



Allentown

435 Hamilton Street
Allentown, Pa. 18101

Minutes - Final

City Council

Wednesday, February 16, 2022

6:30 PM

Council Chambers

Invocation: Moment of Silence

Pledge to the Flag

Roll Call

Present: 7 - Candida Affa, Cynthia Mota, Daryl Hendricks, Ed Zucal, Ce-Ce Gerlach, Joshua Siegel, and Natalie Santos

Courtesy of the Floor

Courtesy and Privilege of the Floor Rules

Mr. Kirk Landes, president and General Manager, Lehigh Valley IronPigs, and joined by Joe Finley who is one of the co-owners. thanked Council. They will be applying in the spring for the ARPA funds. He shared why they will be applying. Major League has taken over the Minor League Baseball Organization. They are required to make improvement. They are working with Lehigh County, the State of Pennsylvania, and Northampton County. The Lehigh Valley Iron Pigs pledge is \$7 million. They intend to get the support of the administration, Mike Schlossberg and Phil Armstrong. He left a presentation.

Mr. Joe Finley, Lehigh Valley IronPigs, stated that he is available to meet individual or collectively. With major league baseball has been in the industry for 30 years now. He can speak from experience. He has been involved with the IronPigs from day one. For the last 28 years, he has been involved with the Trenton Thunder. A minor league team in Trenton New Jersey. They lost their franchise. They were a AA Yankees affiliate for many many years. They were unable to meet the new facility regs. The franchise was revoked by Major League Baseball. They want to avoid that here. They want to stand shoulder to shoulder with the City of Allentown, the county of Lehigh, and Pennsylvania. They are going back to their lenders and putting \$1.5 million towards the project. Lehigh County already approved those funds.

Contract Approvals

[15-4889](#)

R24

Authorizes Contract with Matrix Consulting Group, Ltd. for \$60,000.00 to

conduct an indirect cost study to calculate the amount of each enterprise fund should be reimbursing the General Fund for indirect costs; and a fee study to calculate the full cost of all current and potential fee-for-services for certain General Fund and Enterprise Fund departments, divisions, and services; competitively bid, one proposal.

Sponsors: Administration

Attachments: [R24 - Matrix](#)
[Resolution #30379](#)

Ms. Sarrah McNeil stated that this was done as RFP-28 2021-27. It was advertised on Public Purchase. It was accessed by 43 vendors. One response was received. An evaluation committee made of five people evaluated the proposals and was scored based on the RFP requirements. After all evaluations were computed, the committee recommended an award to Matrix Consulting Group. The cost of the contract is \$60,000.

Ms. Cynthia Mota asked if there were any questions from the dais.

Mr. Ed Zucal stated that he has a lot of faith with Mr. O'Neill and Ms. Baraket. He stated that he is curious why this can't be done in house.

Mr. Seth O'Neil stated that is an excellent point. it is possible, but given the nature of the evaluation a neutral point of view is preferable. It is consistent on how it was done in the past. The people who manage the other funds who contributes to the General Fund and he thinks this is not a new practice would feel more comfortable that something other than the Finance Department who manages the General Fund would have an impartial view of this.

Mr. Ed Zucal stated that it is safe to say that you feel more comfortable and it would look more transparent.

Mr. Seth O'Neil stated that it will foster more transparency, yes.

Ms. Cynthia Mota asked if there were any other questions.

Mr. Daryl Hendricks asked how many vendors responded to this.

Mayor Matt Tuerk stated that there was one response. There were three that viewed the document, but only one responded.

Ms. Cynthia Mota asked if there were any other comments from the dais or from the public.

Yes: 7 - Candida Affa, Cynthia Mota, Daryl Hendricks, Ed Zucal, Ce-Ce Gerlach, Joshua Siegel, and Natalie Santos

Enactment No: 30379

Minutes of Previous Meeting: NONE

Motion to Suspend the Rules by Joshua Siegel, seconded by Ed Zucal to move Bill 10 to the front of the Agenda.

Yes: 7 - Candida Affa, Cynthia Mota, Daryl Hendricks, Ed Zucal, Ce-Ce Gerlach, Joshua Siegel, and Natalie Santos

[15-4859](#)

Reconsideration of RCO Proposal

Councilpersons Siegel and Zucal are prepared to make a motion to clarify and clean some language making it clear the legislation does not apply to 'external' city agencies and clean up some lettering, references and definition of terms.

Rule on Reconsideration:

RULE XII - RECONSIDERATION

A. Reconsideration: A motion to reconsider an Ordinance will be entertained only at the next regular meeting following the one at which a vote was taken on that Ordinance. A Resolution may be reconsidered at the same meeting at which a vote was taken on that Resolution. No second motion to reconsider the motion will be entertained. An Ordinance or Resolution may be reconsidered only once and only at the time stated above.

A motion to reconsider may be made by a member who voted on the prevailing side of the matter to be reconsidered, or by a member who has notified the President of City Council of their intention to be absent and was not present when such a vote was taken. (27391 2/4/98)

Bill 10

Responsible Contractor Ordinance

Sponsors: Mr. Siegel and Mr. Zucal

Attachments: [BILL 10 Reconsidered RCO draft with Amendments](#)[Bill 10 RCO](#)[RCO Data for Council](#)[RCO Data](#)[Code Contracts through H](#)[ADMINISTRATIVE CODE.REVISED 8.2021](#)[Updated RCO Data for Council](#)[2020-112-ORD](#)[Craft Labor Skill Shortages-Policy Brief-2-14-20](#)[Document 1-WA-FemaleMinorityHours2011Annual-Highlights](#)[Document 2-WA-Contract Analysis-2007-2011-Highlights](#)[RCO Document Explanation](#)[RCO](#)

Mr. Joshua Siegel stated that Council should hear comments from the administration, Council and the public.

Ms. Cynthia Mota stated that Bill 10 is on the floor. She asked if there were any questions from the dais or the administration.

Mayor Matt Tuerk stated that this is obviously a Bill that has a lot of public interest. The administration did provide some excellent analysis to Council to make them make a decision. They provided three years of construction contracts that were over \$100,000. They are contracts subject to the provisions of the Responsible Contractor Ordinance. The findings from the analysis is for you to interrupt. He stated that he is supportive of any legislation that would improve quality of life for our workers, that would invest in workforce development as this legislation promises to do. He appreciates the financial and non financial costs associated with any legislation nor financial and non-financial benefits associated with any legislation. It is the position as the Mayor of Allentown that these types of investments in our people are good for the city of Allentown.

Ms. Candida Affa stated that she needs a full cost analysis and explanation as to how much it will add to our cost of contracts. Is the administration and Council willing to increase taxes for a 120,000 residents to accommodate such a change. The administration has given us some data on the issue from the last three years. Under the data we received, we will be left with leaky roofs at the police academy and everywhere else for that matter. Not as many curb cuts and sidewalks completed for handicapped residents to use. Irving Pool demolition would be 43 percent higher. This is in the report. There will be no skate park, etc. There will be a lot of projects that would be stifled with this. We need an explanation as to why. Even the waiver, we wouldn't be incurring costs and leaving more work on

completed. Also, a concern of hers is a statement F. 3. the requirements stated in Section 801 shall also apply to contracts pertaining to construction contracts carried out by an authority for which the city of Allentown is a third party beneficiary. Does this legislation apply to the Parking Authority, Lehigh County Authority, etc.? and to add to the increased cost to our citizens. This question needs to be answered. can the department directors give us direct testimony on how this will impact the city's ability to do capital projects. The bidding process will be a huge problem and she can't imagine or how they can convince her that in the long-run somewhere down the line taxpayers aren't going to be paying for this. Taxes are going to go up. One of the things that Council is here for is to protect the citizens. She is one of those. She truly believes this legislation would add significant costs to future city redevelopment. At a cost, it would make important projects unbuildable. She wants to know why they have to hurry this. It was just introduced two years ago. It went to committee and here we are, we are ready to vote. She stated personally she needs a lot information. Information from the union, information from small businesses. She stated that Council did get information from the administration and if you look at this, one is seven percent higher, 15 percent higher. The pool alone is 50 percent higher. There are so many questions that need to be answered before we make a decision that is going to effect the bidding for the city of Allentown. She stated that she is a union girl and always have been. Her grandfather at the turn of the century worked for Bethlehem Steel. Her fathers, her uncles, her father, her mother was a factory worker. She thanked the union for supporting her in both her campaigns for Council. She stated that she will still back them, but she is not for this legislation, unless she gets a lot more information. This is why she requested that it goes to the Committee of the Whole and give it more time to study this.

Mayor Matt Tuerk stated with all due respect, you are miscategorizing some of the analysis that was prepared for City Council. The idea that the city would have leaky roofs at the police station and we would not be able to demolish the pool because of this legislation or we wouldn't have a skate park is not true. It would cost more in some of those cases to award it to the first qualified bidder, but it is miscategorizing the analysis to suggest those things simply would not occur.

Mr. Daryl Hendricks stated that he would like to second the motion. He has still been receiving emails and letters today and have not been able to read them from other people that are concerned about this legislation. Speaking about the information provided by the administration, there is a total of 18 contracts here. Six of them had other bidders, but were rejected because of the cost. had we awarded those six alone under the RCO plan as proposed, it would have cost the taxpayers of this city an additional over

\$900,000. That is only on six of them. He stated that he has a fiduciary responsibility to the citizens of this city to save them tax dollars. We need to further look into this and get more information about it. The other question he has is are the looking at any consideration to possible litigation resulting from this legislation should it pass. Has the city Controller had the opportunity to do a cost assessment on this legislation. He has not heard anything. He stated to Ms. Affa by the way, this was only put into committee a week ago. The bottom-line here is at what cost to our city taxpayers if this legislation passes. There are far too many questions from himself and other people. He respectfully request that they follow through and also move this to a committee of the whole.

Mayor Matt Tuerk stated that one thing that he will point out is that some of the projects are in fact grant funded. The idea that it is an increase expense to our city's taxpayers may or may not be correct. He stated that he wants to make that clear that some of these are grant funded projects.

Mr. Daryl Hendricks stated with all due respect whether it is grant funded our not, it is still taxpayer dollars which are residents share. That is not a very positive assessment.

Ms. Cynthia Mota stated that she too have concerns. It is important to have an apprenticeship program. With the baby boomers retiring, it is important for people to learn different trades. The reality is that she is concerned about the cost. She is concerned about the taxpayers making the citizens of our city pay more taxes. She stated that they have heard a lot of different views and thoughts tonight. She still believes there are still unanswered questions. How does this ordinance affect the Allentown Parking Authority and its capital investment plan? How does this ordinance affect the funding from Federal Relief Act? Will this restrict who and which programs the city can fund? She stated that she really believe that they should table this. She needs more answers.

Mr. Joshua Siegel stated that he is unequivocally and undeniably in support of this legislation. He stated that he is one of the chief co-sponsors with his Council colleague Zucal. He continually and affirmably strongly in support of this legislation. Despite all the letters and all that they have gotten that he believes wholeheartedly this bill is about being pro-worker, pro-worker rights and pro-worker development. He stands with the mayor and his administration in his commitment to making sure that we invest in workforce development. The most important thing we can do is invest in the workforce tomorrow. Time and time again, clear and unbiased academic evidence shows that apprenticeship is by far the best pathway to making sure our workers are more productive, earn more money and above all else deliver the best value and highest quality product. This city is no stranger

to shoddy craftsmanship and bad projects. He remembers the eastside fire station. The roof was moldy right after it was built. Or Cedar Beach pool for that matter which constantly caved in and required endless dollars to be dumped into it. We have to look at the opportunity cost or not making sure we raise the bar. Not thinking the taxpayers are going to pay more which by the way he does not believe they will. He talked to Executive McClure and Executive Armstrong and they are in support of this legislation. Both of them passed this legislation in their counties. It has been on the books in Northampton since 2018 and in Lehigh County for over two years. Northampton County build a \$11 million state of the art Forensic Center that in on time and under budget. Lehigh County is currently undergoing a \$68 million renovation of their Cedar Brook nursing home. When he thinks about protecting our taxpayers, he thinks about protecting us against future expenses that they should not have to incur when things are done wrong or improperly. He wants to make sure at the end of the day that we stands with workers. The truth of the matter is investing in apprenticeships and having apprenticeships is a win for companies and above all else is a win for the working man and working woman. We had numerous testimonies from contractors of color, female contractors that have testified and stated the value that apprenticeships have in their lives and the difference it made in their rise to the middle class. He wants to be clear because it is a litany of evidence on a meta-scale that shows RCOs are a good thing. If we are not going to stand with working, especially in a working class city, we have no business being up here. He has always been in favor of working class people and the working class policies. It is why he passed the Paid Family Leave Bill. We need to do everything we can that we take care of working people. He stated that he believes that the RCO is instrumental to that. He has done his research. Respect of the timeline, he brought this up two years ago and that was the time to do this. He had to wait longer because he needed the right administration place and the right support system on Council and we have that now. He is glad that he has colleagues standing with him and unafraid to back down in the face of what he feels is disingenuous opposition to the value and benefits of this legislation. To be clear, for every dollar invested in apprenticeships, businesses see a \$1.47 return. When it comes to cost an Urban Institute study found that just seven percent of firms indicated that cost was a concern. There are a litany of state and federal grants out there. There are businesses just forming apprenticeships, assistance that the city can offer, that our local legislators could offer, Congressional legislators can offer. There is no excuse in this day and age that we face a massive shortage of qualified construction workers not to be making these investments. At the end of the day, we have a moral obligation as a city to use our taxpayer dollars to stand with workers. To stand with workforce investment and above all else, make sure we are making multi-generational investments for the future. He trusts

and understands the leaders that he idolizes and respects. He stated Phillips Armstrong and McClure. Former Northampton County Councilperson Bill McGee that could not be here tonight. He stated that he understands. He listens to them and learn from them. They are the ones that educated him on the value of this legislation. He deferred to his elders on that one and the ones that lead the charge. As far as litigation, this has been litigated in the courts and it failed. The court of law upheld Northampton County's RCO. If you want to fight it again and you want another loss than bring it on. The reality of the matter is that this is going to stand. It is already stood in the court of law. He stated that he is proud to stand with workers, with workforce investments, the administration in taking this stance. He urged his colleagues to make that similar vote and stand with working people.

Ms. Ce Ce Gerlach stated that she 100 percent gets the concern because she has the same concerns. She is concerned that passing this legislation could possibly negatively affect small businesses, in particular small business owners and small contractors of color and marginalized groups. She researched and could not find evidence/facts to back up her concern. She could not find a municipality that implemented an RCO and had to rescind it or amend it because it was having negative affects on small businesses or even more specifically businesses of color. She if she would have, she would be voting no. She could not find it. Every piece of research she has found has been positive. She has to go with the data and people that know way more than her about this. The data is positive. The research is positive. She also know when you introduce and pass any legislation there will be unintended consequences. Just because we have not found something, does not mean it could not potentially happen. Does not mean that there could be some small contractors that do not meet the qualifications of the RCO that will be impacted. She is saying that if they pass this and she hopes that they do that the administration and them on Council will be diligently monitoring. She remembers when the Water Authority was sold, a committee was set up.

Ms. Cynthia Mota stated that it was not sold. It was leased.

Ms. Ce Ce Gerlach stated leased. She remembers a committee being set up and the purpose of the committee was to monitor it, check up and make sure things are going well. If we pass this, why not set up some type of group. Some union folks, residents, small business owners, Council people, the administration and keep an eye on it. If we do see that small businesses or minority businesses are being disproportionately impacted, well then we are a legislative body. We can resend it. We can make amendments. We can do what we need to do. I am sure the administration would want to do that too. To say no now when we don't have any evidence

telling us that we should. She can't do that. Since the evidence is in support of an RCO helping workers helping cities and helping taxpayers. She stated that she got to vote yes. Even though she does have concerns. Knowing that they are a legislative body and we can always do what we have to do legislatively later if it does not work out.

Mr. Daryl Hendricks asked Ms. Gerlach if she had an opportunity to read all the emails and letters that were sent to her today.

Ms. Ce Ce Gerlach stated yes, and she also had an opportunity to read the Illinois Economic Policy Institute. Some of the articles that Joshua referenced. She said believe her she has been doing a lot of reading.

Mr. Daryl Hendricks stated that you obviously missed some of them because where there was one with a bid given of \$17 million over bid. That was rescinded. The RCO bill. Also, there was local contractors who sent us emails and your name was on them and they were opposed to this. These are local Allentown residents and contractors.

Ms. Ce Ce Gerlach stated that with any piece of legislation you are going to have people for and against it.

Mr. Daryl Hendricks stated that you said you didn't see any of them that were opposed to this or offered any evidence. There were several.

Ms. Ce Ce Gerlach stated that is what she said. She stated that she could not find any data and any evidence.

Mr. Daryl Hendricks stated respectfully there was a number.

Ms. Ce Ce Gerlach stated opinions is not evidence. It is not data.

Mr. Daryl Hendricks stated that there were sites within the emails.

Ms. Candida Affa stated that she understands what Ms. Gerlach is saying. It would be great if we could just rescind. Meanwhile in the past four, five, six, eight, nine or 10 years it costs the taxpayers a lot of money. She stated that is her concern. It is not her concern if it is going to work or not going to work. She needs a lot more information on this. In terms of small businesses, you talk about the small people. The unions started with that. The working man. She stated that she believes this is going to stifle them. In the meantime how much it is going to cost the citizens of Allentown when we find out we were wrong. It is going to cost the taxpayers a lot of money. She does not want to be one of the Council people that will pass legislation that will cost a lot of taxpayers money. In the meantime, how much it is

going to cost to find out this was wrong.

Ms. Cynthia Mota stated that her concern is what is the big rush. If we are the legislative body and we still have questions and they are unanswered. Don't you think that we have a responsibility to get all the answers before we vote. She stated that she knows the importance of having an apprenticeship program, but at the same time, Council does have unanswered questions. She stated that she wants to know how much this is going to affect and how much are the taxpayers are going to pay. There are still unanswered questions and it will be irresponsible to vote tonight.

Mayor Matt Tuerk stated that we do have a word class Purchasing Department. Ms. McNeil is still on the line. She is in the middle of outlining some contract that the city is engaged in. She is going to do the best that she can with the hand that she is dealt. She will navigate whatever hurdles face her when it comes to getting the best deal for the city. That is something that Council should recognize as we make the decision. As we continue to invest in the quality of our team in Purchasing and they are going to get the best deal for the taxpayer and you are the ultimate check against that.

Mr. Ed Zucal stated to Ms. Affa that over the last eight or nine years, it costs this much money. It hasn't cost us anything because we have not had this program. All the comments that he hears is that some of them assuming this is going to cost the taxpayers. Show me some evidence up to this point before tonight that it has because it could not have. The system wasn't in place.

Mr. Joshua Siegel stated that when this was implemented in the Lehigh County. He can speak to this because he saw the bidding process up close. One of the things that it is hard to evaluate is when you are introducing something new, it is hard to evaluate what was before. A lot of new contractors have come forward at Lehigh County. When you introduce this, it changes the composition of the bidding pool. If you read Executive Armstrong's letter, he indicates that. He stated that he did some research, reached out and understands that the administration compared that analysis of some projects that they have done in the past. For example, on the bridge repair the insinuation is that the city would not have been able to do the bridge repair, but in consultation he knows that in fact where at least three bidders that would have met the RCO provisions and would have been able to do the bridge repair. Of the curb siding and sidewalk is one that you addresses Ms. Affa. On Irving Pool, there were four bidders. He stated that he just wants to be clear that there are people out there that meet the needs. He stated that he did the research and provided them his written testimony in advance of the meeting so they will have an opportunity

to see that he understands and appreciates the administration analysis. It provides a framework. Obviously, introducing new legislation and new perimeters and he can tell them from experience, Lehigh County only had the waiver provision once. To the best of his knowledge, when they used the waiver provision an individual that applied and received that bid would have already qualified under the contract. They just wasn't aware of it. We have a world class Procurement Department and he is fully confident that the reality is and some of them brought up Valania Park and the difficulty we had having somebody bid on that project. We don't have it in place and we are still struggling. It is a symptom of the general atmosphere. The reality is it is up to every bidding department to go out and do the work. He has faith and the utmost trust in our Procurement Department. He is confident there are people that will meet the need. This was not introduced two weeks ago. This has been a two month process. If you are not in the yes column, then you are not in the yes column. He read all the emails for and against and he made his decision. He stated just make the decision. We are not going to kick the can down the road.

Ms. Candida Affa stated that this is about competitive bidding. That is where this whole thing is about. That is her concern. She does not know if people are aware of the fact when the PPL Center was built, the city avoided having Project Labor Agreements. Do you want to know why, is because of concerns with limited competitive building and costs. PPL Center was built using prevailing wages rates and over 95 percent of the building issued to union contractors. We didn't have an RCO there, but we made sure that everybody had a change to be in construction. She stated that she is afraid with the RCO program, it is not going to happen. It would probably 100 percent union. It was interesting back then that they did not want this agreement.

Mr. Daryl Hendricks corrected his colleagues stated that this was brought to Council a week ago. All they are asking for is an opportunity to study this further and have a cost analysis done by our Controller. He stated that he does not think it is a big ask. The city is making a serious change on how we do business in the city. To ask for a couple weeks to do further research is not unreasonable. Perhaps we do find that it would be beneficial, but at least we get those companies out there all bidders an opportunity to weigh in and present evidence as such. That is all they are asking for is a period of time to do that.

Ms. Cynthia Mota thanked Mr. Hendricks and asked if there were any comments from the dais or the public.

Mr. Michael Hanlon stated that this is speaking on the Motion to defer the Bill to the committee, not on the merits of the Bill.

Mr. Alec Tatilla (sp), 1936, W Highland Street, stated that he full supports the RCO and he hopes Council does as well.

Mr. Erin Kelley, Penn-Del Jersey Chapter of the National Electrical Contractors Association, stated that their association just in Pennsylvania is comprised with nearly 150 electrical construction companies. Many of them live or operate in Allentown and the surrounding areas. Some of the names is Orlando Diefenderfer Electrical Contractors, Ace Electrics, Albarell Electric, FIS LLC, IB-Able, and West Side Hammer Electric. He just want to take the time to reiterate their support for this Ordinance. This Ordinance establishes reasonable and common sense certification bonding and other standards for contractors that are bidding on only large projects that deserve the highest quality of work and that the city cannot afford to expend taxpayer money on without ensuring the best people that are working on these projects. What this ordinance does, in the long-run it actually saves taxpayers money. It puts taxpayer's money to good use and it increases workforce development. It helps the city in the long-run by developing an amazing number of blue collar professionals who live in the city and who will contribute to the city's economy for many, many years to come and help create multi-generational wealth and success in the city. The very important aspect of this bill as it has been repeated is the apprenticeship requirement in this bill. Every legitimate contractor whether they are union or nonunion, whether they are large, whether they are small, whether they operate in the city or the country, every single legitimate contractor that is willing to put a little bit of time and energy into creating forms and submitting them and creating this itinerary, this curriculum for their workers to create an educated workforce has the capability to participate in these apprenticeship programs. Any one who is opposed to this Bill that is a contractor, again: union, nonunion, large, small because of this requirement simply does not want to invest the time and energy which is reasonable to do so. To reinvest into the city's workforce. These apprenticeships are not expensive to create. Multiple companies can get together and they can work on them together. They produce the safest and most qualified trades people to produce the best quality work and these programs recruit locally and they create a better local economy by creating a better educated workforce. That is what this ultimately is truly about.

Mr. Terry Crouthamel, Jr., Asphalt Maintenance Solutions, stated that they are a local city contractor that does road and highway maintenance for surrounding municipalities, including the City of Allentown. They have been in business for over 20 years and has done work for the city for over 10 years. They do not have an apprenticeship program in place. Their biggest asset is their employees. They put a lot of time, effort and training into our employees. Free markets work. He stated that if he did not treat

his employees well, they might go to work for the electrical union or the road builders union. He stated that they take really good care of their employees because they take good care of us. Checks and balances really works there. Just because you want to pass a regulation, there are positives to things and there are negatives to things. He stated that Council will hurt a lot of people. You might think you are helping some, but you are just picking winners and losers. That never works in any free market. For the long-term, it just doesn't. He stated that they have six employees that live right within the city of Allentown. You are going to hurt people that are your taxpayers. He stated that they never heard issues with their jobs. There have never been any quality issues. There are good union contractors and there are bad union contractors. There are good unions and there are bad unions. Just because you pass this Bill, doesn't guarantee that you are going to get quality contractors. You just going to limit the pool. You are going to have fewer contractors to pick from that is going to give you higher prices and could give you worse work. He stated for him that basically worked for the city for 10 years telling him hit the road. We did not like your work. He stated that they never heard that once from anybody from the city. It is not a fair way to do it. Even if you want to pass the bill, you have to have five years in that apprentice program. He stated that some of his guys been with the company for 15 years. They exceed that requirement, but since he does not have this apprenticeship program started for five years, by tomorrow if you pass this that totally eliminates him as a bidder even though he has guys that he feels are more qualified than some of these trade unions have. He stated that they are a specialized business that sends guys all over the country to get the training for our specialized projects and specialized processes that they do. You can't get that from the union. He stated that his guys earn more money than union wages. They have better equipment, better safety, better quality. We care about the people and the job that we do. You are going to hurt a lot of people if you choose to move forward with this.

Mr. Christian Linebach, Chairman of the Berks County Board of Commissioners, stated that the proposed Allentown Responsible Contractor Ordinance is neither responsible or just. As a Berks County Commissioner in his 15 years of service, he understands the proper role of government. It is to protect and serve all of our residents with respect and fairness. It is all about standing against discrimination and for equal access for all. The proposed ordinance supports discrimination and makes it plain that only certain firms can work on construction and trades related projects here in Allentown. He stated that he is standing up for businesses in Berks County that would be discriminated against should this ordinance pass. At last week's hearing, you heard from Teddy Chung, Owner of Telco, a Berks County Company. They will be discriminated against by this proposed law. This ordinance creates conflict where no

conflict need exist. During Former Reading Mayor Vaughn Spencer's term, he attempted to pass a similar ordinance in the city of Reading. He spoke against that Ordinance at a Public Hearing like this and in the end the Ordinance was defeated and our companies and our workers liberty were preserved. Make no mistake, this is not about pro-union or anti-union. This is about equal access, equal opportunity and fundamental liberty. He stated that he stands here today to do what is right and what is American and oppose this irresponsible contractor ordinance.

Mr. Brian Wanamaker, Orlando Diefenderfer Electrical Contractors - 116 S. Second Street, stated that Diefenderfer Electrical has been conducting business in the city of Allentown for over 100 years. They perform all types of electrical/telecommunications work from replacing residential outlets to the PPL Arena. Through all these years Diefenderfer has participated in an apprenticeship training program. These programs offer us training from trained trades people working in the industry. Also, it offers classroom instructions from certified personnel. He stated that he is a firm believer that the training program does not add cost to the customer, to the city, or to Diefenderfer Electric. A trained individual is more productive while performing their tasks. If anyone has any doubt about additional education is not being beneficial needs to discuss the pros and cons of that. He stated that when he heard some of the Council people worried about costs at Diefenderfer Electric he has approximately 10 full-time estimators and they do multiple jobs and as they are taking off jobs we take them off and sit back and after we have the take off done, we look at schedule and manpower. A lot of time, our cost is driven by if he does not have foreman or do not have enough training and personnel. It is not to say that he does not want the job, he just spent several thousands of dollars to estimate the job. At that point he has to look and say is it going to cost him more money to do the job. The reason is that he feels that he does not enough trained personnel. The more training you can get, the better off you can be.

Mr. Bud Bower stated that he was born and raised a few blocks away from here. He owns Baseline Contracting and has been in business for 26 years. They have a long history of doing work for the city. In the last five years, there were seven curb and sidewalk programs bid out and they were the successful bidder on three of them. They bid all seven projects. Looking back over the bids today or the last couple of days in the past there was one bidder, one time that bid the project that would have been qualified. They do highway and bridge work primarily. There is not an apprenticeship program that fits their needs. As a result, they spent between \$1,500 and \$2,000 a year per employee in specialized training. They have 3D equipment and run the split form curb machines, split form roadway pavers, they build bridges and do curb and sidewalks. They

spend a lot of money on training. Training is important. If there was an apprenticeship program that he could put new bodies into and expect to get what he wants out of it, he will be right there, but it just doesn't work. We invested a lot of time and money on our people training them on specifically on we do. He commented on what Mr. Siegel stated at one point In Northampton County when they did pass the ordinance, he stated that his company built bridges too. Months ago, he got a phone call from the Purchasing Director asking why they took plans on a projects but did not bid it. He explained why they did not bid it. They received one bid on the project and she was disappointed.

Ms. Sen Chen, Telco, stated that her purpose is to provide some insight on the history of a small business that has maintained hugely beneficial working relationship with the city of Allentown and explain the negative ramifications associated with implementing

Yes: 4 - Ed Zucal, Ce-Ce Gerlach, Joshua Siegel, and Natalie Santos

No: 3 - Candida Affa, Cynthia Mota, and Daryl Hendricks

Moved by Candida Affa, seconded by Daryl Hendricks that Bill 10 be sent to the Committee of the Whole and engage in more information gathering.

Communications

Lehigh Parkway - Great Place in PA - certificate presentation

Ms. Hannah Clark stated that she is the board chair for the eight local sections of Lehigh Valley and Berks County for the American Planning Association for Pennsylvania. Lehigh Parkway was nominated as one of the great places in 2021. She is here to provide the certificate. It was a competitive process and selected by their state committee. They are very excited to share it and honor Lehigh Parkway for the gem that it is. Congratulations to the city of Allentown.

Ms. Cynthia Mota stated that is beautiful and great news. Now, we can clap. The parks are the jewels of our city.

Ms. Karen El Chaar stated that on behalf of all the staff of the Allentown Department of Parks and Recreation, especially for the Parks Maintenance staff who worked very hard to maintain our parks for the enjoyment of the community. We are very grateful, pleased and proud to be recognized at Lehigh Parkway. It is a great place in Pennsylvania.

Old Business: NONE

REPORTS

Committee of the Whole: President Mota A meeting is scheduled for February 23rd to review legislation being introduced this evening – Bill 11, funding for the AHA project, questions are being forwarded to AHA on the issue.

Budget and Finance: Chair Siegel, Hendricks, Santos The Committee met on February 10th and forwarded two items on tonight's agenda; the next regularly scheduled meeting is on February 23 at 5:30 PM – there are two items scheduled for the agenda – a review of Bill 12, the rollover ordinance, and the monthly finance reports.

Community and Economic Development: Chair Gerlach, Siegel, Mota The Committee met on February 9th and forwarded items on tonight's agenda; the next committee meeting is scheduled for March 9th, time to be determined.

Human Resources, Administration and Appointments: Chair Santos, Hendricks, Siegel The Committee has not met since the last council meeting; there are no future meetings scheduled.

Parks and Recreation: Chair Affa, Gerlach, Santos The Committee met this evening; there are no future meetings scheduled.

Public Safety: Chair Hendricks, Zucal, Affa The Committee has not met since the last council meeting; there are no future meetings scheduled.

Public Works: Chair Zucal, Affa, Hendricks The Committee met this evening; there are no future meetings scheduled.

Rules, Chambers, Intergovernmental Relations and Strategy: Chair Mota, Zucal, Gerlach The Committee has not met since the last Council meeting; there will be future meetings set up to list to annual reports related to requirements pertaining to certain Authorities, Boards and Commissions.

Controller's Report: We want to handle the Controllers report in the Budget and Finance Committee going forward.

Mayor's Report

Mayor Matt Tuerk thanked Council for the opportunity to speak from the podium. He stated that he will be brief to respect everyone's time given the long process they just went through. He provided a Report on activities in the city of Allentown since their last City Council meeting, including events that took place from the Mayor's office. He stated that he recently attended the first orientation for a new Fire

Academy class which will add a significant number of new firefighters to the city's complement. The class is mixed. It began last Monday when he was able to greet new firefighters, many whom were residents of the city of Allentown or grew up in the city of Allentown. About half of the academy will be joining the Allentown Fire Department when they complete their work in the Academy. The other half are being trained to serve the city of Easton. A fantastic group of young men who will be improving Public Safety here in the city of Allentown. He was fortunate to join Sergeant Lobst of the Allentown Police Department for a ride along last Wednesday. His experience with Sergeant Lobst was tremendous. They started off the evening reporting to a crime scene and stated that he was able to see the men and women of Allentown Police Department doing fantastic work serving and responding to the needs of our city residents and doing an investigation required at a crime scene. From that spot they were called to a disturbance at the bus terminal at 3rd and Hamilton where he was able to observe members of the Allentown Police Department respond in an incredible humane fashion to a person who was suffering significant distress and who was displaying some issues with mental illness. The demonstration that he saw from the Allentown Police Department and the level of care that they provided to the young woman who created a disturbance on the bus and in serving her needs really defines what the traditional and heard it from the most recent years about the position of our police force. He encouraged all members of Council to check in with our Chief Roca. He has opened the doors to members of Council to join in a ride along to observe how our police department is caretaking for our community. He wanted to extend the invitation to include former members of the Police Department to see how policing has changed in 2022 compared to the time that they served the city. He wanted to mention that they conducted a Trash Town Hall on Monday evening to help residents of the city of Allentown understand not the new regulations, but the regulations that they will now be enforcing with regards trash. he wants to take every opportunity to mention to our residents and to City Council that beginning February 20th, we will begin to enforce the 32 gallon maximum limit on trash cans so you will be able to put out two 32 gallon trash cans we will no longer starting February 20th accept the 96 gallon trash cans. You can keep the 96 gallon trash cans and can use them as storage for your trash, but you should remove the trash bags yourselves and bring them to the curb. A limit of five of those bags of the trash. A Town Hall was done on Facebook with the collaboration of Ms. Mota who helped with Spanish translation and with the Manager of Recycling and Solid Waste, Ann Saurman. They had tremendous feedback from the presentation and have a advance understanding for our residents. He wants to report on development of the ARPA process or funding allocation process for ARPA. He knows Council on December 15 passed a Resolution asking the new incoming administration to develop a process and present that process to City Council by the end of the first quarter. He can tell them that it is a draft of that process on Mr. Lightner's desk. We are participating providing a final report on that process to City Council at its March 16th meeting. He would invite any Council

member to get in contact with our administration review the process with the Department of Community and Economic Development. We welcome your insight and believe with your participation we can develop a good process that is fair to all organizations here in the city of Allentown. He made a final announcement that on Monday, January 14th he extended an offer to Mr. Leonard Lightner to become the Chief Operating Officer of the city of Allentown based on a tremendous amount of professional experience and hands on city experience that he would bring to the job. He stated that he received a number of resumes from individuals outside the region including multiple states, but in reviewing those resumes and comparing them to Mr. Lightner's resume, he was hands down the best qualified candidate. He stated that he offered an offer letter to Mr. Lightner. He did accept so as of Monday, February 14th, Mr. Lightner is the Chief Financial Officer operating out of the Mayor's Office for the city of Allentown. He stated that Mr. Lightner is best equip to deliver on his city's administration and best equipped to help accomplish the goals of the city of Allentown per the Allentown Vision 2030 Community and Economic Development Plan. He gets where we are coming from and committed to operational excellence. He is going to be an excellent Chief Operating Officer. He will have the Department of Public Works, Department of Parks, and the Department of Community and Economic Development reporting to him. He will work closely and collaboratively with the Allentown Police Department and the Allentown Fire Department in providing information to Council related to their operations. He stated that the administration including Finance, HR and IT will continue to report to him. With Mr. Lightner's departure from Directorship from the Department of Community and Economic Development, he has asked Ms. Vicky Kistler who is current the Director of the Health Bureau to step up and serve as the Interim Director. Per the ordinance, she will remain in that role for 90 days while we conduct a search for a new Director of Community and Economic Development. He stated that he looks forward to actively collaborating with Council on identifying the best candidate for that position so you can confirm the candidate that he puts forward at that time. Because of Ms. Kistler's position in the Bureau of Health they do need to immediately name an Interim Director of the Health Bureau and he is asking Mr. Gary Ritter who have served for years in the Allentown Health Bureau to act in that Interim role while Ms. Kistler is helping them out with CED. He asked Council to take Chief Roca on his offer and have a first hand look at life for our Allentown Police Department.

ORDINANCES FOR FINAL PASSAGE (To be Voted On):

[15-4841](#)

Bill 2

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALLENTOWN, PENNSYLVANIA, REPEALING ORDINANCE NO. 13931, NOW TITLE NINE (SPECIAL DISTRICTS), ARTICLE 1393 (FLOOD CONTROL) OF THE CODIFIED ORDINANCES, IN ITS ENTIRETY AND REPLACING IT WITH AN ORDINANCE PROVIDING FOR THE ESTABLISHMENT OF FLOODPLAIN AREAS IN THE CITY OF

ALLENTOWN; REGULATING USES, ACTIVITIES AND DEVELOPMENT;
ESTABLISHING PROHIBITED ACTIVITIES AND DEVELOPMENT;
PROVIDING FOR PERMITS, REGULATIONS, FEES AND PENALTIES
FOR VIOLATIONS AND REPEALING ALL ORDINANCES
INCONSISTENT HEREWITH.

Attachments: [Bill 2 FLOOD PLAIN CONTROL](#)
[Ordinance #15789](#)

Ms. Ce Ce Gerlach stated that it was in her committee and forwarded favorably by the committee.

Ms. Cynthia Mota asked if there were any questions from the dais or the public.

Yes: 7 - Candida Affa, Cynthia Mota, Daryl Hendricks, Ed Zucal, Ce-Ce Gerlach, Joshua Siegel, and Natalie Santos

Enactment No: 15789

[15-4865](#)

Bill 5

An Ordinance providing for the expenditure of certain monies received by the City of Allentown under Title I of the Housing and Community Development Act of 1976, as amended; The Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009; and Title II of the National Affordable Housing Act of 1990, as amended; for the purpose of undertaking programs of housing and community development within the City.

Attachments: [Bill 5 CDBG Account Setup](#)
[Ordinance #15790](#)

Ms. Ce Ce Gerlach stated that it was in her committee and it was forwarded favorably to the full Council.

Ms. Cynthia Mota asked if there were any questions from the dais or the public.

Yes: 7 - Candida Affa, Cynthia Mota, Daryl Hendricks, Ed Zucal, Ce-Ce Gerlach, Joshua Siegel, and Natalie Santos

Enactment No: 15790

[15-4867](#)

Bill 6

Amends Chapter 213, Child-Care Facilities, Articles 1 through 5 inclusive of the Codified Ordinances. The bill updates immunization guidelines to reflect current standards, standardizes the ordinance with PA Department of Human Service regulations, modifies language allowing for consistency with updated regulations related to food safety, fire and building codes, swimming pool safety and CPR/First Aid; and provides for the issuance of

violation tickets (SWEEP).

Attachments: [Bill 6 Child Care Amd](#)
[Ordinance #15791](#)

Ms. Ce Ce Gerlach stated that it was a conversation and concerns about how this might effect some of the childcare facilities and also an understanding that safety is Number 1. We have to look at that as a priority. It was forwarded favorably.

Ms. Cynthia Mota stated that it was also her concern. A lot of family daycare will be affected, but again, as you mentioned before Ms. Gerlach one of the most important thing is the safety of the most vulnerable, the children. She asked if there were any questions from the dais or the public.

Yes: 7 - Candida Affa, Cynthia Mota, Daryl Hendricks, Ed Zucal, Ce-Ce Gerlach, Joshua Siegel, and Natalie Santos

Enactment No: 15791

[15-4868](#)

Bill 7

Amends Chapter 12, Authorities, Boards and Commissions; Article 5, Board of Health, of the Codified Ordinances to clarify the Board of Health duties and responsibilities. This bill clarifies language that established the authority and duties of the Board of Health, eliminating ambiguity. It makes clear the powers originate from commonwealth law. No new powers are being created.

Attachments: [Bill 7 Board of Health Amd](#)
[Ordinance #15792](#)

Ms. Ce Ce Gerlach stated that it was forwarded favorably as well and noted the amendment that was forwarded.

Ms. Cynthia Mota asked if there were any questions from the dais or the public.

Motion made by Ce Ce Gerlach, seconded by Joshua Siegel to end Paragraph B after assembly.

Paragraph B

The Board shall exercise all the rights and perform all the duties and obligations conferred and imposed upon like Boards of Health in Cities of the Third Class of the Commonwealth of Pennsylvania by all relevant Acts of Assembly.

Yes: 7 - Candida Affa, Cynthia Mota, Daryl Hendricks, Ed Zucal, Ce-Ce Gerlach, Joshua Siegel, and Natalie Santos

Enactment No: 15792

Yes: 7 - Candida Affa, Cynthia Mota, Daryl Hendricks, Ed Zucal, Ce-Ce Gerlach, Joshua Siegel, and Natalie Santos

[15-4869](#)

Bill 8

Amending the 2022 Trexler Fund Budget to provide for a supplemental appropriation of Two Thousand Three Hundred Twenty-Seven Dollars and Fifty-Four Cents (\$2,327.54) from the Springwood Trust portion of the Trexler Fund as the balance of the 2021 contribution per General Trexler's will.

Sponsors: Administration

Attachments: [Bill 8 Springwood Trust Appropriation](#)
[Ordinance #15793](#)

Ms. Candida Affa stated that it was forwarded favorably.

Ms. Cynthia Mota asked if there were any questions from the dais or the public.

Yes: 7 - Candida Affa, Cynthia Mota, Daryl Hendricks, Ed Zucal, Ce-Ce Gerlach, Joshua Siegel, and Natalie Santos

Enactment No: 15793

[15-4870](#)

Bill 9

Amending the 2021 Golf Fund Budget to provide for a supplemental appropriation of One Hundred Twenty-Five Thousand (\$125,000) Dollars from the unappropriated balance of Golf Fund for the first loan payment back to the General Fund.

Attachments: [Bill 9 GOLF LOAN PAYMENT #1](#)
[Ordinance #15794](#)

Mr. Joshua Siegel stated that it was forwarded favorably out of the Budget and Finance Committee. This is just the first part of a three part repayment to the General Fund for the Capital Loan the city made to the Golf Course.

Ms. Cynthia Mota asked if there were any questions from the dais or the public.

Yes: 7 - Candida Affa, Cynthia Mota, Daryl Hendricks, Ed Zucal, Ce-Ce Gerlach, Joshua Siegel, and Natalie Santos

Enactment No: 15794

CONSENT AGENDA

Ms. Cynthia Mota asked if anybody had an issue with R26 and wants to take it off the Consent Agenda.

Mr. Matt Tuerk stated that as he reviewed and one of his promises that he would make a review of all the Authorities, Board and Commissions to make sure that it was a level of professionalism brought to those boards. A member of the Commission volunteered his resignation earlier, Mr. Button and we thank Mr. Button for his service. Ms. Clark is a Planner which is a level of expertise that is somehow missing from our Planning Commission. His intent is to continue to find opportunities to add people to commissions, to boards and to authorities at a level of professionalism and at a level of diversity to those boards. He stated that he is very happy she will with Council's vote join the Planning Commission.

Ms. Cynthia Mota thanked Mayor Tuerk and asked if there were any questions from the dais or the public.

Yes: 7 - Candida Affa, Cynthia Mota, Daryl Hendricks, Ed Zucal, Ce-Ce Gerlach, Joshua Siegel, and Natalie Santos

[15-4911](#)

R26

Planning Commission Appointment, Hannah Clark

Term Expiration: 01/29/2025

Sponsors: Administration

Attachments: [R26 Appointment Planning Commission - Hannah Clark](#)

[Planning Commission Appt - Hannah Clark](#)

[Resolution #30380](#)

Enactment No: 30380

RESOLUTIONS FOR FINAL PASSAGE (To be Voted On):

[15-4833](#)

R14

Approves the Submission of an amendment to the 2021 Action Plan to the United States Department of Housing and Urban Development – this is a regulatory step to allocate unspent funds from the federal HOME Investment Partnership Program (HOME) in the amount of \$50,000 for the HADC 418 Liberty Street Project

Sponsors: Administration

Attachments: [R14 Action Plan Amendment - HADC 418 Liberty St.Y STREET](#)

[Resolution #30381](#)

Ms. Ce Ce Gerlach stated that it was forwarded favorably to the full Council.

Ms. Cynthia Mota asked if there were any questions from the dais or the public.

Yes: 7 - Candida Affa, Cynthia Mota, Daryl Hendricks, Ed Zucal, Ce-Ce Gerlach, Joshua Siegel, and Natalie Santos

Enactment No: 30381

[15-4832](#)

R15

Approves the Submission of an amendment to the 2021 Action Plan to the United States Department of Housing and Urban Development – this is regulatory step to allocate unspent funds from the federal HOME Investment Partnership Program (HOME) in the amount of \$187,288 to Habitat for Humanity's Tacoma Street Project.

Sponsors: Administration

Attachments: [R15 Action Plan Amendment - Habitat Tacoma St.](#)

[Resolution #30382](#)

Ms. Ce Ce Gerlach stated that it was forwarded favorably to the full Council.

Ms. Cynthia Mota asked if there were any questions from the dais or the public.

Yes: 7 - Candida Affa, Cynthia Mota, Daryl Hendricks, Ed Zucal, Ce-Ce Gerlach, Joshua Siegel, and Natalie Santos

Enactment No: 30382

[15-4866](#)

R22

Approves the Submission of the Action Plan to the United States Department of Housing and Urban Development, this is a step needed to allow the City to apply for and then access an estimated \$4,053,097.00 in grant funds for the January 1, 2022 to December 31, 2022 program year.

Attachments: [R22 Fed Funds](#)

[Resolution #30383](#)

Ms. Ce Ce Gerlach stated that it was forwarded favorably to the full Council.

Ms. Cynthia Mota asked if there were any questions from the dais or the public.

Yes: 7 - Candida Affa, Cynthia Mota, Daryl Hendricks, Ed Zucal, Ce-Ce Gerlach, Joshua Siegel, and Natalie Santos

Enactment No: 30383

[15-4831](#)

R16

Approves the Submission of an amendment to the 2021 Action Plan to the United States Department of Housing and Urban Development for Traffic Signals – regulatory requirement to allocate unspent funds from the federal

Community Development Block Grant Program (CDBG) in the amount of \$550,000.

Sponsors: Administration

Attachments: [R16 Action Plan Amend - Traffic Signals](#)

[Resolution #30384](#)

Ms. Ce Ce Gerlach stated that it was forwarded favorably to the full Council.

Ms. Cynthia Mota asked if there were any questions from the dais or the public.

Yes: 7 - Candida Affa, Cynthia Mota, Daryl Hendricks, Ed Zucal, Ce-Ce Gerlach, Joshua Siegel, and Natalie Santos

Enactment No: 30384

[15-4907](#)

R27

Approves the Submission of the Action Plan to the United States Department of Housing and Urban Development, requesting to allocate \$50,000 in unspent funds for Hazard Elimination Projects.

Sponsors: Administration

Attachments: [R27 Action Plan Reallocation](#)

[Resolution #30385](#)

Ms. Cynthia Mota asked if there were any questions from the dais or the public.

Yes: 7 - Candida Affa, Cynthia Mota, Daryl Hendricks, Ed Zucal, Ce-Ce Gerlach, Joshua Siegel, and Natalie Santos

Enactment No: 30385

[15-4910](#)

R28

ENDORSES the adoption of the new Historic District Guidelines into the Historic District Ordinance.

Attachments: [R28 HARB](#)

[CEDC Presentation_Easton Architects](#)

[Updated Historic District Guidelines](#)

[Resolution #30386](#)

Ms. Ce Ce Gerlach stated that the consultant provided a presentation and from what she describe it will be much more clear of what the guidelines are. Hopefully, we don't get as many people in front of us who were not clear of what the changes are. It was forwarded favorably.

Ms. Cynthia Mota asked if there were any questions from the dais or the

public.

Yes: 7 - Candida Affa, Cynthia Mota, Daryl Hendricks, Ed Zucal, Ce-Ce Gerlach, Joshua Siegel, and Natalie Santos

Enactment No: 30386

[15-4874](#)

R29

Approves 13 transfers: (1) \$1,350,000.00 in Traffic Planning & Control/Public Works for a downtown Traffic Signal Adaptive System Project funded by the Multimodal Transportation Fund (MTF); (2) \$1,210,564.90 in Finance & Budget Administration for Premium Pay Overage Due Minimum Staffing Requirements, COVID Quarantine Absences, Long-Term OJI, Long-Term Military, Long-Term Sick and Retirements; (3) \$237,893.04 in Finance & Budget Administration for staffing levels and the strength of the workforce varied throughout 2021, in September, noted the premium account was running out of money, throughout the year, utilized premium pay to fill vacancies, generated under budget due to vacancies at time 2021 budget preparation, generated under budget due to vacancies at time 2021 budget preparation (4) \$31,252.21 in Finance & Budget Administration to Correct year End Negative Balance; (5) \$28,224.33 in Finance & Budget Administration to Correct Year End Negative Balances; (6) \$12,396.77 in Finance & Budget Administration to Correct Year End Negative Balance; (7) \$10,538.13 in Finance & Budget Administration to Correct Year End Negative Balances; (8) \$8,000.00 in Building Standards and Safety for \$1,500 originally budgeted for parking at the government deck; transfer is needed to cover monthly contracted parking for 16 rental unit vehicles (\$75 each, per month); (9) \$7,684.29 in Finance & Budget Administration to Zero Out Negative Account Balances; (10) \$7,435.00 in Treasury needed for final 2021 Cheiron invoice for continued analysis of Pension liabilities; (11) \$6,126.74 in Finance & Budget Administration to Correct Year End Negative Balances; (12) \$5,431.41 in Finance & Budget Administration to Correct Year End Negative Balance; (13) 5,063.00 in Finance & Budget Administration to Correct Year End Negative Balance.

Sponsors: Administration

Attachments: [R29 Transfer Funds](#)

[Correct Year End Negative Balances - Finance and Budget Administration \\$10,538.13](#)
[Staffing levels and the Strength of Our Workforce Varied Due to COVID Related Absences Throughout 2021 \\$237,893.04](#)
[Cover Monthly Contract Parking for 16 Rental Vehicles - Building Standards and Safety \\$8,000.00](#)
[Zero Out Negative Account Balances - Health \\$7,684.29](#)

[Premium Pay Overage Due Minimum Staffing Requirements Covid Quarantine Absences, Long-Term OJI, Military and Sick and Retirements \\$1,210,564.90](#)
[Correct Year End Negative Balances \\$5,431.41 - Finance and Budget Administration](#)
[Correct Year End Negative Balances \\$5,063.00 - Finance and Budget Administration](#)
[Correct Year End Negative Balances \\$12,396.77 - Finance and Budget Administration](#)
[Correct Year End Negative Balances \\$6,126.74 - Finance and Budget Administration](#)
[Correct Year End Negative Balances \\$31,252.21 - Finance and Budget Administration](#)
[Downtown Traffic Signal Adaptive System Project](#)

[Final 2021 Cheiron Invoice for Continued Analysis of Pension Liabilities](#)
[Correct Year End Negative Balances \\$28,224.33 - Finance and Budget Administration](#)
[Resolution #30387](#)

Ms. Ce Ce Gerlach stated that it was forwarded favorably to the full Council.

Ms. Cynthia Mota asked if there were any questions from the dais or the public.

Yes: 7 - Candida Affa, Cynthia Mota, Daryl Hendricks, Ed Zucal, Ce-Ce Gerlach, Joshua Siegel, and Natalie Santos

Enactment No: 30387

ORDINANCES FOR INTRODUCTION (To be referred to Committee with public comment prior to referral)

[15-4908](#)

Bill 11

Amending the 2022 ARPA Fund Budget to provide for a transfer of Two Million Seven Hundred Thousand (\$2,700,000) Dollars for the Little Lehigh Project.

Sponsors: Administration

Attachments: [Bill 11 ARPA - LITTLE LEHIGH](#)
[LITTLE LEHIGH PROJECT DESCRIPTION](#)

Ms. Ce Ce Gerlach stated that she understands that this piece of legislation is being referred to the Committee of the Whole and we already have a date set and everything. She thanked the Mayor for addressing the fact that we don't have a procedure, we don't have a process. It seems as though the most reasonable things to do since we don't have a procedure, yet and we don't have a process yet, would be to delay this expenditure, this item until after we do. She stated to her she doesn't see the point of having a Committee of the Whole meeting on an item if we have yet to have a process and procedure for that item to go through.

Mayor Matt Tuerk stated that he appreciates Ms. Gerlach's concern and they are happy to share the draft process that is on Mr. Lightner's desk. You would take that action, but the reason for urgency in this particular case there are the funds that are in jeopardy in this project to the Housing Authority including \$11 million of low income housing tax credits, \$1.3 million of HOME funds that the city has already committed to the project, but it has cleared that process and \$2.5 million of Redevelopment Development Capital Authority assistance funds from the Commonwealth. You may table it, but you will torpedo the project and send a significant amount of dollars back the Pennsylvania Housing Finance Authority which we will never see in Allentown again.

Ms. Ce Ce Gerlach stated that typically there are no comments on a motion to table, but since we are doing comments she respects that, but and don't see anyone here tonight from the Housing Authority because before Covid was a thing, before ARPA was a thing, the Housing Authority had a budget and they came up with the \$2.7 million from somewhere else other than ARPA and other than the city. She would be interested to see where they were going to get the money from before Covid was a thing. She stated that her motion to table stands.

Ms. Cynthia Mota stated the Little Lehigh Project is a very important project. We are dealing with low income families who are in great need of housing. She stated that she believes that they still have a few people there at Little Lehigh. She would hate to see the funds that they already have be lost.

Mr. Michael Hanlon stated that Mr. Farrell was going to come tonight, and the Council President made a commitment to send it to committee. He stated that Council actually told him not to come this evening.

Ms. Cynthia Mota stated that this was mainly an introduction.

Mr. Daryl Hendricks made a suggestion if they could set a meeting up with the Committee of the Whole in the next week.

Mr. Michael Hanlon stated that he sent the Agenda out when Council was talking about the Responsible Contractor Ordinance. It was scheduled for next week at 6:00 PM.

Ms. Ce Ce Gerlach stated Point of Order. There is a Motion on the floor. There never should be a conversation on a Motion to Table.

REFERRED TO THE COMMITTEE OF THE WHOLE

Ce Ce Gerlach made a motion, seconded by Ed Zucal to Table Bill 11 and no other request to amend the 2022 ARPA budget be put before us until there is a process and procedure that will ensure transparency and equitable access.

Yes: 4 - Ed Zucal, Ce-Ce Gerlach, Joshua Siegel, and Natalie Santos

No: 3 - Candida Affa, Cynthia Mota, and Daryl Hendricks

Ms. Ce Ce Gerlach asked if the Council Solicitor weigh in.

Mr. Charles Smith stated that they are under Rule 13. A motion to table must be decided without debate. At that point, it seems as his reading is that it is tabled. Mr. Hendricks is making a motion to bring it forward to the Committee of the Whole notwithstanding that is what was just tabled, correct.

Ms. Ce Ce Gerlach stated yes.

Mr. Daryl Hendricks stated well tabled is not forever. He is asking in the near future that they meet as a Committee of the Whole and discuss it.

Mr. Joshua Siegel asked Mayor Tuerk what is the approximate deadline at the latest they would need the money in order to ensure they continue to ensure all the assistance from both state and federal grants.

Mayor Matt Tuerk stated that the indication from the Housing Authority needs to be able to close on this by mid March.

Mr. Joshua Siegel stated that it provides ample time to see a presentation.

Mayor Matt Tuerk stated that was the intent. It is a mute point right now. The intent was the Housing Authority prepares and delivers a presentation updating Council on the finances on the project at the Committee of the Whole. The Bill is tabled.

Ms. Ce Ce Gerlach stated that this is about a process and the lack thereof.

We cannot have certain organizations have the ability to jump ahead and receive ARPA funding without a process in place. She shares the desire to have affordable housing, but we don't even know how much money from the leftover ARPA funds are going to go to affordable housing. She stated \$2.7 million to the Housing Authority to affordable housing. Is that \$2.7 million to Housing Authority for affordable housing out of \$10 million or is that the only money that is going to go to affordable housing. She stated that they have no idea. Before we make the decision, we need to have the big picture and the full picture. Once the process is in place, the procedures are in place, the Housing Authority can go through those same processes and procedures like Ripple, the Ortiz Ark and all these organizations can go through the same process. Once the requirements are set up some will meet them, some won't and the money would be distributed. But, again, jumping ahead in line, no.

Ms. Cynthia Mota asked if they are meeting next week.

Mr. Michael Hanlon stated that even though the Bill is tabled, the president has the power to create a Special Meeting if she so desires. She has that power.

Ms. Cynthia Mota stated her concern is that we need affordable housing. There is a lack of affordable housing in the city and you know that. We need to help the most vulnerable which is poor people in the city. She understands that it is important to have a process. She stated that she is with Ms. Gerlach when it comes to that, but at the same time, the mayor said that if we don't help them, they will lose the funding that they already have. We also have to keep that in mind. It is extremely important that we meet sometime next week.

Ms. Candida Affa stated that she agrees with Ms. Gerlach that Council talked about this many times that we want a process with this. She used the words jumping the line. She stated that she agrees with Ms. Gerlach, but we should do this quickly.

Mr. Charles Smith stated that action that was tabled was referring the matter to the Committee of the Whole. It was not approving what was referred to the Committee. If it went to the committee, these consideration can be raised with regards to process and it will be a loss of grant funding for it and if it is going to kill a project and all those important things. The only point he is making is that they are not approving it by referring it to the Committee of the Whole. You are just referring it.

Mr. Daryl Hendricks stated that it is an important note that Mr. Smith makes here in the fact that he is not asking him to relegate that money, but

because of the urgency let's listen to what they have to say. He stated that he would do the same for any other organization that was facing the same deadline.

Mr. Ed Zucal stated that Council heard the same story last year when we got the ARPA money that they needed the \$2.7 million now. Here we are almost two years later. They don't have it and we have not given it to them. It is not that urgent.

Mayor Matt Tuerk stated that it is a fair point, but what he will offer that the project itself has cleared the hurdle and has submitted to the CDBG process. He stated that the administration does believe in that process that resulted in the award of low income housing tax credits. We do believe in the process in the award of the RACP dollars. He offered consistent with Ms. Mota's assessment is that this is a project that is ready to go. This will address an immediate need and that is why it merits consideration.

Ms. Ce Ce Gerlach asked if they can have a Committee of the Whole on the draft procedure and process to get that going.

Mayor Matt Tuerk stated that they will bring the draft to the Committee of the Whole. In advance of that draft he still welcomes Councilmembers to check in with Mr. Lightner to review that draft for feedback.

Ms. Ce Ce Gerlach stated that it makes sense to have a meeting about the process and the procedure. Again, the Housing Authority already came here. To have them again come and again to talk about what they want to do. It does make sense to have a Committee of the Whole to see what the procedures are going to be.

Ms. Cynthia Mota stated that they have done other things. She would love to hear from them because they have changed a few things.

Ms. Ce Ce Gerlach stated that once there is a process and procedure, we will hear from them as well as many other organizations. Will they do great work, who knows, but guess what, there may be other organizations that can do great work and that is up to the administration, his team and folks on Council to assess that and wave the options. If we have \$2.7 million to spend on affordable housing, where can we get the most affective outcome.

Mayor Matt Tuerk stated that Mr. Lightner will provide a draft to Mr. Hanlon this evening.

Ms. Cynthia Mota asked where do we stand now. Are we meeting next

week or are we first.

Mr. Michael Hanlon stated that Ms. Mota has the power to make that decision. You have that power as Council President. You don't have to make it now.

Ms. Cynthia Mota stated that they will talk about it at a later date. We have to make sure that it gets done soon.

Mayor Matt Tuerk stated that they committed to following the Rules of Council which is to have all legislation in the hands of Mr. Hanlon by the Tuesday prior to drafting the Agenda which he believes will put them at the next date of February. If we want to have something put on that March 2nd Agenda we have to have legislation to Mr. Hanlon by February 22.

Mr. Joshua Siegel stated to be clear, you will be providing the proposed draft. The scoring sheet in which you want to evaluate applications to receive ARPA funding.

Mayor Matt Tuerk stated right.

Mr. Joshua Siegel stated that he is in favor of that. The way he views it legislatively, relatively quickly you can create some sort of scoring mechanism iniquitous to our bid scoring or our CDBG scoring that many of them have served on and are familiar with. You as the administration can determine how much to provide based on everybody's application and we as Council provides oversight and can choose to award and amend based on your recommendations.

Ms. Cynthia Mota asked will they have enough time to do this.

Mr. Leonard Lightner stated that is exactly the process. We had to document it just like they did with HUD and the CDBG process which some of Council have scored on that. We related it to the ARP. We have guidelines on the scoring process and the scoring sheets and we will present it to you so you can review how the process works. The process is going to be similar of how they do HUD

Mr. Ed Zucal asked would that require them to produce a 990 and is there an established process ready for auditing.

Mr. Leonard Lightner stated yes, there is. They have to submit. They do an application, submit the required documents as needed. At that point, they get scored, get awarded a certain dollar amount, and one of the members or two of the members of Council will be part of the scoring committee just

like we do with HUD.

Ms. Cynthia Mota asked Mr. Smith what does Council do. Do they vote now for Bill 11?

Mr. Charles Smith stated that a referral of Bill 11 to the Committee of the Whole is now in table status. You can move to un-table it or you can use Mr. Hanlon's procedure of a Special Meeting.

Ms. Cynthia Mota stated that she is going to use Mr. Hanlon's procedure of a Special Meeting.

Daryl Hendricks made a motion, seconded by Cynthia Mota for Council meet sometime within the next week and review this under the Committee of the Whole.

[15-4909](#)

Bill 12 Budget and Finance, forwarded favorably Amending the 2022 General Fund, the 2022 Risk Fund, the 2022 Equipment Fund, the 2022 Liquid Fuels Fund, the 2022 Trexler Fund, the 2022 Golf Fund, and the 2022 Stormwater Fund by appropriating funds from the un-appropriated balances for the rollover of encumbrances for the prior year commitments.

Sponsors: Administration

Attachments: [Bill 12 PO Rollover 2021 to 2022](#)
[Ordinance #15795](#)

REFERRED TO THE BUDGET AND FINANCE COMMITTEE

Ms. Cynthia Mota asked if there were any questions from the dais or the public.

Enactment No: 15795

**RESOLUTIONS FOR INTRODUCTION (Can be voted on or Referred to Committee):
NONE**

NEW BUSINESS: NONE

GOOD AND WELFARE: NONE

ADJOURNED: 9:11 PM

[15-4437](#)

Council Rules
Home Rule Charter
Contract Procedures

Attachments: [HOMERULE June 2021](#)
[Council Rules March 2021 Edition](#)
[Contract Procedures](#)