



# *CITY COUNCIL*

## ***Committee of the Whole***

**Monday, June 13, 2016**

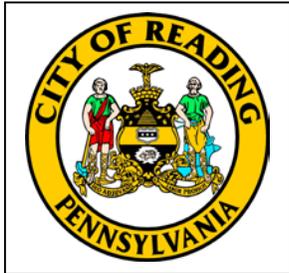
**5:00 pm**

**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. Citizens' Initiative Committee**
- II. RAWA Dissolution Update**
- III. Mineral Spring Hotel/East Ends Update**
- IV. Angelica Park and the DCNR**
- V. Agenda Review**
- VI. Other Matters**



# ***COMMITTEE of the WHOLE***

## ***CITY COUNCIL***

**MINUTES**  
**May 23, 2016**  
**5:00 P.M.**

### **COUNCIL MEMBERS PRESENT:**

S. Marmarou, M. Goodman-Hinnershitz, B. Twyman, D. Reed, J. Slifko, J. Waltman, C. Daubert

### **OTHERS PRESENT:**

L. Kelleher, S. Katzenmoyer, T. Coleman, C. Younger, B. Murray, D. Cituk, A. Palacios, P. Vazquez, R. Johnson

The Committee of the Whole meeting was called to order at 5:04 pm by Mr. Waltman.

### **I. Make the Road PA**

Bernardo Carbajal, Adanjesus Marin, and Luis Vera thanked Council for allowing them to make this presentation.

Mr. Marin stated that the group has met with individual Councilors in the past. He stated that he has 1,200 supporters for the municipal ID program and that 30 cities have already started programs. He stated that he has submitted draft legislation to institute the program in Reading.

Mr. Marin stated that there are thousands of people living in the shadows in Reading who cannot acquire a State ID. He stated that without ID these people cannot obtain prescriptions, pick their children up at school, use the public library, or have bank accounts. He stated that this has created a subclass of residents who cannot fully participate in the community. He stated that in addition to assisting undocumented immigrants, the program

would also assist senior citizens, the disabled, low income and African-Americans. He stated that Philadelphia and Pittsburgh are considering programs at this time.

Mr. Marin stated that creating the program will increase City revenue. He stated that there will be a cost to obtain the ID and that the general fee is \$15.

Mr. Daubert stated that the information provided shows that San Francisco is subsidizing 10% of the cost of the program. Mr. Marin stated that this is a lesson learned. He suggested that the City perform a study to determine the fee. He expressed the belief that this would also increase revenue from the Per Capita Tax as people are identified.

Mr. Scott and Ms. Castner arrived at this time.

Mr. Marin suggested that a committee be established to work with the community for additional benefits to having the ID so that all members of the community will want one. He stated that incentives can be created and suggested discounted tickets to cultural events and at local retail.

Mr. Slifko questioned why the State program was not working for these individuals. Mr. Marin stated that the State program eliminates IDs for undocumented residents. He stated that without a birth certificate a State ID cannot be obtained. He stated that the cost and the waiting period are also prohibitive. He stated that the proposed legislation expands the acceptable forms of proof of residence to obtain the municipal ID.

Mr. Slifko questioned the variation between the State ID program and the municipal ID program. Mr. Marin stated that the State requires six forms of proof and that some of these forms intentionally eliminate undocumented residents.

Ms. Goodman-Hinnershitz stated that she has recently acquired a State non-driver's ID. She stated that a Social Security card or a rejection letter from Social Security are accepted. Mr. Marin stated that undocumented residents cannot secure or apply for Social Security as they are not citizens of the United States.

Ms. Reed questioned the value of the ID when these residents are outside the City of Reading. She stated that the Reading ID will not be recognized by other municipalities. Mr. Carbajal stated that the Full Faith and Credit requirement of the Fair Credit Reporting Act states that any government issued ID must be recognized by all municipalities.

Mr. Marin suggested that there be an expiration date on the ID so that reapplication is necessary.

Mr. Twyman stated that City resources are scarce and that funding this program may be difficult. He questioned the County's stance on the ID program. Mr. Marin stated that the County does not support the program. He stated that he would prefer a County-wide program but that will not happen at this time. He also stated that the State will not be changing its laws in the near future. He again noted that the program will benefit the City and that Reading will be proactive on the issue. He encouraged Councilors to read the stories of the 1,200 supporters.

Mr. Carbajal stated that the ID program also assists with public safety as residents who are stopped by police can show ID verifying their identity. He stated that when the police are mandated to accept the municipal ID that fewer suspects will remain in jail until their identity can be verified. Mr. Younger objected stated that they cannot be jailed without probable cause.

Mr. Waltman stated that Council will not be taking action on this issue tonight and that it will be further discussed in Council committee. He noted the need for the City to be sure that this program does not carry any liability to the City. Mr. Marin stated that fraudulent use of the ID card is addressed in the draft legislation.

Mr. Waltman stated that fraud and liability are not the same.

Mr. Rivera arrived at this time.

Mr. Twyman questioned the Reading School District's stance on the ID program. He stated that he would like to see inter-municipal cooperation rather than the City acting alone. He stated that this is a complicated issue and again stated that the program would cost the City money and it would need to supply staff. Mr. Marin stated again that residents cannot get the medications they need without ID. He noted the need for the City to do what is best for its residents and stated that the program will not cost the City money. Mr. Carbajal stated that the School District does not have jurisdiction in this issue but that it will honor the ID.

Mr. Cituk stated that the State has better infrastructure to issue IDs. He suggested that Make the Road PA lobby in Harrisburg. Mr. Marin stated that the federal government has taken this power away from the State and will eliminate federal funding if the State implements ID programs for undocumented residents.

Mr. Waltman again stated that this issue will be referred to Council committee. He noted his concerns with substantiating information, any necessary disclaimers, and City liability.

Mr. Daubert stated that the City making the program cost neutral may make it cost prohibitive to the undocumented residents. Mr. Marin stated that there is a national network available that would provide the City with a consultant to perform the cost study.

Mr. Vera stated that Make the Road PA has been working with the State for three years and has not made any progress. He stated that currently undocumented residents pay \$50 for black market, invalid IDs. He noted the need to improve the resident's quality of life.

Mr. Marin suggested that Councilors count the number of times they are asked to show their ID while this issue is under discussion.

Mr. Waltman thanked the representatives for attending and stated that they would be contacted to attend additional meetings if necessary. The representatives left the meeting at this time.

## **II. BAC Liaisons**

Mr. Marmarou stated that the Nominations & Appointments Committee reviewed this issue.

Ms. Goodman-Hinnershitz stated that the list is long and suggested that it be referred back to committee. Ms. Kelleher explained that there are only three which need to be addressed.

Mr. Waltman noted the need to determine if anyone is interested in serving on these three commissions.

Mr. Slifko stated that Mr. Marmarou has already agreed to serve on the Stadium Commission and this legislation has already been changed to accommodate that. He stated that the other three are Shade Tree Commission, Human Relations Commission and Planning Commission. He stated that the legislation for these commissions would need to be amended before liaisons could be appointed.

Mr. Waltman questioned who was interested in serving. Mr. Slifko stated that he would like to attend Shade Tree Commission meetings but that there is time conflict with Council meetings. Mr. Twyman stated that he was interested in all three commissions but that he may have schedule conflicts as well. Ms. Reed stated that she is interested in Planning Commission but that she also would have scheduling conflicts.

Ms. Goodman-Hinnershitz stated that Council is already expected to attend many meetings and has many commitments.

Mr. Waltman suggested that Councilors check their schedules and let Ms. Kelleher know about their availability so that the necessary amendments can move forward.

Ms. Reed noted the need for ex-officio members to keep their attendance at meetings separate from their role as Councilors, to not commandeer meetings, and to understand that they are not a voting member of any BAC on which they are a liaison. She stated that liaisons are not true members and that Council should not impose their beliefs on the others.

Mr. Slifko suggested that legislation may be unneeded as meetings are open to the public and Councilors can attend as they are able. Ms. Goodman-Hinnershitz agreed with this approach rather than giving Councilors another long-term commitment.

Mr. Waltman suggested that this may be the best approach. Council agreed.

### **III. Citizen's Initiative Committee**

Mr. Twyman stated that he would like Council to appoint two citizens and expressed the belief that the term should be for two years. He stated that the Committee can be further built if it is successful. He noted the need for additional review.

### **IV. Angelica Park and DCNR**

Mr. Coleman stated that the appraisal should be completed by the end of this week. He stated that the boundary has been adjusted and the parcel is now 93 acres and does not include the fire training center area.

### **V. Pension Reform**

Mr. Slifko stated that he sent the draft resolution to Ms. Kelleher at 4 pm today. Ms. Kelleher distributed a copy of the draft.

Mr. Waltman stated that Mr. Slifko has been working on this issue and that he has also had discussions with Senator Schwank.

Mr. Slifko expressed the belief that this is the best opportunity for reform for the next five years. He stated that Police and Fire will still be mandated to have a defined benefit plan. He stated that currently if the plan's fund underperforms the municipality must pay the difference. He stated that these annual obligations continue to increase and are currently 17% of the City's budget. He stated that State legislation would allow future hires to have a defined contribution (401k type) plan. He stated that the legislation is currently at a critical stage.

Mr. Daubert stated that he is enrolled in the State pension plan as a teacher. He questioned if there would be a conflict of interest if he voted on this resolution. Mr. Waltman opined that it was not a conflict as it addresses local pension.

Ms. Goodman-Hinnershitz expressed the belief that the paragraph about the City getting out of Act 47 is very powerful. Mr. Waltman agreed and stated that Act 47 allows the City to subvert other State regulations but not pensions.

Mr. Slifko stated that police and fire also tend to retire at a younger age and have the opportunity to have a second career and get Social Security. He stated that they can collect both.

Mr. Waltman stated that pensions are also very costly to the State. He stated that they continue to leverage the costs to the City through mandates. He commended Mr. Slifko on his work and stated that if the State legislation passes there will be an immediate impact on the City.

Mr. Cituk stated that Mr. Slifko requested information and stated that the assumed rate of return is 7.75% and that 16% of the City's budget is currently spent on pension obligations. He stated that as of 2015 the three pension funds were \$96 million underfunded. He expressed the belief that fairness would dictate that all pensions would be addressed and not only a portion.

Mr. Marmarou expressed support for the resolution. He stated that the City created part of the problem by initiating the very costly DROP program.

Mr. Waltman expressed the belief that part time Council members have difficulty addressing complex issues. He stated that Council has no control of staff who are enrolled in the pensions and that the State has a strong responsibility. He stated that currently each municipality assumes all the risks.

Ms. Goodman-Hinnershitz stated that the State also needs stronger guidelines and that she is glad the State is finally addressing the issue.

Mr. Marmarou stated that he has heard from many retirees. He stated that they very rarely receive cost of living adjustments (COLA). Mr. Cituk stated that the State does not mandate COLAs and if the funds are underfunded COLAs cannot be granted. He noted his support of the change at the State level. He stated that each time the City must pay more for pensions it cannot provide other services.

Mr. Waltman stated that the agenda for this evening's meeting will be amended to add this resolution.

## **VI. Agenda Review**

Mr. Waltman stated that the flow of the meeting will be adjusted to allow Mr. Marmarou to vote on the Managing Director and Police Chief appointments.

Ms. Kelleher stated that there are currently 17 members of the public registered to speak, most about the municipal ID program.

Council reviewed this evening's agenda including:

- Ordinance authorizing Berks Earned Income Tax to engage a third party to collect delinquent taxes and apply a fee not to exceed 25% of that owed

Mr. Waltman questioned if the 25% would be added to the amount owed to the City. Mr. Younger stated that it would be. He stated that the Administration was reviewing this and may not be in favor of its passage. Mr. Scott stated that 25% is too high.

Mr. Younger also stated that Berks EIT may not be doing this collection.

Mr. Coleman suggested that the ordinance be tabled this evening.

- Ordinance setting the salary of the Managing Director at \$105,000

Mr. Waltman questioned if PFM approved this amount. Mr. Scott stated that they did.

- Ordinance amending the Position Ordinance and Budget to add a Deputy Police Chief and setting the salary at the same rate as captain

Mr. Twyman questioned the difference in roles and responsibilities between the Deputy Chief and a captain if the salary is the same. Mr. Scott explained that there are three captains. He stated that he has learned that officers are promoted only if they are friends of the Chief. He stated that he will be stopping this process and stated that as Deputy Chief, this person will also become Chief when that position is open.

Mr. Twyman questioned the amount of the salary. Mr. Scott stated that it will be \$85,000.

Ms. Goodman-Hinnershitz noted her operational understanding of the Deputy Chief position but noted the need to study its effect on future pension payments.

Mr. Waltman suggested that the new Police Chief address that issue. He stated that Reading does such a great job training officers that many leave to be Police Chief elsewhere.

- Resolution appointing Glenn Steckman as Managing Director

Mr. Daubert stated that he was not present for the interview but that he is comfortable with this appointment.

Mr. Twyman noted the need to review Mr. Steckman's background in executive session.

- Resolution appointing Andres Dominguez Jr as Police Chief

Mr. Marmarou stated that he has an issue to discuss about the candidate in executive session.

- Resolution appointing Stratton Marmarou as liaison to the Stadium Commission

Ms. Kelleher stated that she will prepare the resolution to add to this evening's agenda.

## **VII. Executive Session**

Mr. Waltman announced the need for an executive session to discuss personnel matters and potential litigation.

Council entered executive session at 6:02 pm and exited at 6:36 pm.

Mr. Waltman reminded all that Mr. Marmarou would need to leave the meeting early so the order of the meeting would be changed. Ms. Kelleher stated that after roll call the rules would need to be suspended to address the appointment resolutions.

Ms. Goodman-Hinnershitz reminded all that public comment on these matters must be heard before a vote can be taken.

Ms. Katzenmoyer questioned if the appointment for Police Chief would be tabled until the salary ordinance was enacted. Mr. Waltman stated that it would not be and that there would be a vote this evening.

Mr. Slifko stated that public comment cannot be limited to allow Mr. Marmarou to leave at a certain time. Mr. Waltman agreed.

The meeting adjourned at 6:40 pm.

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

Drafted by City Clerk/City Council  
Sponsored by/Referred by City Council  
Introduced on N/A  
Advertised on N/A

RESOLUTION NO. \_\_\_\_\_ 2016

The Reading City Council hereby resolves as follows:

**Whereas:** City Council creates a Citizen Initiatives Committee to improve the overall effectiveness of City government by:

- 1) Recommending policy changes or suggesting new policies to City Council; and
- 2) Suggesting operational improvements to the City Administration; and
- 3) To educate the general public on the mechanics of city government, as well as, the status of major issues being addressed by city government.

**Section A. Citizen Initiatives Committee Appointments:**

1. Two Members of City Council shall be appointed by City Council.
2. Three Citizens shall be appointed by the Mayor for 4 year terms. The terms of the initial members shall be staggered, with one member serving a term of one year, one member serving for two years, and one members serving for three years.
3. Six citizens, one citizen from each of the six (6) Council Districts shall be appointed by City Council for 4 year terms. The terms of the initial members shall be staggered, with two members serving a term of one year, two members serving for two years, and two members serving for three years.
4. All Members appointed after the initial term period defined in section 3 herein, shall serve a four (4) year term.
5. Each member shall continue to serve until a successor is duly appointed or until some other formal action is taken by Council.
6. Members may be appointed to successive terms with no term limits.
7. A simple majority shall constitute a quorum.
8. Any member absent from three consecutive regularly scheduled meetings shall be recommended to Council for formal dismissal.
9. All appointees must have been City residents for a minimum of one (1) year prior to their appointment and they must remain a City resident to remain a viable member of the Citizens Initiative Committee

**Section B. Officers**

1. The committee will establish their own operational procedures and elect both a Chairman and Vice Chairman to facilitate committee activities.
2. The Chair shall preside at all meetings of the Council and shall have the duties and powers normally invested in the Office of Chair. He/she shall enforce the adopted operational procedures and regulations of the Committee and shall be the official spokesperson for the Committee.
3. The Vice-Chair shall carry out the Chair's duties in case of absence, incapacity, or resignation.
4. The Committee shall elect a Secretary who will be responsible for keeping the official minutes of the Committee and for preparing all correspondence on behalf of the Committee.

**Section C. Meetings**

1. All Citizens Initiative Committee meetings shall adhere to State regulations as defined in the Act of June 3, 1986, P.L. 388, No. 84, known as the Sunshine Act,” 53 P.S. §271 et seq.
2. Regular meetings of the Committee shall be determined by the membership. Notices of meetings will be posted on the City of Reading website.
3. Minutes from meetings will be kept and copies of the meeting minutes will be sent to the City Clerk’s Office.

Adopted by Council on \_\_\_\_\_2016

\_\_\_\_\_  
Jeffrey S. Waltman, Council President

Attest:

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Linda A. Kelleher, City Clerk