

City of Reading City Council
Regular Business Meeting
Monday, May 12, 2014

Council President Francis Acosta called the meeting to order.

The invocation was given by Pastor Gerald Prentice, Representative of Reading Vicinity Ministerium Association.

All present pledged to the flag.

ATTENDANCE

Council President Acosta
Councilor Daubert, District 1
Councilor Goodman-Hinnershitz, District 2
Councilor Sterner, District 3
Councilor Marmarou, District 4
Councilor Reed, District 5
Councilor Waltman, District 6
City Auditor D. Cituk
City Solicitor C. Younger
City Clerk L. Kelleher
Managing Director C. Snyder

Council President Acosta announced that the purpose of the Executive Sessions during the Monday, April 28th and Monday, May 5th meetings were related to a personnel matter about a potential employee.

PROCLAMATIONS AND PRESENTATIONS

City Council issued the following commendations:

- recognizing Police Memorial Week
- recognizing Neko Mulalley celebrating his accomplishments as a BMX rider

PUBLIC COMMENT

Council President Acosta stated that there was one (1) citizen registered to address Council on agenda matters. He reminded those registered about the public speaking rules. He inquired if any Councilor objected to suspending the public comment rule requiring non-agenda comment at the end of the meeting. As there was no objection, the rule requiring non-agenda comment at the end of the meeting was suspended.

Johanny Cepeda, of Walnut Street, formally apologized for her behavior at the April 28th Regular Council meeting. She stated that she attended the mayor's town meeting and read the information provided by City Council. She stated that she would like additional information on why Council is considering dissolving RAWA, questioned the cost of the dissolution and legal fees associated with the dissolution. She questioned the need to spend this money if the problems with RAWA can be resolved in another manner. She expressed the belief that the negative press associated with this issue reflects poorly on the City.

APPROVAL OF THE AGENDA & MINUTES

Council President Acosta called Council's attention to the agenda for this meeting, including the legislation listed under the Consent Agenda heading and the minutes from the April 28th Regular Meeting of Council. He stated that there are no further changes to the agenda.

Councilor Marmarou moved, seconded by Councilor Sterner, to approve the minutes from the April 28th Regular Meeting of Council and the agenda, including the legislation listed under the Consent Agenda heading. The motion was approved unanimously.

Consent Agenda

A. Resolution 59-2014 - authorizing an amendment of the 2014 CDBG Action Plan to program \$250,000.00 in un-programmed CDBG funds for the PY2014 CDBG Microenterprise Loan Program activity. **(CD)**

B. Resolution 60-2014 - authorizing an amendment to the 2014 CDBG Action Plan to program \$100,000.00 in un-programmed CDBG funds for the PY2014 CDBG Microenterprise Grant Program activity. **(CD)**

C. Resolution 61-2014 - authorizing the disposition of the 2006 and 2007 invoices for the Administrative Services Department, Finance area **(Adm Services)**

ADMINISTRATIVE REPORT

The mayor read the report distributed to Council at the meeting, in summary:

- He attended the 2014 Plumbers Apprentice Banquet
- The PHMC provided a grant to provide historic preservation training for the Historic Preservation Specialist and the Board
- Speed details are occurring
- The repair of the roof at the 9th and Marion firehouse is almost completed
- His plans for a second town meeting on the water lease issue

AUDITOR'S REPORT

City Auditor Cituk read the report distributed to Council at the meeting, in summary:

- Traffic fines 2004-2014
- An update on appropriations transfers will occur at the May 19th Finance Meeting

REPORT FROM DEPT. DIRECTORS, BOARDS, AUTHORITIES, & COMMISSIONS

None.

ORDINANCES FOR FINAL PASSAGE

Pending – Further Legal Review Required

Bill 37-2014 – dissolving the Reading Area Water Authority, approving the Certificate of Termination of the Authority, and authorizing all actions necessary to effectuate the same. **(Law/Council Staff) Introduced at the March 31 special meeting; tabled at the April 14 regular meeting**

Bill 41-2014 – creating the Reading Regional Water Authority **(City Council) Introduced at the April 14 regular meeting**

Bill 26-2014 – approving a long-term lease of certain premises within City Hall to the County of Berks in support of regional emergency communications & operations **(Man Dir) Introduced at the March 24 regular meeting; tabled at the April 14 regular meeting – WITHDRAWN BY THE ADMINISTRATION**

Bill 39-2014 - amending the City Code Chapter 308, Housing, of the Codified Ordinances to eliminate the tenant listing requirement and provide for injunctive relief **(Man Dir) Introduced at the April 14 regular meeting; Advertised April 22**

A. Bill 44-2014 – amending the Purchasing Policies in the Administrative Code **(Adm Services & Council Staff) Reviewed by Finance Committee on April 21; Introduced at the April 28 regular meeting**

Councilor Goodman-Hinnershitz moved, seconded by Councilor Reed, to table Bill No. 44-2014.

Bill No. 44-2014 was tabled by the following vote:

Yeas: Daubert, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman - 6

Nays: Acosta, President - 1

B. Bill 45-2014 - amending Chapter 212, Fee Schedule, Section 120 Parks and Recreation, of the City of Reading Code to add a rental fee for Egelman’s Park **(Recreation Commission) Introduced at the April 28 regular meeting; Advertised May 5th**

Councilor Goodman-Hinnershitz moved, seconded by Councilor Daubert, to adopt Bill No. 45-2014.

Councilor Goodman-Hinnershitz stated that this is an important move in the right direction

for the Rec Commission as it furthers their ability to become self sustaining.

Bill No. 45-2014 was enacted by the following vote:

**Yeas: Daubert, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Acosta,
President - 7**

Nays: None - 0

INTRODUCTION OF NEW ORDINANCES

The following ordinance was read into the record:

A. Ordinance – authorizing a project labor management agreement for building projects in the City (**Mayor's Office**)

RESOLUTIONS

A. Resolution 63-2014 – reappointing Joseph Amprey to the Board of Ethics (**Nom & Appts**)

B. Resolution 64-2014 – reappointing Cynthia LaSota to HARB (**Nom & Appts**)

Councilor Marmarou moved, seconded by Councilor Reed, to adopt Resolution 63-64-2014.

Mr. Marmarou noted the skill and ability of those being reappointed tonight. He encouraged others to apply to serve on the Boards, Authorities and Commissions.

Resolution No. 63-64-2014 was adopted by the following vote:

**Yeas: Daubert, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Acosta,
President - 7**

Nays: None - 0

C. Resolution 65-2014 – appointing Nick Wooten as Fire Chief (**Mayor**)

Councilor Marmarou moved, seconded by Councilor Reed, to table Resolution 65-2014.

Resolution No. 65-2014 was tabled by the following vote:

Yeas: Daubert, Marmarou, Sterner, Waltman - 4

Nays: Goodman-Hinnershitz, Reed, Acosta, President - 3

COUNCIL COMMENT

Councilor Goodman-Hinnershitz noted her appreciation for the resurgence of East Reading as many property owners are improving their properties. She noted the need to inform visitors in the downtown not to litter or toss cigarette butts into the cartways.

Councilor Reed thanked Chief Heim and the police force for their tireless work to improve Reading, along with the work of Crime Watch. She noted the 10th anniversary of the fatal accident involving Officer Wise in the 15th Ward. She stated that this event had a great impact on this community. She suggested that the Chief schedule a meeting with the 15th Ward community.

The mayor stated although there were issues and concerns with the Egleman's park property, the ball fields were well maintained.

Councilor Waltman stated that he will address the questions posed by Ms. Cepeda during the Public Comment period. He stated that the dissolution of RAWA is an option Council is exploring. He stated that the cost of the dissolution and the study of the process must be done. He stated that Council was in the process of starting the modeling and scoping process, which would precede the remaining due diligence regarding impacts, value, etc. which would take approximately 3-4 months. He stated that this is Council's process and that a RFP for the system could not occur until those steps are completed. The process would be open to all bidders, including RAWA. This has not been about undermining RAWA but only about finding the value of the system. He suggested that negotiating with RAWA alone is placing the cart before the horse. He noted that following Council's process does not ensure winners or losers.

Councilor Waltman explained that City Council needs independent legal counsel to protect Council and the City's interests in protecting the process and the system. He stated that although Allentown spent \$4M in fees when they went through the process for their system, City Council plans to keep the City's costs much lower than that. He stated that if a new water authority board is named there will be a new lease with much more stringent controls.

Councilor Waltman noted that if the majority of Council decided on a certain process, those involved must follow that process, even though they may not like it. He noted the amount of misinformation from the administration, which is confusing people and making the process go astray. He again stressed the need to explore all options available for the system. He noted the ability of people to meet with Council to ask questions about Council's position and beliefs.

Council President Acosta explained Council's desire to follow an open process to learn the value of the water system. He stated that the Allentown process proved that the value of the system was higher than the number defined in the valuation. He stated that this is a

passionate and multi-faceted issue. He noted the flyer showing his picture with Governor Corbett that was distributed at the mayor's May town meeting. He stated that most people found this flyer ridiculous and misinforming. He stated that Council's decision to explore the true value of the system will impact Reading for many years, which requires a careful decision. He stated that we will not know if RAWA can provide the best deal until an open RFP occurs. Anything other than an open RFP process would be cheating the City and the citizens. He noted the need for the mayor and Council to begin meeting again to continue working on the process the majority of Council desires. He also encouraged citizens to advise Council of their opinions on this issue, no matter that their opinions are.

Councilor Sterner agreed that negotiating directly with RAWA before a full RFP would be putting the cart before the horse. He stated that the full valuation of the asset cannot be determined without a full and open process. He stated that this is an important opportunity for the City, one that must be explored wisely.

The mayor expressed the belief that this forum should not be used to respond to citizen's questions. He suggested that Council hold their own town meetings to address citizen concerns and questions. He noted that obtaining the valuation for the system is important and he inquired why an RFP for the valuation was not done for the short term or the long term.

The mayor stated that Council talks about wanting to meet; however, Council has defined pre-conditions for a meeting such as expressing non-negotiable items. He expressed the belief that people cannot go to a meeting citing things that are non-negotiable. He also questioned what conflict Council can cite to justify the retention of independent legal counsel without using the RFP process. He stated that Council can only retain outside legal counsel if a conflict exists. He stated that as the Authorities Act authorizes Council to dissolve an authority, there is no conflict. He asked Council what conflict exists.

Council President Acosta stated that the mayor cannot dictate how Council chooses to address the public's questions. He also stated that the mayor's letter indicates that only three members of Council are invited and the letter also indicates that the meeting will not be open to the public. He stated that Council will not participate in private meetings and all seven Councilors must be present or at least invited, as three members of Council will not make decisions for a Council of seven. He stated that the public deserves to be informed about this process. He also noted that other undesirable conditions are expressed in the letter.

Councilor Waltman, referring to Council's discussion with the City Solicitor, stated that Council needs legal representation.

Council President Acosta pressured the mayor to define a date and time when he can meet

with Council. He stated that the meeting must be open to the public. He also stated that RAWA will not be included in the first meeting, as Council and the mayor need to first come to some type of resolve.

The mayor noted the need to define ground rules for the meeting and to define the conflict that allows Council to retain outside legal counsel.

Councilor Marmarou stated that as a retired officer, it is an honor to stand with the City's police department in celebration of Police Week. He described the lodge's work to modernize the pay scales and benefit packages for police officers in Pennsylvania.

Councilor Reed described the history of the City's water system starting at the end of the 1800's when the system was run by a private company. A City water bureau took the system over in the early 1900's. The water bureau ran the system until RAWA was created in 1994.

The mayor stated that the public needs to understand why Council will not talk to RAWA.

Councilor Waltman stated RAWA is an entity created by the City and that RAWA needs to be responsive to the City's needs and requests.

Council President Acosta stated that the RHS School Show "In the Heights" about Washington Heights was a fantastic production.

Councilor Goodman-Hinnershitz moved, seconded by Councilor Reed, to adjourn the regular meeting of Council.

Respectfully submitted by Linda A. Kelleher CMC, City Clerk