



Allentown

435 Hamilton Street
Allentown, Pa. 18101

Minutes - Final

City Council

Wednesday, August 21, 2019

7:00 PM

Council Chambers

This meeting is being live streamed and recorded. The video will be posted on the city website. Remember your manners, exhibit good behavior and smile.

Invocation: Councilperson Hendricks

Pledge to the Flag

Roll Call

Present: 7 - Candida Affa, Roger MacLean, Courtney Robinson, Cynthia Mota, Daryl Hendricks, Julio Guridy, and Ed Zucal

Courtesy of the Floor

Courtesy and Privilege of the Floor Rules

Mr. Lou Hershman, 405 N. Gilmore Street, stated that he read in The Morning Call that there were two shootings over the weekend. We need more police. Put the patrolman back in the budget that was taken out in 2019. He asked about the new Police Chief and stated that people are concerned about Public Safety. He stated to the Mayor, you raised our taxes by 27 percent and the reason was for Public Safety. He talked about The Morning Call's article on the funds for the Gun Buyback Program was short. Council can vote to take it out of the Stabilization Fund for a patrolman and the Gun Buyback Program.

Mayor Ray O'Connell stated that they are on track to get it. They have a timeline. He stated that the city did not lose a patrolman at all. It was moved to the Police Academy's budget.

Mr. Don Ringer, 1801 Liberty Street, stated that Mr. Hyman is a dear friend of his. He went before the city Planning Commission and was going to put a park in the place where there was a fire that the city was going to charge \$1 million. He was asked countless questions, Planning Surveys, Site Surveys, etc. Why do you treat a guy like this that is using his own money like garbage in this city?

Mr. Roger MacLean stated that it was the first he heard about it.

Mr. Don Ringer stated that it was in the paper. He wants to put a park

where the fire was. Why does he have to go through BS to put a park there on his own expense?

Mayor Ray O'Connell asked if that was the Planning Commission or the Zoning Hearing Board.

Mr. Don Ringer stated that he doesn't know what it was, but he was asked 50,000 questions.

Mr. Julio Guridy asked if Mr. Hyman is going to maintain the park.

Mr. Don Ringer stated yes, it is his property. He wants to do something nice. He thanked the majority of Council for doing the right thing on the Police Chief situation. He apologized to Ms. Mota on how she was treated by the Police Department. The Mayor should have done it himself. The Police Department is in disarray. He stated that the city needs to get more officers on the streets and out of their cars. The city needs new leadership and there is one man that could do the job and that is Captain Granitz.

Ms. Yvette Santiago, 1243 S. Jefferson Street, thanked Mr. Ringer for stepping up. Thank you for doing the job. It is not an easy job. No matter what, someone is not going to be happy. She is hoping that a right decision is made. There is a petition going around the city. She is heading it and asking Captain Granitz be the next Chief Police. He is the man in the street, the community trusts, gets out his car, shows up, everyone has his card with his phone number. When you don't want to call 911, you can call him, and he will tell you what to do. She stated that she really hopes that it is not a tough decision.

Mr. Lou Shupe, 814 Walnut Street, stated that in reference to the previous meeting. Use ice cream trucks to reach people in the city, especially the youth. They can be used to distribute all type of information for various programs and anti-gang efforts. He remembers former Mayor Pawlowski had the gun buyback program.

Mr. Jimmy Spang, Riverfront Civic Association, stated that last night they had a meeting. They were briefed by Mr. Zack Jaindl on the Riverfront Development, including Captain Granitz and Code Enforcement Bureau. He got a text from Mr. Jaindl and he was impressed with the neighbors of the first and six wards and their knowledge on the neighborhood.

Mr. Whitney Kemmerer II, S. 1217 8th Street, stated that he wants to draft a proposal for city, state and federal funding for high levels of radiation. Someone can come up and check the levels.

Mr. Roger MacLean asked Mr. Cameron if he had a concern on a particular building.

Mr. Whitney Kemmerer stated yes. That is the start. The 5G network and the WiFi that is a concern that is common. PPL won't come in your house. He asked about full spectrum surveillance and asked about Snowden.

Mr. Roger MacLean asked Mr. Kemmerer to give the Clerk his address. He asked if there were any other comments for Courtesy of the Floor.

Ms. Brenda Fernandez, 1243 S. Jefferson Street, asked about the 12th and Jefferson Street stop sign. She stated that the city definitely needs new leadership. We need fresh eyes. We need one: Who lives in the city, engaged in the community, and is involved to have the community trust the police again.

Mr. Craig Messinger stated that they are working on the design. Once there is a yield sign there, and the city feels that there is an issue they can place a stop sign.

Approval of Minutes:

[15-3119](#) July 17, 2019 City Council Meeting Minutes

Attachments: [July 17, 2019 City Council Meeting Minutes](#)

Yes: 7 - Candida Affa, Roger MacLean, Courtney Robinson, Cynthia Mota, Daryl Hendricks, Julio Guridy, and Ed Zucal

[15-3123](#) August 7, 2019 City Council Contract Approval Meeting Minutes

Attachments: [August 7, 2019 City Council Contract Approval Meeting Minutes](#)

Yes: 7 - Candida Affa, Roger MacLean, Courtney Robinson, Cynthia Mota, Daryl Hendricks, Julio Guridy, and Ed Zucal

[15-3128](#) August 7, 2019 City Council Meeting Minutes

Attachments: [August 7, 2019 City Council Meeting Minutes](#)

Yes: 7 - Candida Affa, Roger MacLean, Courtney Robinson, Cynthia Mota, Daryl Hendricks, Julio Guridy, and Ed Zucal

Old Business: NONE

Communications: NONE

REPORTS FROM COMMITTEES:**Budget and Finance: Chair Guridy, Hendricks, Mota**

The Committee has not met since the last council meeting; the next meeting is scheduled for August 28th – we will be reviewing the CAFR, Management Letter and Single Audit at that time.

Community and Economic Development: Chair Robinson, Guridy, Affa

The Committee has not met since the last Council meeting; we are meeting tomorrow to discuss how the city can help support neighborhood groups and we will be meeting on September 11 – one of the agenda items is to have an update on the comprehensive plan – another meeting will be scheduled prior to that if need be.

Human Resources, Administration and Appointments: Chair Affa, Zucal, Mota

The Committee met this evening; a future meeting is not yet scheduled.

Parks and Recreation: Chair Mota, Robinson, MacLean

The Committee has not met since the last council meeting; the next meeting is not yet scheduled

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Public Safety: Chair Hendricks, Affa, Zucal

The Committee met this evening; the next meeting is not yet scheduled

Public Works: Chair Zucal, Hendricks, Robinson

The Committee met this evening; there are no future meetings scheduled at this time

Rules, Chambers, Intergovernmental Relations and Strategy: Chair MacLean, Affa, Guridy

The Committee has not met since the last council meeting; there are no future meetings scheduled.

Controllers Report

Mr. Jeff Glazier stated that there was a Quarterly Pension Board meeting. The financial results for the Second Quarter, the market has been doing well. We are a tweet away from disaster. The quarter open for the Police Fund at \$163.7 million. The quarter ended at \$166.8 million. The Fire Pension opened the second quarter at \$106.5 million. Closed the quarter at \$108.2 million. The O&E Fund started at \$11 million and ended at \$10.9 million. The O&E fund is what we call a mature fund. It is a declining fund. It is only one active member. So over time, that balance is going to decline and it should last as long as the member is in it. The first two MMO payments were made on 7/31/2019 in the third quarter and they will be reflected in the next Report.

Mr. Julio Guridy asked how much were they.

Mr. Jeff Glazier stated probably the vicinity of \$5 million. Mr. Hartzell can give it.

Mr. Brent Hartzell stated that the MMO first two payments were made already this year. The remaining two quarters will be made in October after we receive our state aid for Pension distribution. Last year, it came to the General Fund in the amount of \$4.5 million and the city used that cash influx to make the last two MMO payments.

Mr. Roger MacLean stated that what Mr. Glazier did was take a three hour meeting and gave it to us in two minutes.

Mr. Jeff Glazier stated that with the Interns they looked at the Process Flow for Sick Leave and the Audit Report. He highlighted and thanked the Human Resources department. They asked for this work to be done and was very cooperative and receptive to the suggestions. There was a lack of Human Resources Sick Day Occasion. Immediate Supervisors will have the conversation with employees informing them of potential concerns regarding attendance. HR committed to tracking sick occasions. They have in fact not tracked sick occasions since July 2018. The Controller's office recommends that the administration needs to determine whether HR or the individual bureau should be tracking sick occasions. Once this is decided, HR needs to send out a formal memo outlining the process and procedure. The bonus sick days have inconsistencies between SEIU and non-bargaining personnel. That should be worked on. The leave time for FMLA is not clearly defined and the Personnel Manual and recommend HR clarify the language. There is no written policy for doctor's appointment's. Some employees times have been incorrectly coded as FMLA and the timekeeper should not code it FMLA until they are properly notified that an employee has been approved for such FMLA. The administration will have training and communication with timekeepers. They did an audit on the David Vision Plan benefits. HR has to create a consistently accurate eligibility file and check on a monthly or quarterly basis.

Mr. Julio Guridy asked who is in charge of maintaining the FMLA records. He stated that it is not being abused.

Mr. Jeff Glazier stated that it should be HR. The city has a variety of departments and they were disbursed geographically, what we really need is some better communication and better leadership to make sure it is consistent throughout the city. HR understands the problem.

Mayor Ray O'Connell stated that if you want to go on FMLA you have to go to a Doctor and do all the forms, and return them to the HR department. Every year you have to update it. It's been cleaned up. It has to be a consistent depository where

all this stuff goes. HR is the place that it should go to.

Mr. Jeff Glazier stated that once again they asked for the audit and receptive of the findings.

Mr. Courtney Robinson asked about the investment of the Pension Funds and the lock box money. With the potential looming threat of a recession discussed. Do you feel confident with the exposure with the investment funds to weather a potential recession or is it a concern that it could potentially take a relatively large hit if we had a bad enough issue in the stock market or a bad enough recession. He asked with the Pension Board and the Pension Investments what is the flexibility. Do you have to schedule an emergency Pension Board meeting or is it some level of flexibility.

Mr. Brent Hartzell stated that Jeff, Mr. MacLean spoke about this in tremendous depth yesterday. They were taking into account not just the recession, but the global disruptions. Hong Kong for an example that is going on right now. There was a recommendation made to move slightly the targets of those particular allocations in the pension funds a little further away from international stocks because of the concerns of the uncertainty in certain parts of the world. It has been raised by the public in previous Pension meeting if we are ready to deal with a recession when it hit or should we be timing purchases or sales on what might happen in the horizon. There are going to be ups and downs in the market. Marquette Associates and Michael Schone who is the adviser to the Pension Board on investment that if there are going to be ups and downs in the market he will make us aware of it. Interest Rates on Treasury Bills have plunged in the past six months. He stated that he is looking to put more cash in those returns in that area. he stated that there is a lot of deference given to the managers. Marquette chose managers who have almost always perform above the market benchmarks in their areas.

Mr. Jeff Glazier stated that you can't time the market. You can't time when to get out and you can't time when to get in. That affects equities for the most part and we are pretty much there for the long haul. If you take the hit and stay in, when the market comes back you reap the rewards. One of the things the city has done in the past six year, we have latter bond funds and what those latter bond funds do is that we have enough money put away for three years and each of the funds to pay benefits and those bonds come through when we need the funds to pay the pensioners. The market is going to go up and the market is going to go down, but we are not going to have to sell those assets to make a fund payment.

Mr. Roger MacLean pointed out that the city has been through ups and downs in the market forever since we had Pension funds and as Mr. Hartzell said we have a person that watches and that we hire to do that for us.

Mr. Jeff Glazier stated that the funds that the city invests in have Fund Managers as well.

Mr. Michael Hanlon stated that what you have done over the past 20 years is to diversify your portfolio. So you are exposed now to real estate and to international. You never did that before.

Mr. Courtney Robinson stated that is what he tried to get at. The fund is diversified and if necessary, quick decisions can be made to prevent a large loss of invested money.

Mr. Julio Guridy stated that if there is a market fall there is not much we can do. Our fund managers will not make a decision without talking to us.

Mr. Brent Hartzell stated that the overall answer is that is true, but they do have flexibility within their particular fund area that if they see something going on they will move out of it.

Mr. Julio Guridy stated that is what they get paid for. We may, but he doesn't think that would happen.

Mr. Roger MacLean stated that they are welcome to come to a Pension Board meeting and talk.

Mr. Julio Guridy stated that he is not coming to the meetings.

Administration Report
NONE

APPOINTMENTS: NONE

ORDINANCES FOR FINAL PASSAGE (To be Voted On):

[15-3081](#)

Bill 49

Amending Article 121.02, Heads of Departments, Offices and Agencies; Qualifications; Prohibitions; Duties, by providing clarifying procedures for the appointment of Heads of Department when a vacancy occurs.

Sponsors: Mr. Zucal, Administration, Mota, Hendricks and Affa

Attachments: [Bill 49 Interim Appts](#)

[14432 Vacant Dept Heads](#)

Mr. Roger MacLean opened the discussion with Council.

Mr. Courtney Robinson stated that as they discussed in committee he has an amendment.

Mr. Roger MacLean asked for a clarification if it was a D or C Section.

Mr. Courtney Robinson stated D Section.

Mr. Roger MacLean stated that we have a D Section - For Qualifications.

Mr. Matt Kloiber suggested C1.

Mr. Courtney Robinson stated that he would stipulate that it would be name C1 as opposed to Section D.

Mr. Roger MacLean asked if there were any comments from Council or the public.

Mr. Roger MacLean stated that we have Bill 49 as amended. Any comments from Council or the public.

A motion was made by Courtney Robinson, seconded by Candida Affa, that this Bill be amended to read as follows:

Allow the administration the option to appoint someone as a temporary department head if a confirmed department head will go on a long-term medical leave, military service or family medical leave. It would add a Section D: Temporary absence Head Of Department. When a department head position is not vacant, but the department head is temporarily unable to fulfill his or her daily responsibilities due to military service or absence authorized by applicable law or regulations or policy, the Mayor may name an existing city employee as "temporary department head" to fulfill the department head's responsibilities until the department head is able to resume his or her duties. When evoking this provision, the Mayor shall notify Council as soon as practical in writing, in general terms. The circumstance requiring the need for the temporary department head, the name of the person who will serve as the temporary department head, as the expected time frame that the temporary department head will serve. When the department head is again available to resume fulfilling his or her duties as department head, the Mayor shall provide Council notice in writing of the date that the department head will be resuming his or her responsibilities. If circumstances require it, the Mayor may extend the time the temporary department head serves in this position by notifying Council in writing as soon as practicable of the circumstances requiring an extension of time and the expected duration of the extension. The temporary department head shall cease in that position immediately when the department head resumes, the department head duties and responsibilities. At that time, the temporary department head will immediately return to the position he or she was serving in prior to being named the temporary department head. If a temporary department head leaves the temporary department head position for any reason prior than the department head resuming his or her duties, the Mayor shall be required to appoint an Interim head of department by following the applicable procedures for Interim Appointments. If a Department Head position has been

filled on a temporary department head basis for nine months, Council may by Resolution require the Mayor to name an Interim Head of Department using the applicable procedures for Interim Appointments. Extensions made by the Mayor as to the length of time for the temporary department head will serve in the position do not limit Council's ability to invoke this paragraph.

The motion carried by the following vote:

Yes: 7 - Candida Affa, Roger MacLean, Courtney Robinson, Cynthia Mota, Daryl Hendricks, Julio Guridy, and Ed Zucal

Approved As Amended

The motion to Approve As Amended carried by the following vote:

Yes: 7 - Candida Affa, Roger MacLean, Courtney Robinson, Cynthia Mota, Daryl Hendricks, Julio Guridy, and Ed Zucal

[15-3099](#)

Bill 50

Amending the 2019 General Fund Budget to provide for a supplemental appropriation of Seven Thousand Eight Hundred Twelve Dollars and Eighty-One Cents (\$7,812.81) from the EMS Council State EMSOF Funds to be used to offset the replacement of monitor/defibrillator modems.

Sponsors: Administration

Attachments: [Bill 50 EMS Council Contribution](#)

Mr. Daryl Hendricks stated that the Bill was forwarded favorably unanimously to the full Council for a vote.

Mr. Roger MacLean asked if there were any other comments from Council or the public.

Yes: 7 - Candida Affa, Roger MacLean, Courtney Robinson, Cynthia Mota, Daryl Hendricks, Julio Guridy, and Ed Zucal

[15-3106](#)

Bill 51

Amending the 2019 Capital Fund Budget to provide for a supplemental appropriation of Five Hundred Thousand (\$500,000) Dollars from the Pennsylvania Department of Community and Economic Development Multimodal Transportation Fund for Phase 3 of the American Parkway Lighting Project.

Sponsors: Administration

Attachments: [Bill 51 American Parkway Grant](#)

Mr. Ed Zucal stated that it was forwarded favorably to the full Council.

Mr. Roger MacLean asked if there were any other comments from Council or the public.

Yes: 7 - Candida Affa, Roger MacLean, Courtney Robinson, Cynthia Mota, Daryl Hendricks, Julio Guridy, and Ed Zucal

RESOLUTIONS FOR FINAL PASSAGE (To be Voted On):[15-3114](#)

R69

Sewage Planning Module for City Place at SW corner of Hamilton Street and 9th Street

Attachments: [R69 City Place - Sewage Planning Module](#)
[Sewage Planning Module - City Place Map](#)
[Sewage Planning Module - City Place Part I](#)
[Sewage Planning Module - City Place Part II](#)

Mr. Roger MacLean asked if the city had the capacity.

Mr. Craig Messinger stated yes.

Mr. Roger MacLean asked if there were any comments from Council or the public.

Yes: 7 - Candida Affa, Roger MacLean, Courtney Robinson, Cynthia Mota, Daryl Hendricks, Julio Guridy, and Ed Zucal

[15-3118](#)

R70

HARB Approval - 532 Law Street

Attachments: [R70 August 2019 HARB Cases](#)
[532 Law St Final Review](#)

Mr. Roger MacLean asked if there were any comments from Council.

Mr. Courtney Robinson stated that in reading this it is an excellent example of a property owner and HARB working together. There were several cases in here where recommendations from HARB that were not part of the initial application were eagerly accepted by the property owner because their goal is to restore the property as close as possible. It is an excellent example of what this law is supposed to do and ask his colleagues to vote in favor of this Certificate of Appropriateness.

Mr. Roger MacLean asked if there were any other comments from Council or the public.

Yes: 7 - Candida Affa, Roger MacLean, Courtney Robinson, Cynthia Mota, Daryl Hendricks, Julio Guridy, and Ed Zucal

ORDINANCES FOR INTRODUCTION (To be referred to Committee with public comment prior to referral)[15-3116](#)

Bill 52

Amending the 2019 General Fund and 2019 Debt Service Fund Budget by transferring Five Hundred Forty Thousand (\$540,000) Dollars from the

unappropriated balance of the General Fund to the Debt Service Fund to enable payment for debt that was unintentionally excluded from the 2019 budget.

Attachments: [Bill 52 Debt Service Payment](#)

Mr. Roger MacLean stated to Mr. Guridy that would be yours and we will have an opportunity to ask questions. He asked if there were any comments from Council or the public.

REFERRED TO THE BUDGET AND FINANCE COMMITTEE

[15-3115](#)

Bill 53 Refer to Public Safety
Amending Part Three, Business Regulation and Taxation Code, Title Nine – Fees, Article 391, City Billing for Emergency Medical Services by updating Section 391.04, Sub-Section D and E to better clarify when a patient is responsible for the ambulance ride bill.

Attachments: [Bill 53 EMS Billing](#)

Mr. Roger MacLean asked if there were any comments from Council or the public.

REFERRED TO THE PUBLIC SAFETY COMMITTEE

RESOLUTIONS FOR INTRODUCTION (Can be voted on or Referred to Committee):

NEW BUSINESS: NONE

GOOD AND WELFARE

Mr. Ed Zucal stated that on August 31st from 12:00 - 6:00 PM at Stevens Playground, 630 N. Sixth Street, they are having a block party. It is called Gloves Up and Guns Down.

Mr. Courtney Robinson stated that he invites his colleagues who are not on the Community and Economic Development Committee to attend tomorrow's Community Forum. He stated that he hopes it will be a successful meeting and a model that can be utilized on at least a yearly basis by whoever assumes the Chairmanship after his term is up in December.

Mr. Roger MacLean asked what time is that again.

Mr. Courtney Robinson stated 6:00 PM in Council Chambers.

ADJOURNED: 8:00 PM