



CITY COUNCIL

Meeting Agenda

**REGULAR MEETING
COUNCIL CHAMBERS**

**MONDAY, JANUARY 11, 2009
7:00P.M.**

1. OPENING MATTERS

- A. CALL TO ORDER**
- B. INVOCATION:** Rev. Danny Moore, Holy Trinity Church of God
- C. PLEDGE OF ALLEGIANCE**
- D. ROLL CALL**

2. PROCLAMATIONS AND PRESENTATIONS

- A. Council Commendation for Volunteer Blood Donor Month, accepted by Carol Graves, Keystone-Miller Center

3. PUBLIC COMMENT – AGENDA MATTERS:

Citizens have the opportunity to address the Council, by registering with the City Clerk before the start of the meeting. All remarks must be directed to Council as a body and not to any individual Council member or public or elected official in attendance. Any person making personally offensive or impertinent remarks or any person becoming unruly while addressing Council may be called to order by the Presiding Officer and may be barred from speaking before Council, unless permission to continue speaking is granted by the majority vote of Council.

All comments by the public shall be made from the speaker's podium. Citizens attending the meeting may not cross into the area beyond the podium. Any materials to be distributed to Council must be given to the City Clerk before the meeting is called to order.

Those commenting on agenda business shall speak at the beginning of the meeting and shall limit their remarks to 5 minutes. Those commenting on general matters shall speak after the legislative business is concluded and shall limit their remarks to 3 minutes. No comments shall be made from any other location except the podium, and anyone making "out of order" comments may be

subject to removal. There will be no demonstration at the conclusion of anyone's remarks. Citizens may not ask questions of Council members or other elected or public officials in attendance.

4. APPROVAL OF AGENDA

A. MINUTES: Council Meeting of December 28, 2009

B. AGENDA: Council Meeting of January 11, 2010

5. Consent Agenda Legislation

A. Award of Contract – for free-flowing potassium permanganate, extruded potassium permanganate, 20% sodium permanganate shipped in totes and the 40% sodium permanganate shipped in totes to Brenntag Northeast Inc., who is the low bidder, at the submitted unit prices of \$2.2229/pound, \$6.80/pound, \$7.527/pound and \$16.81/gallon respectively, for a total contract price of \$435,618 (**Purchasing**)

B. Award of Contract - for Audit Services for the Department of Finance to Herbein+Company, Inc., 2763 Century Boulevard, Wyomissing, Pa, 19610 in the amount of \$70,000 for 2010 and \$72,000 for 2011 (**Purchasing**)

C. Resolution - authorizing the disposition of Financial Interest Statements, 1996, 1999, and 2002 (**Council Staff**)

6. ADMINISTRATIVE REPORT

7. REPORT FROM OFFICE OF THE AUDITOR

8. REPORT FROM DIRECTORS OF BOARDS, AUTHORITIES, & COMMISSIONS

A. Dean Miller, Executive Director Reading Area Water Authority

9. ORDINANCES FOR FINAL PASSAGE

A. None

10. INTRODUCTION OF NEW ORDINANCES

A. Ordinance - directing the Berks County Board of Elections to place a referendum question before City voters on the 2010 Primary Ballot which would amend the City of Reading Home Rule Charter by eliminating the Departments of Human

Resources and Finance and creating the Department of Administrative Services (**Man Dir**)

11. RESOLUTIONS

A. Resolution - Reappointing Linda A. Kelleher to the position of City Clerk for a two (2) year term (**Spencer**)

B. Resolution - Appointing City Councilor _____ to the position of Vice President of Council for a two (2) year term (**Spencer**)

C. Resolution - Appointing City Councilor _____ to the Blighted Property Review Committee, with a term set to expire December 31, 2012 (**Spencer**)

D. Resolution - Appointing City Councilor Francis Acosta to the Reading Local Redevelopment Authority, for a three (3) year term (**Spencer**)

E. Resolution - Designating the Council appointments to the Council Committees and the Committee meeting schedule for a two (2) year period (**Spencer**)

F. Resolution - Denying the appeal of the Certificate of Appropriateness, as attached in the findings of fact, for 916 Madison Avenue, owned by Delfina Velasco, ordering the removal of the side-by-side replacement window on the first floor front façade and further ordering that the window be replaced with a double hung (one-over-one) replacement window in the same size as the original window by April 30, 2010 and authorizing one extension not to exceed June 30, 2010 (**Council Staff**)

12. PUBLIC COMMENT - GENERAL MATTERS

13. COUNCIL BUSINESS / COMMENTS

14. COUNCIL MEETING SCHEDULE

Monday, January 11

Meeting with the Mayor – Mayor’s Office – 4 pm

Committee of the Whole – Council Office – 5 pm

Regular Meeting – Council Chambers – 7 pm

Wednesday, January 13 – District 1 Town Meeting 7 p.m. Calvary Baptist Church

Monday, January 18

City Hall closed – Martin Luther King Jr. Day

Tuesday, January 19

Meeting with the Mayor – Mayor’s Office – 4 pm

Public Works Committee – Council Office – 5 pm

Finance Committee – Council Office – 5 pm

Work Session – Penn Room – 7 pm

Monday, January 25

Meeting with the Mayor – Mayor’s Office – 4 pm

Committee of the Whole – Council Office – 5 pm

Regular Meeting – Council Chambers – 7 pm

15. BAC AND COMMUNITY GROUP MEETING SCHEDULE

Monday, January 11

Fire Civil Service Board – Penn Room – 4 pm

6th & Amity Neighborhood & Playground Assn – 6th & Amity fieldhouse – 6:30 pm

Tuesday, January 12

Airport Authority – Airport Authority Office – 8:15 am

Water Authority Workshop – Penn Room – 4 pm

District 11 Crime Watch – Orthodox Presbyterian Church

Wednesday, January 13

Zoning Hearing Board – Penn Room – 5:30 pm

Center City Community Organization – Holy Cross Church – 6 pm

Thursday, January 14

Police Pension Board – Penn Room – 10 am

Legislative Aide Committee – Penn Room – 7:30 pm

Friday, January 15

Fire Pension Board – Penn Room – 10 am

Monday, January 18

Library Board Meeting – 113 S 4th St – 4 pm

Tuesday, January 19

Charter Board – Penn Room – 7 pm

HARB – Planning Conference Room – 7 pm

Wednesday, January 20

Officers and Employees Pension Board – Penn Room – 1:30 pm

Fire Diversity Board – Penn Room – 4:30 pm

Park and Recreation Advisory Committee – Pendora Park Fieldhouse – 5:30 pm

Redevelopment Authority – Redevelopment Authority Office – 5:30 pm

Centre Park Historic District – Member’s home – 7:30 pm

Thursday, January 21

Zoning Amendment Committee – Council Chambers – 4 pm

Dare 2 Care – Bethel AME Church – 5:30 pm

Blighted Property Review Committee – Council Office – 6 pm

Southeast People’s Voice – St. John’s UCC – 6 pm

Mulberry & Green Citizens Committee – St. Luke’s Lutheran Church – 6:30 pm

Monday, January 25

DID Authority – Reading Eagle 3rd floor Conference Room – noon

BARTA – BARTA Office – 3 pm

District 7 Crime Watch – Holy Spirit Church

CITY COUNCIL MEETING MONDAY, DECEMBER 28, 2009

A regular meeting of City Council was held on the above date for the transaction of general business.

Vaughn D. Spencer, President of Council, called the meeting to order.

The invocation was given by Father John Gibbons, St. Margaret's Roman Catholic Church.

All present pledged to the flag.

ATTENDANCE

Council President Vaughn Spencer
Councilor Steve Fuhs, District 1
Councilor Goodman-Hinnershitz, District 2
Councilor Sterner, District 3
Councilor Marmarou, District 4
Councilor Maria Baez, District 5
Councilor J. Waltman, District 6
Mayor T. McMahon
City Auditor D. Cituk
City Solicitor C. Younger
Managing Director R. Hottenstein
City Clerk L. Kelleher

PROCLAMATIONS AND PRESENTATIONS

Council commendations were issued to the following:

- RHS senior David Mengel for his scholastic achievements and achievements with the Reading School District's Music Programs.

Police Chaplain Oath of Office Ceremony

- to Rev. Eileen LeVan, Nativity Lutheran Church

PUBLIC COMMENT

Council President Spencer announced that one (1) citizen was registered to address Council on non-agenda matters. He inquired if Council objected to suspending the rule requiring comment on non-agenda matters at the end of the meeting. No one objected, therefore, the rule requiring non-agenda comment at the end of the meeting was

suspended. Council President Spencer reminded the citizen registered about the remaining speaking rules.

Federico Leon, of South 17th Street, questioned the process of changing Klein Avenue to a one-way street. He expressed the belief that neighborhood education and input should have occurred prior to the change. He requested that the City return the street to a 2-way street, as the change has dramatically increased the amount of traffic in this neighborhood.

APPROVAL OF AGENDA & MINUTES

Council President Spencer asked Council to consider the agenda for this meeting and the minutes from the November 23rd and December 14th regular meetings and the November 30th special meeting. He noted the need to remove the BARTA appointment resolution from the agenda. He stated that the legislation listed under the Consent Agenda heading will be approved with the adoption of the agenda.

Councilor Baez moved, seconded by Councilor Marmarou, to approve the minutes from the November 23rd and December 14th regular meetings, the minutes from the November 30th special meeting and the agenda, as amended, including the legislation listed under the Consent Agenda heading. The motion was approved unanimously.

Consent Agenda Legislation

Resolution 137-2009 –Disposing of Tax Records as attached and as set forth in the Retention and Disposition Schedule for Records of Pennsylvania Municipalities issued in 2009 **(Tax)**

Award of Contract – to perform civil engineering and planning services for the Downtown 20/20 Master Plan and final design of 500 block Franklin Street for the Department of Public Works to Barry Isett and Associates, 85 South Route 100 and Kressler Lane, Trexlertown, PA 18087, at a total submittal price of \$129,200 **(Purchasing)**

ADMINISTRATIVE REPORT

Managing Director Hottenstein read the report distributed to Council at the meeting covering the following:

- The change in the trash/recycling collection due to the holidays.
- New Year's Eve fire works event.
- Update on 2009 EMS billing and collection

Councilor Fuhs inquired about the group seeking funding from the Parking Authority and Water Authority to prepare a secondary recovery plan. He also inquired if the Council

President belongs to the group. Council President Spencer stated that while he is aware of the group's activities, he is not a participant.

Councilor Fuhs stated that if the Council President is participating in the work of the group to prepare a secondary plan, a conflict of interest would be created, leaving the Council President unable to vote to approve or deny the recovery plan being created by the Act 47 Coordinator. Council President Spencer stated that he is not participating in the work being performed by the group. He explained that the group is preparing a plan or report that will be presented to the Act 47 Coordinator. He noted that the Act 47 Coordinator is seeking input from elected officials, City employees and members of the community. The plan or report being created by the group is merely their input on what they believe should be included in the Recovery Plan.

Councilor Goodman-Hinnershitz stated that a difference of opinion regarding the best traffic plan for Klein Avenue exists between the surrounding neighborhoods. She agreed that the increase in traffic on Mineral Spring Road has moved some traffic down to Klein Avenue, which has increased congestion and traffic problems.

Mayor McMahon noted the need for further study of the traffic issues on Klein Avenue and Mineral Spring Road. He also agreed to hold a public meeting with the neighborhood to discuss these issues.

AUDITOR'S REPORT

City Auditor Dave Cituk read the report distributed to Council at the meeting covering the following topics:

- 2009 Amusement Fee collections

ORDINANCES FOR FINAL PASSAGE

Bill No. 71-2009 - amending the City of Reading Codified Ordinances Chapter 1, Section 1 – Animal Control by adding limitations on the allowable number of animals per household, establishing an exotic animal permit fee, amending the language regarding aggressive dogs, adding definitions, and renumbering sections as required, as attached in Exhibit A **(Animal Control Board & Council Staff) Introduced at the October 12 regular meeting; Advertised October 26, tabled at the October 26 regular meeting; referred to the Legislative Aide Committee for review of pet limitation; Amendment removes all language pertaining to the limitation of pets per household; tabled at the December 14 regular meeting; definition of Exotic Animal added**

Councilor Marmarou moved, seconded by Councilor Goodman-Hinnershitz, to enact Bill No 57-2009.

Councilor Sterner noted the importance of this amendment that will add an exotic permit fee, add language to mirror the State Aggressive Dog Law and make other clarifying changes.

Bill No. 57-2009 was enacted by the following vote:

Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer, President – 7.

Nay: None - 0.

Bill No. 71-2009 - amending the Codified Ordinances by adding a new ordinance that allows for the revocation of business licenses **(Law & Waltman) Introduced at the November 23 regular meeting; tabled at the December 14 regular meeting; Advertised 12-4**

Councilor Waltman moved, seconded by Councilor Goodman-Hinnershitz, to withdraw Bill No. 71-2009.

The motion to withdraw Bill No. 71-2009 was adopted by the following vote:

Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer, President – 7.

Nay: None - 0.

Mr. Spencer explained that the delay in passing this ordinance will provide the Administration time to create an implementation plan. The Administration has committed to preparing this plan by the end of March 2010.

Bill No. 72-2009 – setting forth its intent to issue a federally-taxable general obligation note, series of 2009 of the City in the aggregate principal amount of three million two hundred fifty thousand dollars (\$3,250,000) pursuant to the act of the general assembly of the Commonwealth of Pennsylvania, known as the Local Government Unit Debt Act, 53 PA C.S. Chapters 80-82, as amended and supplemented (the “act”); finding that a private sale by negotiation is in the best financial interests of the City; determining that such note shall evidence non-electoral debt of the City; specifying that such indebtedness is to be incurred to provide funds to finance a project of the City which consists of, among other things: (1) the planning, designing, acquiring and constructing of improvements to, and the acquisition of certain equipment for, buildings and facilities on the premises of the Reading Municipal Memorial Stadium (the “Stadium”); (2) the planning, designing, acquiring and constructing of additional parking areas on the premises of the Stadium, and (3) paying the costs and expenses of issuing the note **(Man Dir) Introduced at the August 24th regular meeting; pending passage of State budget; Discussion planned for 12-28 COW**

Councilor Marmarou moved, seconded by Councilor Baez, to enact Bill No. 72-2009.

Bill No. 72-2009 was enacted by the following vote:

Yea: Baez, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer, President –6.

Nay: Fuhs - 1.

Bill No. 73-2009 - amending the City of Reading Codified Ordinances, Administrative Code Section 1-190 regarding the selection of an acting police chief (**Police Chief & Council Staff**) *Introduced at the December 14th regular meeting*

Councilor Sterner moved, seconded by Councilor Baez, to enact Bill No. 73-2009.

Bill No. 73-2009 was adopted by the following vote:

Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer, President – 7.

Nay: None - 0.

Bill No. 74-2009 - amending the Code of Ordinances of the City of Reading, Fee Schedule, by increasing the Trash Removal And Recycling Service Fees (**Man Dir**) *Introduced at the December 14th regular meeting, Advertised 12-21-09*

Councilor Marmarou moved, seconded by Councilor Sterner, to enact Bill No. 74-2009.

Managing Director Hottenstein explained that participation in the City's recycling program is State mandated and participation in the trash collection program is voluntary. The proposed costs were determined by the increased cost of both programs.

Councilor Fuhs stated that he will not support the proposed increases as he believes that the charge for core public services should not be increased to this level. He also noted his discomfort that the projected revenues from the collection of these increased fees are included in the 2010 General Fund budget.

Councilor Waltman clarified that the recycling and trash revenues are not located within the General Fund budget, but in the Trash and Recycling Enterprise Funds. He also stated that he will not support the increase in these fees as he believes they have been increased too dramatically. He suggested considering a new program model.

Councilor Fuhs inquired if the General Fund supported the Trash and Recycling Enterprise Fund programs. Managing Director Hottenstein explained that before 2010 the General Fund supported yard waste collection, which is now covered by the recycling program.

Councilor Goodman-Hinnershitz noted that the new recycling fee includes the cost of the yard waste collection. She expressed her belief in the benefit of this service.

Councilor Sterner thanked Solid Waste Manager Frank Denbowski for his work to improve all collection programs.

Bill No. 74-2009 was enacted by the following vote:

Yea: Baez, Goodman-Hinnershitz, Marmarou, Sterner, – 4.
Nay: Fuhs, Waltman, Spencer, President -3.

Bill No. 75-2009 - amending the Code of Ordinances of the City of Reading, Fee Schedule, by increasing the zoning Fees **(Man Dir) Introduced at the December 14th regular meeting, Advertised 12-21-09**

Councilor Goodman-Hinnershitz moved, seconded by Councilor Marmarou, to enact Bill No. 75-2009.

Managing Director Hottenstein explained that the zoning fee increase is supported by the Maximus fee study.

Councilor Goodman-Hinnershitz added that recommended increases were also compared against the fees charged by other municipalities.

Bill No. 75-2009 was enacted by the following vote:

Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer, President – 7.
Nay: None - 0.

Bill No. 76-2009 - amending the City of Reading Codified Ordinances Section 10-304 adding necessary language to establish Lead Inspection Fees in the City of Reading **(Codes/Law) Introduced at the December 14th regular meeting, Advertised 12-21-09**

Councilor Baez moved, seconded by Councilor Goodman-Hinnershitz, to enact Bill No. 76-2009.

Council President Spencer explained that these fees will cover the City's cost of lead inspections by the City's Health Inspectors. City Clerk Kelleher noted that the fees match the fee in the Property Maintenance Code.

Bill No. 76-2009 was enacted by the following vote:

Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer, President – 7.

Nay: None - 0.

Bill No. 77-2009 - authorizing the amendment of the 2010 budget – revenues and expenditures – as attached in Exhibit A (**Finance**) ***Introduced at the December 14th regular meeting***

Councilor Marmarou moved, seconded by Councilor Baez, to enact Bill No. 77-2009.

Managing Director Hottenstein explained the difficulties associated with preparing the 2010 Budget.

Councilor Fuhs reminded his colleagues about the Committee of the Whole discussion about the proposed amendments. He stated that a budget balanced on collection assumptions is not a balanced budget. He noted that the 2010 Budget is based on assumptions related to a \$100,000 contribution from the Reading Area Water Authority (RAWA) and the payment of the increased Trash and Recycling Fees.

Managing Director Hottenstein clarified that the City expects to receive \$500,000 from RAWA, not \$100,000 as stated by Councilor Fuhs. If RAWA fails to provide this \$500,000 contribution further budget amendments will be needed.

Councilor Waltman explained that all budgets are based on assumptions, such as the collection of earned income and property taxes. He noted that budget amendments can occur throughout the fiscal year to adjust for faulty assumptions.

Councilor Goodman-Hinnershitz stated that all budget projections are based on collection trends. She stated that this year's projections are fairly conservative. She noted the amount of work by Council and the Administration to define the adopted budget. She agreed that further amendments can occur if the projections underperform.

Councilor Fuhs stated that he is mystified with the comments concerning the 2010 Budget. He stated that the Charter requires a balanced budget based on collections not assumptions. He expressed the belief that the inclusion of the uncollected \$500,000 RAWA contribution makes the 2010 Budget unbalanced.

Councilor Waltman stated that each budget is based on assumptions and projections not cash in hand.

Bill No. 77-2009 was enacted by the following vote:

Yea: Baez, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer, President – 6.
Nay: Fuhs- 1.

Bill No. 78-2009 - adopting the 2009 Editions of the International Building Code, Existing Building Code, Electrical Code, Mechanical Code, Residential Code, Plumbing Code, Fire Code, Wildland-Interface Code, Performance Code for Buildings and Facilities, Fuel Gas Code and Energy Conservation Code in accordance with the Commonwealth of Pennsylvania Uniform Construction Code Act 45 Of 1999 as amended, and amending the same **(Law) Introduced at the December 14th regular meeting; Advertised 12-21-09**

Councilor Baez moved, seconded by Councilor Marmarou, to enact Bill No. 78-2009.

City Solicitor Younger stated that this amendment will bring the City into compliance with the building code adopted by the State.

Councilor Goodman-Hinnershitz noted the importance of applying these codes with practicality that considers the City's aging housing stock.

Bill No. 78-2009 was enacted by the following vote:

Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer, President – 7.

Nay: None - 0.

INTRODUCTION OF NEW ORDINANCES

None.

RESOLUTIONS

Resolution 138-2009– reappointing Ryan Helms to the Electrician’s Examining Board **(Admin Oversight)**

Resolution 139-2009– reappointing Allen Webster to the Historical Architectural Review Board **(Admin Oversight)**

Resolution 140-2009 – appointing Reimundo Encarnacio to the Human Relations Commission **(Admin Oversight)**

Resolution 141-2009 – reappointing Ronald Hatt to the Library Board **(Admin Oversight)**

Resolution 142-2009 – reappointing Philip Coles to the Redevelopment Authority **(Admin Oversight)**

The Administrative Oversight Committee moved to adopt Resolutions No 138-142-2009.

Councilor Marmarou deferred to Councilor Baez.

Councilor Baez noted the enthusiasm and knowledge of those being appointed tonight and their willingness to volunteer.

Councilor Goodman-Hinnershitz inquired about the need to dispose of the BARTA appointment.

Resolution No. 138-142-2009 were adopted by the following vote:

Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer, President - 7.

Nay: None - 0.

Resolution – reappointing Michael Roeberg to BARTA (**Admin Oversight**)

Councilor Baez moved, seconded by Councilor Goodman-Hinnershitz, to withdraw this appointment resolution.

The motion to withdraw this resolution was adopted by the following vote:

Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer, President - 7.

Nay: None - 0.

COUNCIL COMMENT

Councilor Fuhs thanked District 1 residents for the honor of serving them for the past four (4) years. He wished his Council colleagues future success.

Councilor Baez thanked District 5 residents, the Administration and her Council colleagues for their support and assistance.

Councilor Goodman-Hinnershitz thanked Councilor Fuhs for offering the benefit of public debate. She thanked Councilor Baez for her sensitivity and gentle approach to a variety of matters. She noted that the City is ending a challenging decade and expressed her belief that the City is strong enough to become the best it can be.

Councilor Marmarou stated that it has been a privilege and honor to serve with Councilors Baez and Fuhs.

Councilor Marmarou noted the tremendous District 4 improvement brought on by the installation of new handicapped curbs. He explained that the recent rash of cold weather has prevented crews from pouring the concrete to finish the project.

Councilor Sterner stated that it has been an honor to serve with Councilors Baez and Fuhs. He agreed with the benefit of healthy debate as a part of the legislative process.

Councilor Waltman noted the time and effort of Councilor Baez to educate herself and her constituents on various issues. He also agreed with the value of debate and the education it provides to Reading citizens.

Council President Spencer noted the difficulties of public service and thanked Councilors Baez and Fuhs for the passion they brought to the table. He expressed the belief that all public officials base their decisions on what is best for their constituents.

City Auditor Cituk and Mayor McMahon thanked Councilors Baez and Fuhs for their dedicated service.

Managing Director Hottenstein and Councilor Fuhs left the meeting at this time.

Councilor Sterner gave kudos to those involved in the annual Hillside Light Display. He described the hard work of those who assist with this annual event. He also noted the number of Greater Reading residents who visit this light display annually.

Councilor Goodman-Hinnershitz wished all Reading residents good will.

Council President Spencer reviewed the January 2010 meeting schedule.

Councilor Baez moved, seconded by Councilor Marmarou, to adjourn the regular meeting of Council.

Linda Kelleher CMC, City Clerk



AGENDA MEMO

FINANCE DEPARTMENT

TO: City Council
FROM: Heather L. Dunkle, Purchasing Coordinator
PREPARED BY: Heather L. Dunkle, Purchasing Coordinator
MEETING DATE: January 11, 2010
AGENDA MEMO DATE: January 5, 2010
RECOMMENDED ACTION: Awarding of Contract for Sodium Permanganate, Potassium Permanganate and Extruded Potassium Permanganate for the Utilities Division, Department of Public Works, City of Reading on behalf of the Reading Area Water Authority.

RECOMMENDATION

The recommendation is to award the contract for free-flowing potassium permanganate, extruded potassium permanganate, 20% sodium permanganate shipped in totes and the 40% sodium permanganate shipped in totes to Brenntag Northeast Inc., who is the low bidder, at the submitted unit prices of \$2.2229/pound, \$6.80/pound, \$7.527/pound and \$16.81/gallon respectively, for a total contract price of \$435,618.

BACKGROUND

Bids for approximately 60,000 pounds of free-flowing potassium permanganate, approximately 1,500 pounds of extruded potassium permanganate, 12,000 gallons of 20% sodium permanganate shipped in 250-gallon totes, and approximately 12,000 gallons of 40% sodium permanganate shipped in 250-gallon totes, and for use by the Department of Public Works and the Reading Area Water Authority were received December 9, 2009.

A copy of the Schedule of Bids is attached for your review.

BUDGETARY IMPACT

The Department of Public Works and Accounting have confirmed there are sufficient funds in budget account code 54-07-44-4513 and the Reading Area Water Authority and Accounting have confirmed there are sufficient funds in budget account code 50-15-84-4513 to cover this contract.

PREVIOUS ACTION

None.

SUBSEQUENT ACTION

Formal action by Council is needed to award the contract at the January 11, 2010 meeting.

RECOMMENDED BY

Mayor, Managing Director, Director of Public Works, RAWA Executive Director, Finance Director and Purchasing Coordinator.

RECOMMENDED MOTION

Approve/Deny the recommendation to award the contract to Brenntag Northeast for the purchase of permanganate.

cc: File

December 9, 2009

To the Mayor
City Hall
Reading, PA

The following bids were opened and scheduled, with a Contract to be awarded or the bids rejected.

BID NO. 12004-09 FOR SODIUM PERMANGANATE, POTASSIUM PERMANGANATE AND EXTRUDED POTASSIUM PERMANGANATE FOR THE WASTEWATER TREATMENT PLANT, DEPARTMENT OF PUBLIC WORKS AND THE CITY OF READING, PENNSYLVANIA, ON BEHALF OF THE READING AREA WATER AUTHORITY

APPROX. 60,000 POUNDS FREE-FLOWING POTASSIUM PERMANGANATE

<u>BIDDER</u>	<u>UNIT PRICE</u>	<u>EXTENDED PRICE</u>
Brenntag Northeast Inc. P. O. Box 13788 Pottsville Pike & Huller Lane Reading, PA 19612-3788	\$2.2229/lb	\$133,374.00
Univar USA Inc. 532 East Emaus Street Middletown, PA 17057	\$2.262/lb	\$135,720.00
George S. Coyne Chemical Co. Inc. 3015 State Road Croydon, PA 19021	\$2.4987/lb	\$149,922.00
Chemrite 5202 Belle Wood Court, Suite 104 Buford, GA 30518		NO SURETY
Marubeni Specialty Chemicals 8675 Hidden River Parkway Tampa, FL 33637		NO SURETY

APPROX. 1,500 POUNDS EXTRUDED POTASSIUM PERMANGANATE

<u>BIDDER</u>	<u>UNIT PRICE</u>	<u>EXTENDED PRICE</u>
Brenntag Northeast Inc.	\$6.80/lb	\$10,200.00
Univar USA Inc.	\$7.54/lb	\$11,310.00
George S. Coyne Chemical Co. Inc.		NO BID

APPROX. 12,000 GALLONS OF 20% SODIUM PERMANGANATE SHIPPED IN 250-GALLON TOTES

Brenntag Northeast Inc.	\$7.527/gal	\$90,324.00
Univar USA Inc.	\$7.63/gal	\$91,560.00
George S. Coyne Chemical Co. Inc.	\$1.3379/lb	\$157,015.90 (b)

APPROX. 17,000 GALLONS 20% SODIUM PERMANGANATE SHIPPED IN SMALL BULK

Brenntag Northeast Inc.	\$6.27/gal (a)	\$106,590.00
Univar USA Inc.	\$6.673/gal (e)	\$113,441.00
George S. Coyne Chemical Co. Inc.	\$0.919/lb	\$152,792.90 (c)

APPROX. 12,000 GALLONS 40% SODIUM PERMANGANATE SHIPPED IN 250-GALLON TOTES

Brenntag Northeast Inc.	\$16.81/gal	\$201,720.00
Univar USA Inc.	\$17.11/gal	\$205,320.00
George S. Coyne Chemical Co. Inc.	\$2.181/lb	\$299,669.40 (d)

- (a) Price based on minimum order of 38,800 pounds.
- (b) Vendor's extension was figured incorrectly on bid form. Extended price on bid form was \$16,054.80 which would be the cost for 12,000 pounds but the City is purchasing 12,000 gallons.
- (c) Vendor's extension was figured incorrectly on bid form. Extended price on bid form was \$15,623.00 which would be the cost for 17,000 pounds but the City is purchasing 17,000 gallons.
- (d) Vendor's extension was figured incorrectly on bid form. Extended price on bid form was \$26,172.00 which would be the cost for 12,000 pounds but the City is purchasing 12,000 gallons.
- (e) Price based on minimum delivery of 4,000 gallons.

HEATHER L. DUNKLE
Purchasing Coordinator



AGENDA MEMO

FINANCE DEPARTMENT

TO: City Council
FROM: Heather Dunkle, Purchasing Coordinator
PREPARED BY: Heather Dunkle, Purchasing Coordinator
MEETING DATE: January 11, 2010
AGENDA MEMO DATE: January 6, 2010
RECOMMENDED ACTION: Awarding of Contract for Audit Services for the Department of Finance.

RECOMMENDATION

The recommendation is to award the contract to Herbein+Company, Inc., 2763 Century Boulevard, Wyomissing, Pa, 19610.

BACKGROUND

Proposals for auditing services for years 2009-2011 were received on December 1, 2009 for the Department of Finance. The responses to the requests for proposals were evaluated independently by the members of the RFP selection review committee. The proposals were rated on the basis of responsiveness, experience, stability, and cost. Herbein+Company, Inc. received the highest rank of all proposers. The selection committee then conducted interviews of the two (2) highest ranking firms. It was determined Herbein+Company was more superior to the other firms, and the selection committee recommends their appointment.

A copy of the Schedule of Bids is attached for your review.

BUDGETARY IMPACT

The Finance Department has confirmed that funds sufficient for this contract have been included in the 2010 Budget in the amount of \$68,500 in Account Code 01-14-91-4223. The cost of year 2010 is \$70,000 and the cost of year 2011 is \$72,000.

PREVIOUS ACTIONS

None.

SUBSEQUENT ACTION

Formal action by Council is needed to award the contract at the January 11, 2010 meeting.

RECOMMENDATION

The recommendation is that City Council approve the recommendation of the Administration to employ Herbein+Company, Inc. for Auditing Services for the Department of Finance.

RECOMMENDED BY

Mayor, Managing Director, Director of Finance and Purchasing Coordinator.

RECOMMENDED MOTION

To approve/deny Administration's recommendation that Herbein+Company be retained for auditing services for years 2009-2011 for the Department of Finance.

cc: File

December 1, 2009

To the Mayor
City Hall
Reading, PA

**RFP FOR FINANCIAL AND COMPLIANCE AUDIT SERVICES FOR THE CITY OF
READING, PENNSYLVANIA**

Proposals were received from the following firms:

	<u>2009</u>	<u>2010</u>	<u>2011</u>
Herbein+Company, Inc. 401 Oley Street Reading, PA 19601	\$68,500.00	\$70,000.00	\$72,000.00
Maillie, Falconiero & Company P.O. Box 680 Oaks, PA 19456	\$57,000.00	\$59,000.00	\$61,000.00
Reinsel Kuntz Leshner 1330 Broadcasting Road P.O. Box 7008 Wyomissing, PA 19610	\$72,500.00	\$74,700.00	\$76,900.00
Zelenkofske Axelrod 830 Sir Thomas Court, Ste. 100 Harrisburg, PA 17111	\$68,750.00	\$71,190.00	\$73,630.00

HEATHER DUNKLE
Purchasing Coordinator

RESOLUTION NO. _____

Resolved by the Council of the City of Reading, Berks County, Pennsylvania, that:

Whereas, by virtue of Resolution 134-2009, adopted December 14, 2009, the City of Reading declared its intent to follow the procedures for the disposition of records set forth in the Retention and Disposition Schedule for Records of Pennsylvania Municipalities issued in 2009; and

Whereas, in accordance with Act 428 of 1968 (as amended) each individual act of disposition shall be approved by resolution of the governing body of the municipality:

NOW THEREFORE, The Council of the City of Reading hereby resolves as follows:

In accordance with the above cited schedule, Council hereby authorizes the disposition of the following public records:

- City Clerk
- Financial Interest Statements, 1996
- Financial Interest Statements, 1999
- Financial Interest Statements, 2002

Passed Council _____

President of Council

Attest:

City Clerk

BILL NO. _____ 2009

AN ORDINANCE

AN ORDINANCE DIRECTING THE BERKS COUNTY BOARD OF ELECTIONS TO PLACE A REFERENDUM QUESTION BEFORE CITY VOTERS ON THE 2010 PRIMARY BALLOT WHICH WOULD AMEND THE CITY OF READING HOME RULE CHARTER BY ELIMINATING THE DEPARTMENTS OF HUMAN RESOURCES AND FINANCE AND CREATING THE DEPARTMENT OF ADMINISTRATIVE SERVICES.

WHEREAS, Section 607 of the Home Rule Charter provides for the Department of Finance and a Director of Finance; and

WHEREAS, Section 705 of the Home Rule Charter provides for the Department of Human Resources and the Director of Human Resources; and

WHEREAS, the fiscal condition of the City requires strict cost containment, which requires the careful consolidation of comparable services and management functions; and

WHEREAS, other municipalities in Pennsylvania function efficiently and effectively with the functions of human resources and financial administration centralized under the direction of Business Administrators; and

WHEREAS, the City of Reading Home Rule Charter requires that there be a Department of Finance and a Department of Human Resources and that any change to this structure will require an amendment to the Charter.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION 1. Directing the Berks County Board of Elections to place the following referendum question to voters of the City of Reading on the 2010 primary ballot:

Creation of the Department of Administrative Services

Shall the City of Reading Home Rule Charter Article VI Administration, Section 607. Department of Finance and Article VII Personnel System, Section 705. Department of Human Resources be amended as follows:

Section 705. Department of Human Resources is hereby eliminated and all section numbers within Article VII Personnel System are renumbered

appropriately. Section 607. Department of Finance is hereby renamed Department of Administrative Services” and shall read as follows:

“There shall be a Department of Administrative Services, which is established for the purpose of consolidating the functions of the Human Resources and Finance Departments. A Director of Administrative Services shall be appointed by the Mayor with the confirmation of Council.”

The Director of Administrative Services shall be responsible for the administration of the City of Reading personnel system and fiscal provisions as set forth in the Administrative Code. The Director of Administrative Services shall have at a minimum a Bachelor’s degree in public administration, finance, economics, political science or other related field and a minimum of five (5) years related experience.

All references to the Director of Finance and Human Resources shall be amended to Director of Administrative Services.

SECTION 2. This ordinance shall become effective ten (10) days after its adoption, in accordance with Section 221 of the City of Reading Home Rule Charter.

Enacted _____, 2009

President of Council

Attest:

City Clerk

RESOLUTION NO. _____ 2010

**THE COUNCIL OF THE CITY OF READING HEREBY RESOLVES
AS FOLLOWS:**

Reappointing Linda A. Kelleher to the position of City Clerk for a two (2) year term.

Adopted by Council _____, 2010

President of Council

Attest:

City Clerk

RESOLUTION NO. _____ 2010

**THE COUNCIL OF THE CITY OF READING HEREBY RESOLVES
AS FOLLOWS:**

Appointing City Councilor _____ to the position of Vice
President of Council for a two (2) year term.

Adopted by Council _____, 2010

President of Council

Attest:

City Clerk

RESOLUTION NO.____2010

**THE COUNCIL OF THE CITY OF READING HEREBY RESOLVES
AS FOLLOWS:**

Appointing City Councilor _____ to the Blighted Property
Review Committee, with a term set to expire December 31, 2012

Adopted by Council _____, 2010

President of Council

Attest:

City Clerk

RESOLUTION NO. _____ 2010

**THE COUNCIL OF THE CITY OF READING HEREBY RESOLVES
AS FOLLOWS:**

Appointing City Councilor Francis Acosta to the Reading Local Redevelopment Authority, for a three (3) year term, as required by Bill No. 14-2009.

Adopted by Council _____, 2010

President of Council

Attest:

City Clerk

RESOLUTION NO. _____ 2010

THE COUNCIL OF THE CITY OF READING HEREBY RESOLVES AS FOLLOWS:

Designating the Council appointments to the following Council Committees and the Committee meeting schedule for a two (2) year period:

On the First Monday of each month:

Administrative Oversight

S. Marmarou - Chair

D. Reed

F. Acosta

Public Safety

D. Sterner – Chair

M. Goodman-Hinnershitz

J. Waltman

On the Third Monday of each month:

Finance Committee

F. Acosta - Chair

D. Reed

J. Waltman

Public Works

M. Goodman-Hinnershitz – Chair

D. Sterner

S. Marmarou

Adopted by Council _____, 2010

President of Council

Attest:

City Clerk

RESOLUTION NO. _____

THE COUNCIL OF THE CITY OF READING HEREBY RESOLVES AS FOLLOWS:

Denying the appeal of the Certificate of Appropriateness, as attached in the findings of fact, for 916 Madison Avenue, owned by Delfina Velasco, ordering the removal of the side-by-side replacement window on the first floor front façade and further ordering that the window be replaced with a double hung (one-over-one) replacement window in the same size as the original window by April 30, 2010 and authorizing one extension not to exceed June 30, 2010.

Adopted by Council _____, 2010

Vaughn D. Spencer
President of Council

Attest:

Linda A. Kelleher CMC, City Clerk

**Appeal of Historic Architectural Review Board
Certificate of Appropriateness**

IN THE MATTER OF	§	BEFORE THE
916 MADISON AVE.	§	CITY OF READING
	§	
OWNED BY	§	CITY COUNCIL
DELFINA VELASCO	§	
	§	
	§	
	§	
	§	
	§	

**FINDINGS OF FACT, CONCLUSIONS OF LAW,
ORDER, AND AGREED RESOLUTION**

On Tuesday, December 22, 2009 the City of Reading City Council (Council) met to hear testimony on the appeal of the decision made by the Historic Architectural Review Board (HARB) at their October 20, 2009 meeting on the application for Certificate of Appropriateness (COA) for the installation of twelve (12) replacement windows (front and rear) at the property located at 916 Madison Avenue, owned by Delfina Velasco (Respondent), located in the Centre Park Historic District. HARB approved of all the replacement windows except the replacement window on the first floor front façade, as this window does not meet with the standards set by the U.S. Secretary of the Interior’s Standards for Rehabilitation.

Findings of Fact

1. The Historic Architectural Review Board (HARB) is a Board authorized by the City of Reading Codified Ordinances Chapter 4 Part 1 – Historic Districts. The HARB is a Board of eleven (11) duly qualified members.

2. The Historic Preservation Ordinance mandates that the Preservation Specialist, the HARB, and City Council shall be guided by the United States Secretary of the Interior's Standards for Rehabilitation.
3. Twelve (12) replacement windows were installed on the front and rear facades of 916 Madison Avenue without building permits or a COA. After receiving a notification from the City's Zoning Enforcement Officer, the Historic Preservation Specialist issued a violation letter.
4. The Respondent appeared at the October 20, 2009 HARB meeting and requested that the Board issue a Certificate of Appropriateness approving the installation of the twelve (12) replacement windows on the front and rear facades of the property.
5. HARB approved the Certificate of Appropriateness for the eleven (11) replacement windows on the rear façade and upper floors of the front façade but denied the COA for the side-by-side replacement window on the first floor front façade as it does not comply with the Secretary of the Interior Standards for Rehabilitation.
6. The Respondent requested an appeal hearing before City Council and was provided with the hearing date by the City Clerk and the Historic Preservation Specialist.
7. City Council took testimony from the Respondent and the Historic Preservation Specialist at the hearing held on Tuesday, December 22, 2009.
8. The Respondent stated that she purchased the home six (6) years ago and was unaware that the property was located inside the Centre Park Historic District.
9. The Respondent explained that she was instructed by a City Codes Inspector to fix the broken windows on the property. The respondent stated that she decided to simply replace the windows instead and was not aware of the need to obtain a building permit or a COA. The windows were installed by a family member who was also unaware of the City's regulations.
10. The Respondent stated that she was willing to replace the side-by-side replacement window with a double hung (one-over-one) replacement window but requested permission for time to make the change. She stated that she is financially unable to complete the change until she receives her 2009 tax refund.
11. The Historic Preservation Specialist stated that the Centre Park Historic District organization mails letters to realtors and property owners notifying them of the historic district requirements.
12. The Historic Preservation Specialist stated that HARB does approve replacement windows as long as they comply with the Secretary of the Interior's Standards for Rehabilitation. She added that the window installed on the front first floor façade was smaller than the original window and infill was used to fill the resulting gaps around the new window, which also does not comply with the Secretary of the Interior Standards for Rehabilitation.
13. Legal Specialist Butler entered photographs of 916 Madison Avenue and the agenda with its attachments into the record.

Conclusions of Law

Chapter 4 Buildings Part 1 Historic Preservation is authorized in the Codified Ordinances of the City of Reading, Pennsylvania, regulates and restricts the construction, reconstruction, alteration, restoration, demolition or razing of any building, structure, site or object within a designated historic district, in whole or in part, and prescribes certain procedures relating to the issuance of permits for such properties. Until a certificate of appropriateness is issued no construction shall be undertaken, and any construction which has occurred prior to the issuance of the permit shall, if ordered by the Historic Architectural Review Board or City Council, be removed. The project at 916 Madison Avenue was completed without the required permits. The Codified Ordinances require the Historic Preservation Specialist, the Historical Architectural Review Board and City Council to uphold the standards issued by the U.S. Secretary of the Interior.

Order and Agreed Resolution

The City of Reading City Council hereby denies the appeal of the Certificate of Appropriateness for 916 Madison Avenue, owned by Delfina Velasco and upholds the decision of the Historical Architectural Review Board, as adopted in Resolution 145-09. The City of Reading City Council further orders the replacement of the side-by-side window installed on the first floor front façade with a double hung, one-over-one, replacement window sized to match that of the originally installed window by April 30, 2009. Further more, due to the hardship nature of this situation, City Council authorizes the Historic Preservation Specialist with the ability to issue one extension period, not to extend beyond June 30, 2009, to the Respondent if the Respondent does not receive her federal tax refund and requires additional time to comply with this order. The letter authorizing the extension shall be prepared and executed by the Historic Preservation Specialist and the City Clerk.

Right to Appeal

If you disagree with the decision of City Council you may file an appeal with the Court of Common Pleas of Berks County within 30 days after notice of the decision has been made. Your failure to file the appeal within such 30 days shall preclude an appeal from such decision.