 pm and exited at 7 pm.

The meeting adjourned at 7:00 pm.

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