

**City of Reading City Council
Postponed February 9th Regular Meeting
Held on February 17, 2015**

Council President Acosta called the meeting to order.

The invocation was given by Ray Vargas, of Iglesia Misionera La Senda

All present pledged to the flag.

There was no executive session held during the Committee of the Whole meeting.

ATTENDANCE

Council President Acosta

Councilor Daubert, District 1

Councilor Goodman-Hinnershitz, District 2

Councilor Sterner, District 3

Councilor Reed, District 5

Councilor Waltman, District 6

City Auditor D. Cituk

City Solicitor C. Younger

City Clerk L. Kelleher

Managing Director C. Snyder

Mayor V. Spencer

Council President Acosta stated that Councilor Marmarou is excused from attending tonight's meeting, as he is ill.

PROCLAMATIONS AND PRESENTATIONS

There were no proclamations or presentations at this meeting.

PUBLIC COMMENT

Council President Acosta stated that there are five (5) citizens registered to address Council on agenda matters and three (3) citizens to address Council on non-agenda matters. He asked if any Councilor objected to suspending the rule requiring non-agenda comment at the end of the meeting. As no one objected, the rule was suspended.

Councilor Daubert read the public speaking rules that were adopted by Council.

Cheryl Molina, of Wyomissing, was not present.

Ramon Torres, of South 4th Street, described the ongoing problems with the Puerto Rican Association. He stated that this establishment has become a nuisance bar and he suggested that the City work to close it down. He stated that the sound of gun shots is commonplace near the time the establishment closes on weekends. He stated that the disturbances have harmed the residential integrity of the neighborhood.

Nonnie Singleton, of Willow Street, also expressed concern with the Puerto Rican Association and the distress it brings to the surrounding residential neighborhoods. He agreed with the need to close down this nuisance bar.

Ryan Helms, of Sinking Spring, stated that he represents the local IBEW and he expressed support for the Project Labor Agreement (PLA) language the mayor inserted into the bid document for the waste water treatment plant project. He stated that the PLA does not prevent any contractor from bidding and the PLA promotes local labor and apprentices. He stated that PLAs bring projects in on schedule and on budget. He described several projects locally and nationally that had PLAs. He stated that a PLA ensures a safe work environment and trained labor.

Bill Doward, of Sinking Spring, stated that he represents the sheetworkers and he is a former York City Councilor. He expressed the belief that politicians generally support big business. He read from the Charter and quoted news articles describing how PLAs support local labor.

Carol Furillo, III, of Sinking Spring, described non-union companies that do not properly train employees or hire experienced employees. He stated that this creates safety issues at projects.

Mark Pinkasavage, of Sinking Spring, described his career in the building and trades union. He stated that in Pennsylvania, unions have 8397 registered apprentices and 65-85% of the apprentices graduate. He stated that only 16% of the non-union apprentices graduate. He described the various safety inspection results obtained from the OSHA website.

Abraham Amoros, of Sinking Spring, thanked the laborers who came to tonight's meeting. He stated that PLAs save taxpayer dollars and ensure projects are completed on time and on budget with trained workers. He described projects across the nation that successfully used PLAs. While he agreed that Keystone Research is union funded, they utilize sound research practices.

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 January

26th Regular Meeting of Council. He noted the need to add a resolution making an appointment to the RAWA board to the resolution section.

Councilor Waltman asked to have Resolution A under the Consent Agenda relating to the recycling litigation handles separately. The resolution will be moved to the Resolution heading.

Councilor Sterner moved, seconded by Councilor Reed, to approve the minutes from the January 26th Regular Meeting of Council and the agenda, as amended, including the legislation listed under the Consent Agenda heading, as amended. The motion was approved unanimously.

Consent Agenda

B. Resolution 12-2015 - authorizing, endorsing and implementing the Pennsylvania's Statewide Historic Preservation Plan (**HARB**) - *Set aside at the Jan 26th regular meeting*

C. Resolution 13-2015 - authorizing the refinancing of the RAWA 2007 Bond (not guaranteed by the City) (**Georgeadis Setley**)

ADMINISTRATIVE REPORT

Mayor Spencer read the report distributed to Council at the meeting, in summary:

- Updates of the work of the departments
- Expected vote of the State Senate on the privatization of liquor sales in Pennsylvania

AUDITOR'S REPORT

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

- Update on the 2014 MDJ Court Fines

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

Renee Dietrich, Chair of the Library Board of Trustees, thanked Council for increasing Library funding by \$250,000 in 2015. She stated that this increase allowed the Library to increase their overall hours of operation and retain the services of a development person to help with fundraising. She described the services provided to the community (adult and youth) by the Library. She expressed the belief that the Library provides an essential community service. She expressed hope that the increased funding would continue in the future.

Ms. Dietrich introduced board members present, the executive director and members of the popular children's program.

Councilor Goodman-Hinnershitz noted the need for the Library and the City to work together to develop a sustainable plan similar to the plan developed for the Museum.

Council President Acosta thanked Ms. Dietrich for her report and for the Board's continued effort. He agreed with the need to continue providing financial support to the Library.

ORDINANCES FOR FINAL PASSAGE

A. Bill No. 6-2015 - authorizing the transfer of funds covering HUD eligible salaries within the 2014 Budget between the General Fund and the Community Development Department (Administrative Division) *Introduced at the January 26 regular meeting*

Councilor Reed moved, seconded by Councilor Daubert, to enact Bill No. 6-2015.

Bill No. 6-2015 was enacted by the following vote:

Yeas: Daubert, Goodman-Hinnershitz, Reed, Sterner, Waltman, Acosta, President - 6

Nays: None - 0

B. Bill No. 7-2015 – amending the Fee Schedule by adding EMS membership fees and non-emergency wheelchair transportation fees (Bus Analyst/Man Dir) *Introduced at the January 26 regular meeting; Advertised Feb 2nd*

Councilor Daubert moved, seconded by Councilor Goodman-Hinnershitz, to enact Bill No. 7-2015.

The Managing Director stated that these non-emergency fees have not been increased in over a decade.

Councilor Goodman-Hinnershitz stated that those who use these services have positive experiences.

Council President Acosta agreed that the service provided is positive; however, he noted the need for this service to cover its costs and become self-sustaining.

Bill No. 7-2015 was enacted by the following vote:

Yeas: Daubert, Goodman-Hinnershitz, Reed, Sterner, Waltman - 5

Nays: Acosta, President - 1

INTRODUCTION OF NEW ORDINANCES

Council President Acosta read the following ordinances into the record:

A. Ordinance - authorizing the transfer of \$257,194 from Purchasing to Public Works for budgeted Motorola radio maintenance (**Controller**)

B. Ordinance – authorizing an appropriations transfer within the Department Of Public Works, Division of Solid Waste & Recycling in the amount of \$10,000.00 for Budget Year 2015 **(Public Works)**

C. Ordinance – amending the Position Ordinance by adding two part-time, seasonal Graffiti Abatement Technicians to the Recycling Fund, Fund 56 **(Business Analyst)**

RESOLUTIONS

A. Resolution 14-2015 – relating to contracts and the use of PLAs for the Waste Water Treatment Plant project **(Council Staff) To be distributed Monday**

Councilor Sterner moved, seconded by Councilor Reed, to adopt Resolution No. 14-2015.

Council President Acosta asked Councilor Waltman, the author of the resolution, to read the full text of the resolution.

After he read the resolution aloud, Councilor Waltman stated that this resolution is not anti-labor. He stated that the thrust of the resolution only attempts to protect the cost of this project. He expressed his belief that an open bidding process added to the PLA language would ensure that the City gets the best price for the project. He stated that the open bidding process also levels the playing field for all who wish to compete for the work. He stated that it is critical for the City to save every dollar it can. He noted his long standing frustration with this project. He noted the value of skilled labor but stressed the need to use an open bidding process for this project to obtain the best price. He stated that there was no debate about the PLA requirement that the mayor added to the bid documents.

Councilor Sterner agreed with the need to use an open and transparent bidding process that welcomes bids from all contractors. He stated that Council has heard both sides, the pros and cons, of the PLA issue and this resolution will allow an open bidding process to ensure the City gets the fairest price.

Councilor Goodman-Hinnershitz expressed the belief that the mayor should have made a presentation to Council about the benefits and perceptions of a PLA. She noted the need to define “local labor” in the bid documents. She expressed concern that Council’s request to review a copy of the bid before it was advertised was denied. A review of the bid would have encouraged questions and allowed the mayor to respond accordingly. She noted the need for the PLA to include language pertaining to prevailing wages and a definition of “local labor”. She stated that PFM is reviewing the work study and suggested that they also review the bid document. She stated that she will support the resolution as an open bidding process will help the City obtain the best price for the project.

The mayor stated that he made a presentation to Council two weeks ago (February 2nd). He stated that the use of the PLA language does not prevent non-union companies from bidding. He stated that the mayor has the right to direct the bidding process, although Council has the authority to approve the bid recommendation. He expressed the belief that this resolution smacks at him as mayor and the mayor's powers. He also said that resolutions do not bind the mayor, but are only an expression of Council's opinion. He expressed the belief that the resolution was intended to be against him personally.

Councilor Reed stated that she appreciates the information Council obtained from the open and closed shops. She expressed her belief in the use of an open bidding process that has a level playing field and will provide the best price. She stated that although the resolution is not binding, it expresses the opinion of Council to use a level playing field for this bid process. She noted the lack of transparency on the preparation of the bid and the use of the PLA.

Councilor Waltman agreed that the resolution is an expression of Council's opinion and is not binding the mayor in any way. He noted that the resolution is not a personal attack and the word "mayor" is not even used in the document. He stated that while the resolution is not about the mayor but when the administration makes their recommendation, they will note the time sensitivity of the Consent Decree in an attempt to back Council into a corner. He noted that a \$100M project is currently at stake and the City must get the fairest price.

Councilor Goodman-Hinnershitz stated that the issue is about good communication and obtaining the best price. She stated that this project should benefit laborers who reside in Reading.

Council President Acosta questioned the need for Council to express their opinion on this issue. He stated that he does not agree with adopting this resolution as it could create problems. He expressed the belief that adopting this resolution will not leave Council in a good place. He expressed the belief that the mayor can direct the bidding process and Council's role comes with approving or rejecting the bid. He suggested that Council avoid stepping in at this point.

Councilor Waltman again stated that it is important for Council to express their opinion on the process used for this project and bid. He again stressed the need for a fair and level bidding process.

Council President Acosta objected to Council stepping into a process that is directed by the mayor.

Councilor Sterner called for the question to end debate on this topic.

The motion to end debate was approved by the following vote:

Yeas: Goodman-Hinnershitz, Reed, Sterner, Waltman, - 4

Nays: Daubert, Acosta, President - 2

Resolution No. 14-2015 was adopted by the following vote:

Yeas: Goodman-Hinnershitz, Reed, Sterner, Waltman, - 4

Nays: Daubert, Acosta, President - 2

**B. Resolution 20-2015 – appointing Ron Hatt to the Reading Area Water Authority
(Nominations and Appointments)**

Councilor Reed moved, seconded by Councilor Daubert, to adopt Resolution No. 20-2015.

Resolution No. 20-2015 was adopted by the following vote:

Yeas: Daubert, Goodman-Hinnershitz, Reed, Sterner, Waltman, Acosta, President - 6

Nays: None - 0

Removed from the Consent Agenda

A. Resolution 11-2015 – authorizing the continuation of the engagement of Duane Morris to handle the recycling litigation (Man Dir) - *Set aside at the Jan 26th regular meeting*

Councilor Daubert moved, seconded by Councilor Sterner, to adopt Resolution No. 11-2015.

The Managing Director explained that the majority of the legal work will be handled by in-house legal counsel and that the assistance of Duane Morris is required.

Councilor Waltman stated that he will not support this resolution as he believes the issue should be addressed by the State legislators.

Council President Acosta expressed the belief that the issue needs to be handled locally, as the State legislators have not addressed the issue. He also expressed his disagreement with charging the recycling fee as the litigation process wears on and with the use of outside legal counsel.

Councilor Goodman-Hinnershitz requested an update on the legal strategy in executive session and to define limits on the amount of money used to fight this battle. She questioned why Reading should be fighting this battle alone, when the issue affects almost all municipalities. The Managing Director agreed to provide information and she noted that the City attorney will be handling the majority of the case.

Councilor Reed noted the need to contain legal costs and the difficulties in containing these costs. The Managing Director stated that Duane Morris submitted an estimate and they will be held to those numbers.

Council President Acosta stated that the City recycling program costs \$2.2M annually and the State only pays \$150K annually to cover the program that they mandate on municipalities.

Resolution No. 11-2015 was adopted by the following vote:

Yeas: Daubert, Goodman-Hinnershitz, Sterner, Acosta, President - 4

Nays: Reed, Waltman - 2

COUNCIL COMMENT

Council President Acosta expressed concern about the PLA issue and the overall cost of the waste water treatment plant project and the economic impact it would have on laborers who reside here in Reading. Those jobs could be life changing for some Reading laborers. He objected to having the question called when he finally had a chance to address the public on the resolution pertaining to the bid for the wastewater treatment plant project. He again stated that although the resolution was adopted it is meaningless. If it had been adopted before the bid was advertised, the mayor would have the opportunity to issue the bid in the manner identified by the resolution.

Councilor Waltman stated that the mayor could easily extract the PLA language from the bid advertised this afternoon and advertise it, as identified in the resolution. Advertising the bid in both ways would allow the City to obtain a comparison.

Council President Acosta stated that adopting the resolution creates unnecessary drama.

Councilor Waltman stated that the resolution expresses Council's opinion on this issue.

The mayor noted that using the PLA language in the bid will not stop all companies from bidding.

Councilor Waltman moved to adjourn the meeting.

Respectfully submitted by Linda A. Kelleher CMC, City Clerk