



# Allentown

435 Hamilton Street  
Allentown, Pa. 18101

## Minutes - Final

### City Council

---

Wednesday, December 21, 2016

6:00 PM

Council Chambers

---

#### Call to Order

Rollcall

Rollcall

**Present:** 7 - Ray O'Connell, Julio Guridy, Daryl Hendricks, Cynthia Mota, Candida Affa, Roger MacLean, and David McGuire

#### RESOLUTIONS FOR FINAL PASSAGE (To be Voted On):

[15-1263](#)

R189

Authorization for contract with Robinson Iron Corporation in the amount of \$42,900 for restoration of West Park Fountain (sole bidder)

**Attachments:** [R189 Request for Council Approval - West Park Fountain- Robinson](#)

[Iron](#)

[BID TABULATION 2016-09](#)

[12-21-16 West Park Fountain Restoration](#)

[WP A](#)

[WP B](#)

Ms. Beth Ann Strohl stated that Robinson Iron Corporation was the sole bidder. They will be restoring the fountain.

Mr. Ray O'Connell asked when do they usually do work in springtime or summertime.

Ms. Beth Ann Strohl stated that they will be picking it up as soon as they can.

Mr. Ray O'Connell asked about Friend of West Park. Do you ever ask them if they want to help us out a little bit.

Ms. Beth Ann Strohl stated that Lindsey would better be able to answer that.

Ms. Lindsay Taylor stated that Friends of West Park was not able to

contribute to this, but we did get \$12,000 from Century Fund Grant money that would be put towards the restoration as well.

Mr. Ray O'Connell asked any comments from my colleagues about R189.

Ms. Cynthia Mota asked what did she say. Who gave the \$12,000.

Mr. Ray O'Connell stated that Century Fund. He asked any comments from my colleagues or the public.

Dr. David McGuire stated that it is the repair. He asked about the plumbing lines. He asked about the plumbing inside the fountain itself or the bottom of the fountain to the peripheral area or further up.

Ms. Lindsay Tayler stated that it is all the plumbing in the fountain.

Mr. Julio Guridy asked is it going to be paid by the Century Fund in the Capital Funds. Is it related to the Trexler Fund or is it separate.

Ms. Lindsay Taylor stated that there are Trexler Capital Funds going towards this restoration.

Mr. Ray O'Connell asked any other comments from my colleagues or the public.

**Yes:** 7 - Ray O'Connell, Julio Guridy, Daryl Hendricks, Cynthia Mota, Candida Affa, Roger MacLean, and David McGuire

Enactment No: 29357

[15-1264](#)

R190

Authorization for Engagement of Professional Services with Cocciardi and Associates, Inc. in the estimated amount of \$7,200 for training related to the Lead Abatement Program (two quotes)

**Attachments:** [R190 Request for Council Approval - Cocciardi - Lead Training](#)

Ms. Beth Ann Strohl stated that this contract or professional services will be with Cocciardi Professional Services. They will conduct the training for the lead based paint abatement program that the city will begin in January.

Mr. Ray O'Connell asked is that part of the grant.

Ms. Beth Ann Strohl stated yes.

Mr. Ray O'Connell asked any comments from my colleagues or the public.

**Yes:** 7 - Ray O'Connell, Julio Guridy, Daryl Hendricks, Cynthia Mota, Candida Affa, Roger MacLean, and David McGuire

Enactment No: 29358

15-1265

R191

Authorization for Engagement of Professional Services with Pennoni Associates for emergency engineering services for call outs on structural assessments and evaluations by Building Standards and Safety: Emergency Response for One Person \$275.00 Per Hour; Emergency Response for Two People \$410.00 Per Hour (one year contract with two one year options, three quotes)

**Attachments:** [R191 Request for Council Approval - Emergency Engineering Services - Pennoni Associates](#)

Ms. Beth Ann Strohl stated that this engagement and the next engagement results from a quote that the Purchasing Office issued in conjunction with the Building Standards and Safety and the purpose for that quote is to get an engineering on contract to perform emergency structure assessment and evaluations.

Mr. Ray O'Connell asked is it basically cost neutral for the city. He asked is this a new idea.

Ms. Beth Ann Strohl stated yes. We pay for the and bill them. No, what they normally do is that I don't have anybody on contract for it on an emergency basis.

Ms. Cynthia Mota stated that you said when they don't pay, what happens?

Ms. Beth Ann Strohl stated we that we bill the property owners and if the property owners do not pay, they get lienied.

Mr. Ray O'Connell asked any other comments.

Mr. Julio Guridy stated that this is budgeted for \$10,000.

Ms. Beth Ann Strohl stated approximately. We don't know how many emergency assessments are needed throughout the year.

Ms. Cynthia Mota asked how much money did you spend last year.

Ms. Beth Ann Strohl stated that it would have been the Bureau of Building Standards and Safety that has those numbers.

Mr. Ray O'Connell asked any other comments from my colleagues or the public.

Mr. Glenn Hunsicker, 844 S. 11th Street, stated that if you don't know from

last year. How do you know how much you can appropriate for this particular event. He asked if a private owner can hire its own engineering outfit.

Ms. Beth Ann Strohl stated that the program is run by the Building Standards and Safety. What we requested was to put out a quote for the Emergency Services.

Mr. Roger MacLean stated that it depends on the amount of damage. A couple of years back it was a sinkhole on 10th Street. I was an emergency situation and the city contracted engineers to look at that.

Mr. Ray O'Connell asked any other comments from the public.

**Yes:** 7 - Ray O'Connell, Julio Guridy, Daryl Hendricks, Cynthia Mota, Candida Affa, Roger MacLean, and David McGuire

Enactment No: 29359

[15-1267](#)

R192

Authorization for Engagement of Professional Services with Barry Isett & Associates for emergency engineering services for call outs on structural assessments and evaluations by Building Standards and Safety: Emergency Response for One Person \$275.00 Per Hour; Emergency Response for Two People \$410.00 Per Hour (one year contract with two one year options, three quotes)

**Attachments:** [R192 Emergency Engineering Services - Barry Isett Associates](#)

Ms. Beth Ann Strohl stated that it is the same quote and it is two engineering firms that would be called out on an as needed basis.

Mr. Ray O'Connell asked is there a reason we would go with two firms.

Ms. Beth Ann Strohl stated that in case one is not available.

Mr. Ray O'Connell asked any comments from his colleagues.

Mr. Julio Guridy stated that one was higher than the other. He asked if now you are giving the same contract to the higher bidder.

Ms. Beth Ann Strohl stated that no, this quote was awarded to two vendors at the same price. We just need a backup. As we need them, they will call them out.

Mr. Ray O'Connell asked any other comments from my colleagues or the public.

Mr. Robert Trotner, 1920 Whitehall Street, asked about the firms be local. He asked if this was a contract or an RFP. He asked if there were three bidders. He stated that Isett may be one of the companies that may be investigated by the Grand Jury for Cedar Beach repairs.

Ms. Beth Ann Strohl stated that Barry isett & Associates has an office out of Allentown and Pennoni and Associates are also local. We use their Philadelphia address. This was a Request for Quotation that was released from my office and will result in two separate contracts. There were three bidders, but the other bidder did not agree to the city's call out time.

Mr. Ray O'Connell asked any other comments from my colleagues or the public.

**Yes:** 7 - Ray O'Connell, Julio Guridy, Daryl Hendricks, Cynthia Mota, Candida Affa, Roger MacLean, and David McGuire

Enactment No: 29360

[15-1266](#)

R193

Authorization for Contract with Ross Body and Frame Works Inc. (d/b/a A-1 Towing Service) for towing and storage services for vehicles damaged in accidents and/or impounded vehicles within the City of Allentown - Two (2) year contract, beginning January 1, 2017 and ending December 31, 2018 with one year option – sole bidder. Towing Services for the Year 2017: \$276,000; Towing Services for the Year 2018: \$276,000; Option Year: Towing Services for the Year 2019: \$288,000; Total Revenue for 2017, 2018, & 2019 (if selected): \$840,000

**Attachments:** [R193 Request for Council Approval - Towing Services - Ross Body Frame Works Inc](#)  
[Bid Tabulation \(Bid No 2016-39\)](#)

Ms. Beth Ann Strohl stated that they are going to pay us. We do the pay them for. We budget approximately \$4,000 a year from the General Fund for city tows that are needed for city vehicles.

Mr. Ray O'Connell asked if Ms. Strohl knows how much they make off of this.

Ms. Beth Ann Strohl stated that she does not know.

Mr. Ray O'Connell asked any comments from his colleagues.

Mr. Julio Guridy stated that it sounds good for the city, but how good is it for the residents.

Mr. Roger MacLean stated that it is not on here, but there is a fee schedule.

Mr. Daryl Hendricks stated that in his experience while he still was on the department he was actually the liaison. He found that they were extremely professional and courteous and more than willing to negotiate at times. There is a fee schedule available.

Ms. Gail Struss stated that she has it in front of her and it is outlined for the years of the contract. The maximum amount they are allowed to charge for towing, cleaning up debris, for winching, and for storage per day.

Mr. Julio Guridy asked what is the maximum.

Ms. Gail Struss stated that the plain towing fee is \$150 and the storage is \$45 per day.

Mr. Ray O'Connell asked any other comments from my colleagues or the public.

Mr. Lou Hershman, 405 N. Gilmore Street, stated that Francis X was looking into the business of towing. Most of the major cities do their own towing because they make money on it.

Mr. Ray O'Connell stated that is an interesting concept.

Mr. Daryl Hendricks stated that he spent 15 years in the vice unit with the Allentown Police Department and many of the cars have liens on them from the bank.

Mr. Ray O'Connell asked any other comments from the public.

**Yes:** 7 - Ray O'Connell, Julio Guridy, Daryl Hendricks, Cynthia Mota, Candida Affa, Roger MacLean, and David McGuire

Enactment No: 29361

[15-1268](#)

R194

Authorization for Contract with Amec Foster Wheeler in the amount of \$181,325 to implement a stormwater utility fee (one year contract with one year extension upon mutual agreements; four proposals were received).

**Attachments:** [R194 Request for Council Approval - Consulting Services for the Implementation of a Stormwater Utility Fee - AMEC Foster Wheeler](#)

Ms. Beth Ann Strohl stated that these services were requested through an RFP process. The RFP itself was advertised on September 30, the public opening occurred on November 7th.

Mr. Ray O'Connell thanked Ms. Strohl and stated that he would like to hear more from Mr. Messinger.

Mr. Craig Messinger stated that this is to help us get in line with our Neptus and our MS4 permits for requirements coming from the DEP. This is part of the Clean Water Act.

Mr. Ray O'Connell asked who sets the fee based structure.

Mr. Craig Messinger stated along with us, there will be a group from Council and business owners and Dr. McGuire. There will be many meetings to see what structure is necessary for Allentown.

Mr. Ray O'Connell asked if any other cities or municipalities, boroughs, townships gone through the process.

Mr. Craig Messinger stated that Upper Macungie put in a stormwater fee, Emmaus just raised theirs \$49, Easton called it a rain tax.

Mr. Daryl Hendricks asked about the make requirements or meet requirements.

Mr. Craig Messinger stated meet requirements. We have the 65 page requirements already.

Mr. Julio Guiridy asked how much did you say Lower Macungie or Upper Macungie. He asked are there any other cities in the area that got companies to do this. He asked is it in perpetuity or is it a set amount.

Mr. Crag Messinger stated that it seems like all of them are basically \$40 - \$50 a home per year. He stated that we are the only Phase I in the area. The fee will be to meet our requirements.

Mr. Brent Hartzell stated that if you look at Bureau 815 in the budget under Public Works. We draw from the General Fund for a stormwater expenditures.

Mr. Julio Guridy stated that he is concerned on how it will be assessed.

Mr. Craig Messinger stated that will be all the work that comes out of the committees that would be from Council, members of the public, businessmen. That will be a joint venture.

Dr. David McGuire stated that it has nothing to do with the LCA sewage system contractual arrangements. This is ordered by the original Clean Water and Stream Act. We have not been keeping up with that. We are years behind in keeping up with that. This has to do with collecting all the water or any fluid in the water or on the street or on the street that gets

washed into our storm drains. It is one of the best ways to protect the quality of water in our parks and in our streams to do these precautions.

Mr. Ray O'Connell thanked Dr. McGuire. He asked any other comments.

Ms. Candida Affa asked about the payments. We did not address the larger places like parking lot for Giant and the Airport. Their fee will be a lot higher to compensate for the smaller amount that we have to pay.

Mr. Craig Messinger stated yes, they will. We would take the three largest fee and have them included with everything in the committee. There will be credits allowed for residents and businesses for their required best practices. This is going to be through community involved, Council involvement and the larger stakeholders.

Mr. Roger MacLean asked Mr. Messinger to explain an MS4.

Mr. Craig Messinger stated that is for Municipal Separate Storm Sewer System. We have two systems. We have a sanitary system that is totally separate and we have a storm sewer system that is separate. As Dr. McGuire said it is a requirement that we keep the streams clean.

Mr. Julio Guridy stated that Dr. McGuire stated that it is a federal mandate, but it goes to the state. They mandated this, but don't have any resources. Is there a test or do we get graded.

Mr. Craig Messinger stated that it is unfunded. We got audited two years ago.

Mr. Ray O'Connell asked any other comments from my colleagues or the public.

Mr. Glenn Hunsicker, 844 S. 11th Street, stated that there are a lot of questions to implement \$181,000. Once you start this fee, I don't think you will ever end it. This is a serious matter when you are starting down this road.

Mr. Ray O'Connell stated that he is hearing this is the beginning of the process.

Mr. Roger MacLean stated that this is not a fee. This is to get the consultant group in here to see and answer those questions.

Mr. Craig Messinger stated that there is no fee being implemented tonight.



Mr. Ray O'Connell stated that is set two, three, four and five. We are on step 1.

Mr. Julio Guridy stated that is why we are hiring somebody so that they can help us.

Mr. Glenn Hunsicker stated that these experts are the experts. I guess they are. Somebody on Council should make sure who are these people.

Dr. David McGuire stated that Mr. Messinger made a comment which was hard for the public to hear.

Mr. Craig Messinger stated that you are not voting on a fee tonight.

Mr. Ray O'Connell asked any other comments from the public.

**Yes:** 7 - Ray O'Connell, Julio Guridy, Daryl Hendricks, Cynthia Mota, Candida Affa, Roger MacLean, and David McGuire

Enactment No: 29362

[15-1270](#)

R195

Authorization for Engagement for Professional Services with Zelenkofske Axelrod LLC for City Audit in the years ending December 31, 2016, 2017 and 2018 at a cost not to exceed \$46,400, \$47,497 and \$49,035 respectively (two responses to RFP)

**Attachments:** [R195 Approves City Auditor](#)  
[Request for Council Approval - Rev. 2016](#)

*Mr. Julio Guridy stated that we did do an RFP. There were two firms that responded. We graded them, interviewed them, and I think unanimously we felt that Zelenkofske Axelrod was the most appropriate firm.*

*Mr. Daryl Hendricks stated that the firm that we did select had the most experience with their personnel. They came in at the lowest costs for the three years.*

*Ms. Cynthia Mota stated that they came highly recommended. We called a few people to find out the kind of work that they were capable of doing. They spoke highly of them. We did a thorough job. I think that we chose well.*

*Mr. Ray O'Connell asked any other comments from my colleagues.*

*Mr. Julio Guridy stated out of disclosure, the company where I work is using this firm.*

*Mr. Ray O'Connell asked any other comments from my colleagues or the public.*

**Yes:** 4 - Ray O'Connell, Candida Affa, Roger MacLean, and David McGuire

**Recused:** 3 - Julio Guridy, Daryl Hendricks, and Cynthia Mota

Enactment No: 29365

[15-1276](#)

R198

Authorization for Engagement of Professional Services with McMahon Associates in the amount of \$8,800 for a supplementary construction Inspector as required by PennDOT. The City received an award of \$125,000 for the TAP Safe Routes to School Middle Schools project and as part of PennDOT's requirements, the City must provide a TCIS certified construction inspection.

**Attachments:** [R198 McMahon Approval](#)

Ms. Beth Ann Strohl stated that you are approving the engagement of professional service with McMahon Associates. The Department of Public Works, specifically the Bureau of Traffic Engineering release a quotation and they received five responses. Two of which provided prices, three of which was no proposals/no bids. We had timing issues as well as specific certifications from individuals needed for the projects. The PennDot is requiring a construction engineer regarding the TAP grant.

Mr. Ray O'Connell asked any comments or questions from my colleagues or the public.

**Yes:** 7 - Ray O'Connell, Julio Guridy, Daryl Hendricks, Cynthia Mota, Candida Affa, Roger MacLean, and David McGuire

Enactment No: 29366

[15-1274](#)

R196

Authorization for a Change Order with MidAtlantic Construction & Design Associates d/b/a MidAtlantic Commercial Aquatics in the amount of \$681,345.48 for changes needed to remediate structural issues identified during construction of Cedar Beach Pool

**Attachments:** [Request for Council Approval - MidAtlantic Construction - Change Order No 3 12-21-16](#)

Ms. Beth Ann Strohl stated that this Change Order was approved by the Change Order Committee that consist of the Finance Director, the City Controller and the City Solicitor's office. These changes were required due to structural issues and various other issues that was discovered during construction of the pool.

Mr. Ray O'Connell stated that my first question is that it is not usual to do Change Orders at any time.

Ms. Beth Ann Strohl stated that it is coming to you because it is over 10 percent.

Mr. Ray O'Connell stated that his second assessment is that we need to get this done so we can finally open Cedar Beach Pool. He asked any

questions from his colleagues.

Ms. Beth Ann Strohl stated that the city has a Change Order Committee that reviews all Change Orders to contracts.

Mr. Ray O'Connell asked any comments or questions from my colleagues.

Mr. Julio Guridy stated that it is not usual to do Change Orders, but it is unusual for it to be so high.

Mr. Ray O'Connell stated fair comment.

Mr. Jeff Glazier stated that he thinks that Mr. Guridy made a fair statement. There is some history to this. What we did back in July when it became apparent that the project was not progressing as it needed to do, on behalf of the Change Order Committee I had asked that we go down to the site and inspect it. We got a serious walk-through from the project. Though this is a lot of money, I believe it is justified because we will get a pool out of this. The pool is in the floodplain.

Mr. Frank Clark, Keystone Consultant Engineers, stated that he was engaged back in July to take over the construction management of the Cedar Beach Pool. The best way to look at it is the pool shell that was existing was severely under-sized and did not respond to the conditions that are out there and that's why the pool failed.

Mr. Jeff Glazier stated that it wasn't up to task and they found a number of things in the deconstruction.

Mr. Ray O'Connell stated that it will be open on Memorial Day.

Mr. Jeff Glazier stated that was one of his questions is that if we were still on track for Memorial day.

Ms. Lindsay Taylor stated yes, we are.

Mr. Ray O'Connell asked any questions from my colleagues or the public.

Mr. Daryl Hendricks stated that he is hoping that they are not anticipating any further Change Orders coming of any significance.

Mr. Frank Clark stated that it is difficult to say at this point. I know that you are going to see other Change Orders. There are things that have come up for the Pump House. The main structure of the pool is finished. The pool that you have is engineered to survive in the Floodplain.

Mr. Julio Guridy stated over \$700,000 is a lot of money for a Change Order. The engineers that actually designed the new pool, what happened?

Mr. Frank Clark stated that he can't answer because he was not part of the original design team.

Mr. Ray O'Connell stated that this afternoon we had an executive session with City Council with our Solicitor and we discussed with the City Solicitor and we are working to resolve the issue that you are talking about.

Ms. Cynthia Mota asked do they foresee any issues with other pools, like Jordan. They were built around the same year. She asked Ms. Taylor if Cedar Beach pool built the same year.

Mr. Frank Clark stated that he has not looked at the Jordan Pool. He knows there is a loss of water. It has been so enhanced in the later designs that is where the money is in the steel and the concrete.

Ms. Lindsay Taylor stated yes, they were. They may be. We don't know that yet.

Mr. Ray O'Connell asked any other questions from my colleagues or the public.

Mr. Robert Trotner, Whitehall Street, stated that he appreciates the statement of the Executive Session. If you are suggesting that there are no ethical problems or fraud problems in completing the project. That satisfies me.

Mr. Ray O'Connell stated that we discussed in the Executive Session with the City Solicitor and they are working on a Resolution to resolve the issues with all parties involved.

Mr. Don Ringer, 1801 Liberty Street, stated that he grew up at Cedar Beach and asked Mr. Clark can he guarantee there will be no flood in the pool when Cedar Beach floods.

Mr. Frank Clark stated that he can't guarantee that at this point. From what we can tell the history of that facility was a pass-through pool. It is in the 100 year floodplain. One of the things we will look at in the future is that if we can protect the pool area from the high water from the stream.

Mr. Don Ringer stated that so we are spending \$3 - 4 million and this pool

is going to flood out just like the other one did when the creek overflows and the mud comes in. Why did we build this pool in the flood zone to begin with.

Mr. Frank Clark stated that for what we can tell the history of that facility it was a pass-through pool. Over time, everything gets built around it and then that becomes the place to go. It is in the 100 year floodplain. One of the things that we are going to look at in the future is that if we can protect the pool area from the high water from the stream. We have to go through a hydraulic study which basically tells us if we are allowed to build a berm up there and is the stream channel sufficient enough that we won't cause problems up stream. The Ott Street bridge acts as a throttle so that is on our side. This is like a \$7,000 - \$8,000 study.

Mr. Don Ringer stated shouldn't this have been looked at in the beginning.

Mr. Frank Clark stated that you can look at it in hindsight. He suggested that before we give someone \$700,000 with all the potential corruption probes going on right now, including Cedar Beach. Maybe it can be some liability with these contractors.

Mr. Ray O'Connell thanked Mr. Ringer and asked any other comments from the public.

**Yes:** 6 - Ray O'Connell, Daryl Hendricks, Cynthia Mota, Candida Affa, Roger MacLean, and David McGuire

**Recused:** 1 - Julio Guridy

Enactment No: 29365

**ADJOURNED: 7:18 PM**

[15-790](#) Contract Procedures - The Code

**Attachments:** [Contract Procedures - Code](#)

[15237 Bill 58 Non-Competitive Bids and Campaign Provisions](#)

[15224 Bill 39 Contract Approval Process](#)