

The City Council met in regular session in the Council Chambers on Wednesday, December 4, 2013 at A.M.

Council Members present: Brennan, Evans, Horan-Kunco, Jones, Merski, Witherspoon and Winarski. 7. Nays. 0.

On motion of Mr. Witherspoon, Seconded by Mr. Winarski the reading of the minutes of the Meeting of November 20, 2013 were dispensed with and same adopted with copies furnished to the members of City Council by yeas Council Members Brennan, Evans, Horan-Kunco, Jones, Merski, Witherspoon and Winarski. 7. Nays. 0.

Copies of the bills under date of December 16, 2013 and December 13, 2013 were given to City Council and same adopted by yeas Council Members Brennan, Evans, Horan-Kunco, Jones, Merski, Witherspoon and Winarski. 7. Nays. 0. Note that Mr. Brennan abstains on all GEICD bills.

By Mr. Merski, Council File No. 15,851, Pending Official File Ordinance No. 28 -2013

An ordinance appropriating the sum of **\$5,060.46** from unappropriated and Monitoring Services for the Norman Way Bridge Replacement, Supplemental Agreement No. 010U19-A.

December 4, 2013. City Council on motion of Mr. Merski, Seconded by Mr. Brennan having read Council File No. 15,851, now known as Pending Official File Ordinance No. 28 -2013 does hereby adopt on Final Passage by yeas Council Members Brennan, Evans, Horan-Kunco, Jones, Merski, Witherspoon and Winarski. 7. Nays 0.

December 4, 2013, Signed by the President. Attested by the City Clerk.

By Mr. Evans, Council File No. 15,582, Pending Official File Ordinance No. 29-2013

An ordinance appropriating the sum of **\$81,202.55** from unappropriated and anticipated revenue; \$74,427.73 received earnings from the Enterprise Zone Revolving Loan Fund and \$6,774.82 program income. These funds are to be allocated into the following Enterprise Zone Program accounts.

December 4, 2013. City Council on motion of Mr. Evans, Seconded by Mrs. Horan-Kunco having read Council File No. 15,582, now known as Pending Official File Ordinance No.29 -2013 does hereby adopt on Final Passage by yeas Council Members Brennan, Evans, Horan-Kunco, Jones, Merski, Witherspoon and Winarski. 7. Nays 0.

December 4, 2013, Signed by the President. Attested by the City Clerk.

By Mr. Witherspoon, Council File No. 15,853, Pending Official File Ordinance No. 30 -2013

An ordinance appropriating the sum of **\$43,794.00** from unappropriated and anticipated revenue and providing for the expenditure thereof. 2013 JUSTICE ASSISTANCE GRANT.

December 4, 2013. City Council on motion of Mr. Witherspoon, Seconded by Mrs. Horan-Kunco having read Council File No. 15,853, now known as Pending Official File Ordinance No.30 -2013 does hereby adopt on Final Passage by yeas Council Members Brennan, Evans, Horan-Kunco, Jones, Merski, Witherspoon and Winarski. 7. Nays 0.

December 4, 2013, Signed by the President. Attested by the City Clerk.

By Mr. Council File No. 15,854

Amending Official Ordinance No. 80-2005 known as the Zoning Ordinance of the City of Erie by **changing the classification** of the property located at **3503 Peach Street** bearing Index No. 18-053-0260-20000, the back portion of said property from R-1A (Traditional Single Family Residential) to that of RLB (Residential Limited Commercial) per request of Attorney James B. Toohey, representing Erie Federal Credit Union.

December 4, 2013. City Council on motion of Mr. Merski, Seconded by Mr. Winarski having read Council File No.15,854 does hereby adopt on First Reading by yeas Council Members Evans, Horan-Kunco, Jones, Merski, Witherspoon and Winarski. 6. Nays. 0. Mr. Brennan abstains.

December 4, 2013. Signed by the President. Attested by the City Clerk.

By Mr. Winarski, Seconded by Mrs. Horan-Kunco, Resolved etc.

That the City Council meeting scheduled for January 1, 2014 at 9:00 A.M. is hereby **rescheduled** to January 8, 2014 at 9:00 A.M.

December 4, 2013. City Council adopt by yeas Council Members Brennan, Evans, Horan-Kunco, Jones, Merski, Witherspoon and Winarski .7. Nays. 0.

December 4, 2013. Signed by the President. Attested by the City Clerk.

By Mrs. Horan-Kunco, Seconded by Mr. Witherspoon, Resolved etc.

Agreement for Investment Consulting Services Between Dahab Associates, Inc. & The City of Erie Water Reserve Fund.

This agreement, made as of the 26th day of November, 2013 between Dahab Associates, Inc., a New York Corporation (hereinafter "DAI") with offices at 429 South Country Road, Bay Shore, New York, 11706 and the City of Erie Water Reserve Fund (hereinafter the "Fund"), with offices at 626 State Street, Room 302, Erie, PA 16501 for the purpose of providing investment consulting services to the Trustees of the Fund.

1. The Fund is a budgetary reserve pool established by Erie' City Council.
2. DAI is an investment consulting firm registered with the SEC under the Investment Advisors Act of 1940. DAI acknowledges that as determined by the Sec, as an investment consultant to the Trustees, it maintains a fiduciary responsibility to the Fund to the extent that the Trustees may rely upon its recommendations as those recommendations affect the purchase of sale of securities or the retention of investment managers. DAI is not a named fiduciary of the Fund.
3. DAI agrees to provide a full range of investment consulting services to the Fund, including, but not limited to the following services:
 - A. Monitor the investment performance of investment managers, insurance companies and/or banks engaged by the Fund as investment advisors for the Fund;
 - B. Prepare and submit to the Fund quarterly written evaluation reports, including the performance results of the various investment managers, with evaluations of the relative performance of the investment managers against recognized benchmarks, with reference to the investment risk exposures undertaken by manager of the Fund;
 - C. Attend meetings of the Board of Trustees and any subcommittee thereof, for the purpose of reviewing, or otherwise make presentations concerning the aforementioned performance measurement reports;
 - D. Assist the Fund in developing investment Policy and Guidelines Statement including, but not limited to recommendations as to performance benchmarks, asset allocations and investment diversification, which would best fulfill any fiduciary obligations on the part of the Fund with respect to investing the assets of the Fund and assuring that such policies and guidelines remain viable;
 - E. Monitor investment manager compliance with the Investment Policy & Guidelines Statement adopted by the Trustees;

- F. Assist the Fund in the selection of investment managers and conduct appropriate due diligence searches in connection therewith.
4. In consideration of these consulting services, the Fund shall pay DAI an annual fee according to the following schedule:

Dahab Associates fee schedule for defined benefit funds is based on the aggregate market value of assets under advisement and includes a minimum annual fee of \$25,000 (although some exceptions may be granted); Dahab Associates is paid in hard dollars only.

Dahab Associates utilizes the following standard fee schedule for defined benefit funds:

- First \$50 million at 7 basis points (0.07%)**
- Next \$50 million at 5 basis points (0.05%)**
- Next \$200 million at 2 basis points (0.02%)**
- Next \$200 million at 1.5 basis points (0.015%)**
- Balance at 1 basis point (0.01%)**

In calculating fees, DAI will combine the assets of the City of Erie Water Reserve Fund with those of the Erie Aggregate Pension Plans.

DAI will generally bill its fees on a quarterly basis. Dahab Associates will be compensated either through direct cash payment from the clients or by payment from a registered broker/dealer based on a fully disclosed, written arrangement among the client and the broker/dealer. Compensation is payable in advance or in arrears subject to negotiation. If payment is made in advance, the client may terminate the agreement with Dahab Associates by written notice and receive a pro rata refund based on work in progress and/or work completed. Any unpaid fees will be due and payable.

5. Either party may terminate this Agreement on thirty (30) days written notice to the other party at the address above written, with any fees owed or prepaid adjusted at that time.
6. This Agreement is not assignable by either party without the written consent of the other party.
7. The parties agrees to submit any dispute occurring under this Agreement that is not resolved within thirty (30) days to arbitration under the auspices of the American Arbitration Association in New York City under its Commercial Arbitration Rules.
8. The laws of the State of New York, unless preempted by Federal law, shall govern this Agreement.
9. This Agreement may only be amended in writing signed by the parties thereto and supersedes any prior written or oral agreements.

Dated as 26 November 2013

Dahab Associates, Inc.

By: Richard E. Dahab, CFA

December 4, 2013. City Council adopt by yeas Council Members Brennan, Evans, Horan-Kunco, Jones, Merski, Witherspoon and Winarski. 7. Nays. 0.

December 4, 2013. Signed by the President. Attested by the City Clerk.

By Mr. Witherspoon, Seconded by Mr. Winarski, Resolved, etc.

That the following amounts are transferred in the Office of Police Civilian General Fund Account.

<u>Transferred From</u>			<u>Transferred To</u>		
<u>Amount</u>	<u>Account</u>	<u>Title</u>	<u>Amount</u>	<u>Account</u>	<u>Title</u>
\$3,000.00	002-0603-0000-4007	Shift Differential	\$19,800.00	002-0603-0000-4006	Overtime
\$10,000.00	002-0603-0000-4011	Salaries			
\$6,800.00	002-0603-0000-4014	Crossing Guards			
\$19,800.00					

December 4, 2013. City Council adopt by yeas Council Members Brennan, Evans, Horan-Kunco, Jones, Merski, Witherspoon and Winarski. 7. Nays. 0.

December 4, 2013. Signed by the President. Attested by the City Clerk.

By Mr. Merski, Seconded by Mr. Brennan, Resolved, etc.

That the following amounts are transferred in the Bureau of Streets.

Transferred From			Transferred To		
Amount	Account	Title	Amount	Account	Title
\$4,000.00	002-0713-0000-4033	Operating Supplies	\$23,380.49	002-0713-0000-4035	Repair & Maint. Sup
\$5,000.00	002-0713-0000-4047	Heat, Light, Power			
\$500.00	002-0713-0000-4052	Advertising			
\$375.50	002-0713-0000-4054	Rentals			
\$5,242.21	002-0713-0000-4056	Repair Services			
<u>\$8,262.78</u>	002-0713-0000-4057	Tipping Fees			
\$23,380.49					

December 4, 2013. City Council adopt by yeas Council Members Brennan, Evans, Horan-Kunco, Jones, Merski, Witherspoon and Winarski. 7. Nays. 0.

December 4, 2013. Signed by the President. Attested by the City Clerk.

By Mr. Merski, Seconded by Mr. Brennan, Resolved, etc.

That the Mayor and City Controller are authorized and directed to execute contracts between the City of Erie and the following individuals and/or companies for goods and/or services as noted and the City Council does hereby ratify and confirm the said transactions which are to be charged to the respective Budget Code Numbers, viz:

1. **Miller Brothers Garden Center, Inc.** 2111 State Street, Erie, PA 16503, they being the lower of two (2) bids received in the amount of \$2,175.00, for Fence Installation of the [Norman Way Bridge](#).

December 4, 2013. City Council adopt by yeas Council Members Brennan, Evans, Horan-Kunco, Jones, Merski, Witherspoon and Winarski. 7. Nays. 0.

December 4, 2013. Signed by the President. Attested by the City Clerk.

By Mr. Winarski, Seconded by Mrs. Horan-Kunco, Resolved, etc.

That the Purchasing Agent is authorized and directed to issue purchase orders to the following individuals and/or companies for goods and/or services as noted and the City Council does hereby ratify and confirm the said transactions which are to be charged to the respective Budget Code Numbers, viz:

1. **Proforma**, PO Box 640814, Cincinnati, OH 45264-0814 for 2014 Tax Bill Labels for the Office of City Treasurer at a total cost of \$2,290.00.
2. **Buffalo Forklift LLC**, 300 International Drive, Suite #201, Williamsville, NY 14221, for the purchase of a scissor lift for the Bureau of Municipal Garage at a total cost of \$8,000.00.
3. **N.M.S. Labs**, 3701 Welsh Road, Willow Grove, PA 19090 for lab fees for the Bureau of Police at a total amount of \$3,639.00.
4. **Enviro-Equipment Inc.** 11180 Downs Road, Pineville, NC 28134 for six (6) Data Qrae II Meters for the Bureau of Fire at a total cost of \$3,771.00.
5. **Kovach Mobile Equipment**, One Industrial Complex, Nesquehoning, PA 18240 for a radiator with charged air cooler for the Bureau of Fire at a total cost of \$4,050.11.
6. **Hagan Business Machines**, 1112 Peach Street, Erie, PA 16501, for an Air Feed Document Folder and Sound covers for the Print Shop at a total cost of \$7,564.00.

December 4, 2013. City Council adopt by yeas Council Members Brennan, Evans, Horan-Kunco, Jones, Merski, Witherspoon and Winarski. 7. Nays. 0.

December 4, 2013 Signed by the President. Attested by the City Clerk.

December 4, 2013 City Council on motion of Mr. Witherspoon, Seconded by Mr. Winarski adjourned at 9:38 A.M. by yeas Council Members Brennan, Evans, Horan-Kunco, Jones, Merski, Witherspoon and Winarski. 7. Nays. 0.

President of City Council

Attest:

City Clerk

