



CITY COUNCIL

Meeting Agenda

**REGULAR MEETING
COUNCIL CHAMBERS**

**MONDAY, AUGUST 8, 2011
7:00P.M.**

The Regular Meetings of City Council are filmed and can be viewed LIVE while the meeting is taking place or at your convenience at any time after the meeting on the City's website at www.ReadingPa.gov, under Info and Downloads/Meetings and Agendas

1. OPENING MATTERS

A. CALL TO ORDER

B. INVOCATION: Rev. John Francis, Christ Episcopal Church

C. PLEDGE OF ALLEGIANCE

D. ROLL CALL

2. PROCLAMATIONS AND PRESENTATIONS

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 July 25, 2011

B. AGENDA: Council meeting of August 8, 2011

5. Consent Agenda Legislation

A. Award of Contract – for the Customer Service Center Project to Sponaugle Construction Services, 1350 East Chocolate Avenue, Hershey, PA 17033 for a total submitted price of approximately \$74,000.00 (**Purchasing**)

6. ADMINISTRATIVE REPORT

7. REPORT FROM OFFICE OF THE AUDITOR

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

9. ORDINANCES FOR FINAL PASSAGE

A. Bill No. 38-2011 - authorizing the Mayor to execute a lease between the City of Reading and the Olivet Boys and Girls Club for a portion of the real estate situate in Pendor Park (**Law/Mayor**) *Introduced at the July 11 regular meeting; Tabled at the July 25 regular meeting; Public Meeting held July 27*

B. Bill No. 39-2011- ratifying the Solid Waste and Recycling Fees for the City of Reading (**Law**) *Introduced at the July 25 regular meeting*

C. Bill No. 40-2011 - authorizing the Mayor to execute any and all documents to effectuate the conveyance of real estate situate at 818 Muhlenberg St., 456 Schuylkill Ave., 108 Plum St., 722 Lance, 1709 Mineral Spring Rd, 112 Plum St., 454 Schuylkill Ave. and 516 Garden from Lobos Ten Properties to the City of Reading for \$15,500 (**Law**) *Introduced at the July 25 regular meeting*

10. INTRODUCTION OF NEW ORDINANCES

None

11. RESOLUTIONS

A. Resolution 84-2011 - that the City of Reading consents to the sale of the Elm View Apartments Limited Partnership project property and the Mayor of the City of Reading is authorized to execute any and all documents required for the assignment of the above referenced loan and to modify certain Note and/or Loan Agreement terms, including but not limited to deferral of the July 2011 balloon payment, possible forgiveness of said balloon payment, and review of the July 2026 balloon payment for status determination **(Law/Community Development) Tabled at the May 23 June 13, June 27, July 11 and July 25 regular meetings**

B. Resolution – authorizing the Mayor to execute a FFY2011 (37th CD year - January 1, 2011 to December 31, 2011) Action Plan amendment to revise 2010 activities and allocate unprogrammed HOME funds to Habitat for Humanity in the total amount of \$278,000 for the conduct of eligible activities in the City of Reading as required by HOME program regulations and final rule at 24 CFR 92 **(Community Development) Tabled at the July 25 regular meeting**

C. Resolution - authorizing the Mayor to execute a FFY2011 (37th CD year - January 1, 2011 to December 31, 2011) Action Plan amendment to allocate \$400,000 in HOME unprogrammed funds to Berks Housing Development Partnership (BHDP), a Community Housing Development Organization (CHDO). In addition, BHDP shall be allocated CHDO operating funds and administrative funds to develop, manage and administer affordable housing programs in compliance with HOME program regulations and final rule at 24 CFR 92 **(Community Development) Tabled at the July 25 regular meeting**

D. Resolution – appointing Fred Opalinski to the Citizen’s Advisory Board **(Admin Oversight)**

E. Resolution - supporting the in-sourcing of the City’s recycling program and asks the Managing Director to proceed in accordance herewith **(Council Staff)**

12. PUBLIC COMMENT – GENERAL MATTERS

13. COUNCIL BUSINESS / COMMENTS

14. COUNCIL MEETING SCHEDULE

Monday, August 8

Committee of the Whole – Council Office – 5 pm

Regular Meeting – Council Chambers – 7 pm

Thursday, August 11

LRA – City Council Office – 5pm

Monday, August 15

Administrative Oversight Committee – Council Office – 5 pm

Public Works Committee – Council Office – 5 pm

Work Session – Penn Room – 7 pm

Monday, August 22

Committee of the Whole – Council Office – 5 pm

Regular Meeting – Council Chambers – 7 pm

15. BAC AND COMMUNITY GROUP MEETING SCHEDULE

Monday, August 8

Fire Civil Service Board – Penn Room – 4 pm

6th & Amity Neighborhood and Playground Assn – 6th & Amity Fieldhouse – 6:30 pm

Tuesday, August 9

Airport Authority – Airport Authority Office – 8:15 am

Water Authority Workshop – Penn Room – 4 pm

Park and Recreation Advisory Committee – Pendora Park – 5 pm

District 11 Crime Watch – Orthodox Presbyterian Church – 7 pm

Wednesday, August 10

Zoning Hearing Board – Penn Room – 5:30 pm

Center City Community Organization – Holy Cross Church – 6 pm

Thursday, August 11

Police Pension Board – Penn Room – 10 am

Legislative Aide Committee – Penn Room – 7:30 pm

Monday, August 15

Library Board – 113 S 4th St – 4 pm

Tuesday, August 16

Charter Board – Penn Room – 7 pm

HARB – Planning Conference Room – 7 pm

Wednesday, August 17

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

Diversity Board – Penn Room – 4:30 pm

Redevelopment Authority – Redevelopment Authority Office – 5:30 pm

Thursday, August 18

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

Blighted Property Review Committee – Council Chambers – 6 pm

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

Mulberry & Green Citizen's Committee – St. Luke's Lutheran Church – 6:30 pm

Friday, August 19

Fire Pension Board – Penn Room – 10 am

Monday, August 22

DID Authority – DID Office – 645 Penn St 5th Floor – noon

BARTA – BARTA Office – 3 pm

**City of Reading City Council
Regular Business Meeting
Monday, July 25, 2011**

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

The invocation was given by Pastor Olga Moreira, Path of Holiness Church.

All present pledged to the flag.

ATTENDANCE

President of Council Spencer
Councilor Acosta, District 1
Councilor Goodman-Hinnershitz, District 2
Councilor Sterner, District 3
Councilor Reed, District 5
Councilor Waltman, District 6
City Auditor D. Cituk
City Solicitor C. Younger
City Clerk L. Kelleher
Mayor T. McMahon
Managing Director C. Geffken

PROCLAMATIONS AND PRESENTATIONS

A presentation was made by the Reading Community Players and Ruth Martelli, who are the cast of the new production "Fame".

PUBLIC COMMENT

Council President Spencer announced that two (2) citizens were registered to address Council on agenda matters and four (4) were registered to address non-agenda topics. He inquired if any member of Council objected to suspending the public speaking rule requiring non-agenda comment at the end of the meeting. As no one objected, the rule was suspended. He reminded the citizens about the public speaking rules.

Terry Sutton, of S. George St, York, PA, distributed materials to Council about the Elmview Apartments, funded originally through Fulton Bank, along with HOME and CDBG funds. He explained the difficulty in obtaining the rental rates required to create a positive cash flow at this investment property. He explained that HOME and CDBG funds are usually viewed as "soft costs" and are usually forgiven when the project fails.

Carlos Zayas, of South 11th Street, expressed the belief that the referendum question ordinance pertaining to the Auditor should wait until next year because if approved the referendum question will be placed on the 2012 Primary ballot. He also questioned requiring the Auditor to have a CPA credential, as CPAs would probably not run for the position at the salary currently assigned to the Auditor's position.

Mr. Zayas also reminded Council that they are behind on the Redistricting process that accompanies each census. He also questioned the RAWA purchase of the Sinking Spring Sewer System. He expressed the belief that the April 25th regular meeting minutes do not accurately reflect what he stated at the meeting. He asked that the June 27th minutes include his statement. He then read the statement he made at the April 25th regular meeting of Council.

Cindy and Craig Abribat, of Farr Rd, Wyomissing, described the upcoming 100,000 Poets event. They described the variety of entertainment genres that will be appearing at the event. They stated that this event will be held at various locations across the nation.

Steve Keiser, of North 8th Street, stated that he owns a rental property in the 000 block of North 10th Street. He described his difficulty in placing quality long-term tenants in this building due to the serious quality of life problems in this neighborhood, including open air drug dealing. He suggested less focus on codes enforcement and more police officers.

Denise Perez, of South 10th Street, was not present.

Michael Dugan, of North 12th Street, expressed the belief that the proposed change in the traffic flow on North 12th Street at the Citadel will not correct the perceived traffic or public safety problems. He stated that he has collected over 300 signatures on a petition opposing the changes and suggested that a public meeting be held before the changes are further considered.

APPROVAL OF THE AGENDA & MINUTES

Council President Spencer called Council's attention to the agenda for this meeting, including the legislation listed under the Consent Agenda heading. He stated that the 15 Conditional Offer of Employment Resolutions for new Police Officers entering the Police Academy will also be added to the consent agenda.

Councilor Goodman-Hinnershitz requested that resolutions marked as “N” and “O” be removed from the consent agenda for separate consideration.

Consent Agenda Legislation

A. Resolution 110-2011– authorizing the Mayor to execute a certain Reimbursement Agreement with the Pennsylvania Department of Transportation for the resurfacing of North Sixth Street between Amity Street and Hiester’s Lane and Bern Street between North Fifth Street and North Sixth Street (**Law/Public Works**)

B. Resolution 111-2011– promoting fire fighter Brian Smith to Administrative Officer (**Fire Dept**)

C. Resolution 112-2011– hiring Ann Whitmoyer to man the wheel chair van (**Fire Dept**)

D. Resolution 113-2011– hiring Michael Quintinsky to man the Basic Life Support Unity (**Fire Dept**)

E. Resolution 114-2011– promoting Lt. Frank Nefos Jr to 2nd Deputy Chief (**Fire Dept**)

F. Resolution 115-2011– promoting Lt. Thomas Kemery to 2nd Deputy Chief (**Fire Dept**)

G. Resolution 116-2011– promoting Lt. Steven Serba to 2nd Deputy Chief (**Fire Dept**)

H. Resolution 117-2011– promoting fire fighter Scot Landis to Lieutenant (**Fire Dept**)

I. Resolution 118-2011– promoting fire fighter James Stoudt Jr to Lieutenant (**Fire Dept**)

J. Resolution 119-2011– promoting fire fighter Sean Hart to Lieutenant (**Fire Dept**)

K. Resolution 120-2011– promoting Lt. Ronald Wentzel Jr to 1st Deputy Chief (**Fire Dept**)

L. Resolution 121-2011– promoting 2nd Deputy Chief Nicholas Amicone to 1st Deputy Chief (**Fire Dept**)

M. Resolution 122-2011– promoting 2nd Deputy Chief Gary Mogel to 1st Deputy Chief (Fire Dept)

P. Resolution 125-2011– authorizing the disposition of the following public records of the Finance/Administrative Services office as attached (**Admin Services**)

Q. Resolution 126-2011– authorizing a Reading Police Department Conditional Offer of Employment to William Pletcher (Police/Council Staff)

R. Resolution 127-2011 – authorizing a Reading Police Department Conditional Offer of Employment to Christopher Gaughan (Police/Council Staff)

S. Resolution 128-2011 – authorizing a Reading Police Department Conditional Offer of Employment to Kevin Ebersole (Police/Council Staff)

T. Resolution 129-2011 – authorizing a Reading Police Department Conditional Offer of Employment to Ryan Smith (Police/Council Staff)

U. Resolution 130-2011 – authorizing a Reading Police Department Conditional Offer of Employment to Pablo Dominguez (Police/Council Staff)

V. Resolution 131-2011 – authorizing a Reading Police Department Conditional Offer of Employment to Nicholas Epolito (Police/Council Staff)

W. Resolution 133-2011 – authorizing a Reading Police Department Conditional Offer of Employment to Ryan Emerich (Police/Council Staff)

X. Resolution 134-2011 – authorizing a Reading Police Department Conditional Offer of Employment to Jared Abby (Police/Council Staff)

Y. Resolution 135-2011 – authorizing a Reading Police Department Conditional Offer of Employment to Carcherie Gingrasso (Police/Council Staff)

Z. Resolution 136-2011– authorizing a Reading Police Department Conditional Offer of Employment to Christopher Hess (Police/Council Staff)

AA. Resolution 137-2011– authorizing a Reading Police Department Conditional Offer of Employment to Alexander Sholedice(Police/Council Staff)

BB. Resolution 138-2011 – authorizing a Reading Police Department Conditional Offer of Employment to Danielle Zacckey (Police/Council Staff)

CC. Resolution 139-2011– authorizing a Reading Police Department Conditional Offer of Employment to William Brandon O'Reilly (Police/Council Staff)

DD. Resolution 140-2011 – authorizing a Reading Police Department Conditional Offer of Employment to Michael Sansoti (Police/Council Staff)

EE. Resolution 141-2011 – authorizing a Reading Police Department Conditional Offer of Employment to Ana Rosario (Police/Council Staff)

Councilor Sterner moved, seconded by Councilor Waltman, to approve the agenda as amended, with the legislation listed under the consent agenda heading, with the exception of Resolutions N and O, and the minutes from the June 27th (as amended) and July 11th regular meetings of Council. The motion was approved unanimously.

N. Resolution 123-2001– authorizing the Reading Area Water Authority (RAWA) to incur debt for the purchase of the Sinking Spring Sewer System (**RAWA**)

Councilor Goodman-Hinnershitz moved, seconded by Councilor Acosta, to adopt Resolution No. 123-2011.

Councilor Goodman-Hinnershitz explained that, if approved, the City will not be guaranteeing this loan. She stated that the lease agreement with RAWA requires RAWA to authorize any debt transaction via resolution. She explained that the City's guarantee of debt would need to occur by ordinance.

Councilor Acosta explained that the capital debt will cover RAWA capital projects, including the purchase of the Sinking Spring Sewer system, if RAWA's bid is accepted by Sinking Spring Borough. He added that the debt will not be used to supply the City with financial support.

Councilor Waltman stated that he is concerned about approving this transaction as the City has only had a brief conversation with RAWA about the proposed capital projects. He stated that he will not support this transaction due to the lack of information and planning.

Councilor Goodman-Hinnershitz expressed the belief that the City and its agencies require more regular planning work.

Councilor Reed stated that the transaction will not impact City water customers.

Councilor Sterner stated that this transaction and the purchase of the Sinking Spring sewer system is RAWA's first big step toward providing a truly regional service.

Resolution No. 123-2011 was enacted by the following vote:

Yeas: Acosta, Goodman-Hinnershitz, Reed, Sterner, Spencer, President– 5

Nays: Waltman - 1

O. Resolution 124-2011- authorizes and approves the incurrence of the Indebtedness and requests that the Authority undertake the Project. The City authorizes and approves the issuance of the Indebtedness by the Authority in the maximum principal amount of \$50,000,000 (**RAWA**)

Councilor Goodman-Hinnershitz moved, seconded by Councilor Reed, to adopt Resolution 124-2011.

Councilor Goodman-Hinnershitz stated that the City will not incur the responsibility for this debt and that the transaction will benefit RAWA's financial security.

Councilor Waltman suggested that additional discussion with RAWA should occur.

Council President Spencer stated that the transaction will cover RAWA capital needs at existing facilities and allow them to purchase the Sinking Spring sewer system.

Resolution No. 123-2011 was enacted by the following vote:

Yeas: Acosta, Goodman-Hinnershitz, Reed, Sterner, Waltman, Spencer, President- 6

Nays: None - 0.

ADMINISTRATIVE REPORT

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

- Update on the implementation of Act 90 provisions
- 2012 budget update
- PILOT/SILOT update
- Announcement of the Pendora Park meeting on Wednesday, July 27th at 6:30 pm at the Pendora field house

Councilor Goodman-Hinnershitz stated that the meeting at Pendora field house will precede Council approval for the project and subsequent Planning and Zoning approvals.

AUDITOR'S REPORT

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

- Update on 2011 Admissions Tax Collection

- Update on 2011 Real Estate Transfer Tax collection
- The Auditor’s Compliance Report on Bill No. 17-2011

ORDINANCES FOR FINAL PASSAGE

A. Bill No. 33-2011 - authorizing the Mayor to execute the Agreement of Cooperation between the City of Reading and the Reading School District for the joint support of a Recreational and Educational Program and creation of the Reading Recreation Commission **(Law) Introduced at the July 11 regular meeting**

Councilor Acosta moved, seconded by Councilor Goodman-Hinnershitz, to enact Bill No. 33-2011.

Council President Spencer stated that a work group of City and School District officials have been meeting to discuss the creation of this joint commission for approximately 18 months. He stated that this joint commission will work to provide recreation programs at existing facilities with the contributions from the City and School District and funding through grants and private donations. He noted that the Commission can be disbanded if the School District and City find that it is not working properly.

Councilor Goodman-Hinnershitz thanked those who participated on the work group. She noted that the current Recreation employees will fall under the newly formed commission.

Bill No. 33-2011 was enacted by the following vote:

**Yeas: Acosta, Goodman-Hinnershitz, Reed, Sterner, Waltman, Spencer,
President- 6
Nays: None - 0**

B. Bill No. 34-2011 - amending the 2011 City of Reading Full Time Position Ordinance to reflect the changes made necessary by the current collective bargaining agreement for the Department of Fire and Rescue Services **(Fire/Council Staff) Introduced at the July 11 regular meeting**

Councilor Acosta moved, seconded by Councilor Waltman, to enact Bill No. 34-2011.

Council President Spencer explained that these changes are required as per the new collective bargaining agreement.

Bill No. 34-2011 was enacted by the following vote:

Yeas: Acosta, Goodman-Hinnershitz, Reed, Sterner, Waltman, Spencer,
President – 6
Nays: None - 0

C. Bill No. 35-2011 - directing the Berks County Board of Elections to place a referendum question before City voters on the 2012 primary ballot which would amend the City of Reading Home Rule Charter by changing the qualifications of the City Auditor (**Council Staff**) *Introduced at the July 11 regular meeting*

Councilor Acosta moved, seconded by Councilor Reed, to enact Bill No. 35-2011.

Councilor Goodman-Hinnershitz explained that the enactment of this ordinance will not impact on the election of the City Auditor in the 2011 General Election but will affect the election of the City Auditor in the 2015 election cycle.

Councilor Acosta stated that although City Council enacted legislation to freeze the salary of the Auditor, the salary can be adjusted if the qualifications for the position are changed.

City Auditor Cituk stated that no other City requires the elected Auditor to be a CPA. He expressed the belief that the ordinance is heavy handed.

Councilor Goodman-Hinnershitz noted the different perspectives involved with this recommendation. She expressed the belief that the City's financial needs need to come first and suggested that the Auditor should play a larger role in assisting the financial issues that affect the City.

Bill No. 35-2011 was enacted by the following vote:

Yeas: Acosta, Goodman-Hinnershitz, Reed, Sterner - 4
Nays: Waltman, Spencer, President - 2

D. Bill No. 36-2011 - amending the 2011 City of Reading Full Time Position Ordinance by decreasing the number of Property Maintenance Supervisors and increasing the number of Property Maintenance Inspectors within the Community Development Department, Codes Division (**Codes/Council Staff**) *Introduced at the July 11 regular meeting*

Councilor Acosta moved, seconded by Councilor Reed, to enact Bill No. 36-2011.

Council President Spencer explained that this adjustment will increase the number of property maintenance inspectors and decrease the number of supervisors.

Bill No. 36-2011 was enacted by the following vote:

**Yeas: Acosta, Goodman-Hinnershitz, Reed, Sterner, Waltman, Spencer,
President – 6**

Nays: None - 0

E. Bill No. 37-2011 - authorizing the Mayor to execute the agreement between the City of Reading and the Community Prevention Partnership for the coordination of the Weed and Seed Program **(Law/Mayor) Introduced at the July 11 regular meeting**

Councilor Reed moved, seconded by Councilor Sterner, to enact Bill No. 37-2011.

Councilor Waltman moved, seconded by Councilor Goodman-Hinnershitz, to amend Bill No. 37-2011 by decreasing the proposed by half, to \$11,400.

Councilor Reed stated that she will not support this ordinance or the amendment due to the need in all city neighborhoods.

Councilor Goodman-Hinnershitz expressed the belief that there are too many unanswered questions on this proposed project.

Councilor Sterner agreed that this area needs assistance but questioned if this project is the proper solution.

Councilor Acosta stated that he will not support this project but agreed with the need for the City to study this problem city-wide. He also noted the need for Council to consider its Core Services when asked to fund various projects.

The amendment to Bill No. 37-2011 was not adopted by the following vote:

Yeas: Goodman-Hinnershitz, Waltman, Spencer, President – 3

Nays: Yeas: Acosta, Reed, Sterner – 3

Council President called the main motion.

Bill No. 37-2011 was not enacted by the following vote:

Yeas: Waltman, Spencer, President – 2

Nays: Acosta, Goodman-Hinnershitz, Reed, Sterner - 4

F. Bill No. 38-2011 - authorizing the Mayor to execute a lease between the City of Reading and the Olivet Boys and Girls Club for a portion of the real estate situate in Pendra Park (**Law/Mayor**) *Introduced at the July 11 regular meeting*

Councilor Goodman-Hinnershitz moved, seconded by Councilor Acosta to table Bill No. 38-2011.

Bill No. 38-2011 was tabled by the following vote:

Yeas: Acosta, Goodman-Hinnershitz, Reed, Sterner, Waltman, Spencer,
President – 6
Nays: None - 0

Council President explained that the ordinance was tabled due to the need to hold the neighborhood meeting to obtain input from the affected residents.

INTRODUCTION OF NEW ORDINANCES

Council President Spencer read the following ordinances into the record:

A. Ordinance - ratifying the Solid Waste and Recycling Fees for the City of Reading (**Law**)

B. Ordinance - authorizing the Mayor to execute any and all documents to effectuate the conveyance of real estate situate at 818 Muhlenberg St., 450 Schuylkill Ave., 108 Plum St., 722 Lance, 1709 Mineral Springs, 112 Plum St., 454 Schuylkill Ave. and 516 Garden from Lobos Ten Properties to the City of Reading for \$15,500 (**Law**) *To be distributed Monday*

RESOLUTIONS

A. Resolution 70-2011 – authorizing the Mayor to execute a FFY2011 (37th CD year - January 1, 2011 to December 31, 2011) Action Plan Amendment to move \$450,000 in CDBG unprogrammed funds to the 2011 Microenterprise Development Activity (**Community Development**) *Tabled at the May 9, May 23, June 13, June 27 and July 11 regular meetings*

Managing Director Geffken asked that the resolution be withdrawn from Council's consideration.

Resolution 84-2011 - that the City of Reading consents to the sale of the Elm

View Apartments Limited Partnership project property and the Mayor of the City of Reading is authorized to execute any and all documents required for the assignment of the above referenced loan and to modify certain Note and/or Loan Agreement terms, including but not limited to deferral of the July 2011 balloon payment, possible forgiveness of said balloon payment, and review of the July 2026 balloon payment for status determination **(Law/Community Development) Tabled at the May 23 June 13 and June 27 regular meetings**

Councilor Acosta moved, seconded by Councilor Goodman-Hinnershitz, to table Resolution No. 84-2011.

Resolution No. 84-2011 was tabled by the following vote:

Yeas: Acosta, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Spencer, President – 6
Nays: None – 0

C. Resolution 107-2011 - authorizing the public release of the results of the Sewer Investigation, authorized by Bill No. 3-2011 and amended by Bill No. 20-2011 as attached in the Findings of Facts and Conclusions **(Council Staff) Tabled at the July 11 regular meeting**

Councilor Acosta moved, seconded by Councilor Goodman-Hinnershitz, to adopt Resolution No. 107-2011.

Councilor Sterner thanked the public and elected officials who responded to the letter sent by City Council. He stated that he will not support this resolution as he believes that the issue has not reached a successful conclusion.

Councilor Goodman-Hinnershitz agreed that the results are incomplete but she argued that pushing the issue further will not change the result or uncover the root cause of the problem. She stated that Council's main goal was to prepare a public document that explains the issue that resulted in the need for the City to take the unfunded debt last year.

Councilor Sterner agreed that by adopting this resolution the results of the investigation become part of the public record which can be reviewed by future elected officials. He also noted that this issue inspired a positive change in the City's financial policies.

Councilor Acosta agreed that the issue should be explored further but expressed the belief that as the end result would be no different from that in hand now, it would not make sense to spend the money to take the investigation further.

Councilor Waltman described how Council began considering conducting an investigation around the transfer of funds from the sewer area. He noted that the unfunded debt transaction cost the City \$5M in expenses. He stated that he will not support the adoption of this resolution due to the fragmented nature of the investigation process.

Resolution No. 107-2011 was adopted by the following vote:

Yeas: Acosta, Goodman-Hinnershitz, Sterner, Spencer, President – 4

Nays: Reed, Waltman – 2.

D. Resolution No. 142-2011– authorizing the Mayor to execute a FFY2011 (37th CD year - January 1, 2011 to December 31, 2011) Action Plan amendment to revise 2010 activities and allocate unprogrammed HOME funds to Habitat for Humanity in the total amount of \$278,000 for the conduct of eligible activities in the City of Reading as required by HOME program regulations and final rule at 24 CFR 92 (**Community Development**)

Councilor Reed moved, seconded by Councilor Acosta, to table Resolution No. 142-2011.

Resolution No. 108-2011 was tabled by the following vote:

Yeas: Acosta, Goodman-Hinnershitz, Reed, Sterner, Waltman, Spencer, President - 6

Nays: None - 0

E. Resolution No. 143-2011- authorizing the Mayor to execute a FFY2011 (37th CD year - January 1, 2011 to December 31, 2011) Action Plan amendment to allocate \$400,000 in HOME unprogrammed funds to Berks Housing Development Partnership (BHDP), a Community Housing Development Organization (CHDO). In addition, BHDP shall be allocated CHDO operating funds and administrative funds to develop, manage and administer affordable housing programs in compliance with HOME program regulations and final rule at 24 CFR 92 (**Community Development**)

Councilor Acosta moved, seconded by Councilor Waltman, to table Resolution No. 143-2011.

Resolution No. 143-2011 was tabled by the following vote:

Yeas: Acosta, Goodman-Hinnershitz, Reed, Sterner, Waltman, Spencer,
President – 6
Nays: None – 0

F. Resolution 85-2011 - recognition of uncollectable, settled or otherwise resolved Community Development loans (**Community Development/Law**)

Councilor Reed moved, seconded by Councilor Goodman-Hinnershitz, to adopt Resolution No. 85-2011.

Councilor Reed stated that the prior version of the letter lumped all of the loans together and made people think that all the loans listed were uncollectable; however, this version provides clarity. She noted that the poor wording of the first resolution made people believe that the loan made to Uhrig Painting on North 5th Street was uncollectable, when in fact the loan made to Uhrig was paid in full by the corporation. She apologized for any ill effect this issue has caused the Uhrig corporation or family. She asked the Administration to send a letter of apology.

Councilor Goodman-Hinnershitz stated that the resolution was reworded to provide clarification about which loans were paid, settled or deemed unresolved.

Resolution No. 85-2011 was adopted by the following vote:

Yeas: Acosta, Goodman-Hinnershitz, Reed, Sterner, Waltman, Spencer,
President – 6
Nays: None – 0

G. Resolution No. 144-2011 - Denying the Conditional Use application submitted by Ramon and Yulis Caraballo requesting a zoning permit for the addition of three (3) rental units in the upper floors of 1457 North 9th Street, but approving instead the addition of two (2) rental units for the second and third floor of 1457 North 9th Street, with conditions as attached herein (**Council Staff**)

Councilor Waltman moved, seconded by Councilor Goodman-Hinnershitz, to table Resolution No. 144-2011.

The motion to table Resolution No. 144-2011 was not adopted by the following vote:

Yeas: Goodman-Hinnershitz, Reed, Sterner - 3
Nays: Acosta, Waltman, Spencer, President – 3

Mr. Spencer asked that as the motion to table failed, he asked Council to reconsider adopting the resolution as Councilor Marmarou was consulted about the decision for this property, which is located within District 4.

Councilor Reed moved, seconded by Councilor Acosta, to adopt Resolution No. 144-2011.

Resolution No. 144-2011 was adopted by the following vote:

**Yeas: Acosta, Goodman-Hinnershitz, Reed, Sterner, Waltman, Spencer,
President – 6
Nays: None – 0**

COUNCIL COMMENT

Councilor Reed noted the upcoming Reading Hip Hop Summit and encouraged all Greater Reading residents to get involved.

Councilor Goodman-Hinnershitz invited citizens to attend the meeting about the rec center project proposed for Pendora Park on Wednesday, July 27th at 6:30 pm. She stated that a meeting about traffic issues at the Citadel is also being planned.

Councilor Goodman-Hinnershitz noted the positive community projects being conducted within District 2.

Councilor Sterner thanked Ruth Martelli and the Reading Community Players for performing at the beginning of the Council meeting. He also thanked those who provided public comment and reminded everyone about the BINGO program conducted every Monday at the Hillside Playground.

Council President Spencer and Councilor Sterner asked the Administration to address the issues raised by Mr. Keiser during the public comment period.

Council President Spencer reviewed the upcoming meeting schedule.

Councilor Sterner moved, seconded by Councilor Waltman, to adjourn the regular meeting of Council.

*Respectfully submitted by Linda A. Kelleher CMC, City
Clerk*



AGENDA MEMO

FINANCE DEPARTMENT

TO: City Council
FROM: Tammi Reinhart, Purchasing Coordinator
PREPARED BY: Tammi Reinhart, Purchasing Coordinator
MEETING DATE: August 8, 2011
AGENDA MEMO DATE: August 1, 2011
RECOMMENDED ACTION: Awarding of Contract for the Customer Service Center Project.

RECOMMENDATION

The recommendation is to award the contract to Sponaugle Construction Services, 1350 East Chocolate Avenue, Hershey, PA 17033 for a total submitted price of approximately \$74,000.00.

BACKGROUND

The City employed a three-member evaluation team that considered criteria including, but not limited to, responsiveness, experience, stability, MWE/MBE, and price. The responses to the requests for proposals were evaluated independently by the members of the RFP selection review committee. All three evaluators of the proposals recommend Sponaugle's appointment.

BUDGETARY IMPACT

The services will be \$74,000.00 and will be charged to account number 34-06-41-4801/Project number 34-06-41-100.

PREVIOUS ACTIONS

None.

SUBSEQUENT ACTION

Formal action by Council is needed to award the contract at the February 14, 2011 meeting.

RECOMMENDATION

The recommendation is that City Council approve the recommendation of the Administration to employ Sponaugle Construction Services for the Customer Service Center Project.

RECOMMENDED BY

Mayor, Managing Director, Director of Administrative Services, Controller and Purchasing Coordinator.

RECOMMENDED MOTION

To approve/deny Administration's recommendation that Sponaugle Construction Services be retained for the Customer Service Center Project on behalf of the City of Reading.

cc: File

BILL NO. _____-2011

A N O R D I N A N C E

AUTHORIZING THE MAYOR TO EXECUTE A LEASE BETWEEN THE CITY OF READING AND THE OLIVET'S BOYS AND GIRLS CLUB FOR A PORTION OF THE REAL ESTATE SITUATE IN PENDORA PARK.

WHEREAS, the City of Reading is the legal owner of certain property known as Pendora Park; and

WHEREAS, the City of Reading intends to enter into a lease of a portion of Pendora Park with Olivet's Boys and Girls Club for the purpose of providing a site for a proposed recreation center pursuant to certain terms and conditions,

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

SECTION 1. The Mayor is authorized to execute any and all documents to facilitate and effectuate the lease between the City of Reading and the Olivet's Boys and Girls Club for a portion of the real estate situate in Pendora Park, Reading, Berks County, PA, to provide a site for a proposed recreation center as set forth in the attachment hereto.

SECTION 2. This Ordinance shall be effective ten (10) days after passage.

Enacted _____, 2011

President of Council

Attest:

City Clerk
(Council Staff)

BILL NO. _____

AN ORDINANCE

**An Ordinance Ratifying the Solid Waste and Recycling Fees
for the City of Reading**

WHEREAS, by Ordinances and Resolutions, the Council of the City of Reading established fees for solid waste collection for the years 2001 through 2011 and for recycling collection for the years 1991 through 2011; and

WHEREAS, the City of Reading desires to ratify, confirm, and readopt an Ordinance establishing the fees for solid waste collection for the years 2001 through 2011 and for recycling collection for the years 1991 through 2011 and consolidate the fees assessed for solid waste collection and recycling collection into one ordinance for ease of access by the public..

NOW THEREFORE, IT IS HEREBY ORDAINED AND ENACTED BY THE CITY OF READING AS FOLLOWS:

1. Ratification of Fees for Solid Waste Collection. The City of Reading hereby ratifies, confirms, and readopts the ordinances and resolutions establishing the fees for solid waste collection for the years 2001 through 2011, establishing the solid waste fees per unit as follows:

(a) Quarterly Solid Waste Accounts

2001 Quarterly Fee	\$36.00
2002 Quarterly Fee	\$36.00
2003 Quarterly Fee	\$36.00
2004 Quarterly Fee	\$40.00
2005 Quarterly Fee	\$40.00
2006 Quarterly Fee	\$40.00
2007 Quarterly Fee	\$50.70
2008 Quarterly Fee	\$50.70
2009 Quarterly Fee	\$50.70
2010 Quarterly Fee	\$53.08

(b) Annual Solid Waste Accounts

2001 Annual Fee	\$144.00
2002 Annual Fee	\$144.00
2003 Annual Fee	\$144.00
2004 Annual Fee	\$160.00
2005 Annual Fee	\$160.00
2006 Annual Fee	\$160.00
2007 Annual Fee	\$202.80
2008 Annual Fee	\$202.80
2009 Annual Fee	\$202.80
2010 Annual Fee	\$212.32
2011 Annual Fee	\$212.32

2. Ratification of Fees for Recycling Collection. The City of Reading hereby ratifies, confirms, and readopts the ordinances and resolutions establishing the fees for recycling collection for the years 1991 through 2010, establishing the recycling fees per unit as follows:

(a) Annual Recycling Accounts

1991 Annual Fee	\$30.00
1992 Annual Fee	\$27.00
1993 Annual Fee	\$22.00
1994 Annual Fee	\$22.00
1995 Annual Fee	\$22.00
1996 Annual Fee	\$22.00
1997 Annual Fee	\$22.00
1998 Annual Fee	\$22.00

1999 Annual Fee	\$22.00
2000 Annual Fee	\$22.00
2001 Annual Fee	\$22.00
2002 Annual Fee	\$22.00
2003 Annual Fee	\$22.00
2004 Annual Fee	\$30.00
2005 Annual Fee	\$30.00
2006 Annual Fee	\$30.00
2007 Annual Fee	\$60.93
2008 Annual Fee	\$60.93
2009 Annual Fee	\$60.93
2010 Annual Fee	\$85.03
2011 Annual Fee	\$85.03

3. Penalty. As adopted by the City of Reading through ordinances and resolutions setting the fees for solid waste collection and recycling collection, any unpaid solid waste or recycling fee not paid by December 31 of the year it was assessed shall incur a 10% penalty.

4. Related Action. The proper officials of the City of Reading are hereby authorized and empowered to take such additional action as they may deem necessary or appropriate to implement this Ordinance.

5. All ordinances and resolutions inconsistent with the above provisions are repealed to the extent of their inconsistency.

6. This Ordinance shall take effect ten (10) days after adoption pursuant to Home Rule Charter Sections 219 & 221.

CITY OF READING

Attest:

Council President

City Clerk

BILL NO. _____-2011

A N O R D I N A N C E

AUTHORIZING THE MAYOR TO EXECUTE ANY AND ALL DOCUMENTS REQUIRED TO EFFECTUATE THE TRANSFER OF OWNERSHIP OF PREMISES KNOWN AS 516 GORDON ST., 722 LANCE PL., 1709 MINERAL SPRING RD., 818 MUHLENBERG ST., 108 PLUM ST., 112 PLUM ST., 454 SCHUYLKILL AVE. AND 456 SCHUYLKILL AVE., READING, BERKS COUNTY, PA FROM LOBOS TEN PROPERTIES TO THE CITY OF READING.

WHEREAS, the City of Reading is interested in acquiring ownership of properties known as 516 Gordon St., 722 Lance Pl., 1709 Mineral Spring Rd., 818 Muhlenberg St., 108 Plum St., 112 Plum St., 454 Schuylkill Ave. and 456 Schuylkill Ave., Reading, Berks County, Pennsylvania; and

WHEREAS, the owner of said property is Lobos Ten Properties, which is willing to convey said premises for a sum certain of \$15,500; and

WHEREAS, the City of Reading finds that acquisition of subject premises pursuant to said condition is acceptable.

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

1. **SECTION 1.** The Mayor is authorized to execute any and all documents required to effectuate the transfer of the ownership of premises known as 516 Gordon St., 722 Lance Pl., 1709 Mineral Spring Rd., 818 Muhlenberg St., 108 Plum St., 112 Plum St., 454 Schuylkill Ave. and 456 Schuylkill Ave. Reading, Berks County, Pennsylvania, from Lobos Ten Properties to the City of Reading for the purchase price of \$15,500.

SECTION 2. This Ordinance shall be effective ten (10) days after passage and approval by the Mayor.

Enacted _____, 2011

President of Council

Attest:

City Clerk

RESOLUTION NO. _____

WHEREAS, the City of Reading and the Elm View Apartments Limited Partnership entered into a certain Loan Agreement dated June 22, 1995; and

WHEREAS, the Elm View Apartments Limited Partnership has notified the City of Reading of its intent to enter into an Agreement of Sale of the subject project's property and potential assignment of the City of Reading's loan; and

WHEREAS, the City of Reading has determined that the sale of the Elm View Apartments Limited Partnership project property is in the best interest of the City of Reading; and

WHEREAS, the City of Reading intends to draft an agreement to modify certain terms of the Note securing the monies provided through the June 22, 1995 Loan Agreement between the City of Reading and the Elm View Apartments Limited Partnership.

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

That the City of Reading consents to the sale of the Elm View Apartments Limited Partnership project property and the Mayor of the City of Reading is authorized to execute any and all documents required for the assignment of the above referenced loan and to modify certain Note and/or Loan Agreement terms, including but not limited to deferral of the July 2011 balloon payment, possible forgiveness of said balloon payment, and review of the July 2026 balloon payment for status determination.

Adopted by Council _____, 2011

President of Council

Attest:

City Clerk

(Law)

AGENDA MEMO

COMMUNITY DEVELOPMENT

TO: CITY COUNCIL
FROM: DANIEL ROBINSON, DIRECTOR
MEETING DATE: July 25, 2011
AGENDA MEMO DATE: July 15, 2011
REQUESTED ACTION: TO APPROVE AMENDMENTS TO THE FY 2010 and FY2011 (36TH and 37th YEAR - JANUARY 1, 2010 TO DECEMBER 31, 2011) HOME ACTION PLAN

CD will ask City Council to pass separate resolutions for these two projects at the **July 25, 2011** City Council meeting.

BACKGROUND: The Community Development Department has available unprogrammed or unassigned HOME funds of \$1,275,000. CD wishes to provide funding to local non-profit agencies for the rehabilitation and construction of affordable housing in Reading, both City-wide and specifically in the Ricktown neighborhood.

Funding will be allocated as follows:

Habitat for Humanity

- Allocate \$100,000.00 of unprogrammed HOME funds to Habitat for Humanity for renovation of agency-owned properties throughout the City. Total project budget \$200,000.
- Cancel 2010 Blighted Property Review Committee Acquisition and Rehabilitation funding of \$78,000 and cancel the 2010 Neighborhood Home Ownership project funding of \$100,000 and reallocate \$178,000 to fund Habitat for Humanity for blighted property remediation through acquisition and renovations of properties, new construction, and/or repairs to owner-occupied properties in the Ricktown area. With Habitat's proposed contribution, the total project budget will be \$600,000.

Berks Housing Development Partnership (CHDO sponsored by Reading Housing Authority):

- Assign \$400,000 in unprogrammed HOME funds to BHDP to acquire and renovate and/or construct multi-unit or scattered-site affordable housing and mixed-use developments in the Ricktown Neighborhood
- Grant to BHDP \$28,655.00 in 2010 funds and \$47,178.00 in 2011 funds for CHDO Operating allocation for the initiation and operation of BHDP activities in the Ricktown area including housing activities, neighborhood improvements, marketing, and special events.
- Grant to BHDP \$25,000 in 2010 Admin funds and \$50,000 in 2011 Admin funds to administer and coordinate HOME program and other affordable housing programs in the Ricktown area.

BUDGETARY IMPACT: None.

PREVIOUS ACTION: Approval of 2010 and 2011 HOME Program Action Plans

SUBSEQUENT ACTION: Approval of resolutions following the 30-day comment period

RECOMMENDED BY: Community Development Department, Mayor. Ricktown Steering Committee

RECOMMENDED MOTION: To approve a Council Resolution authorizing the Mayor to execute a FFY2011 (37th CD year - January 1, 2011 to December 31, 2011) Action Plan Amendment to allocating unprogrammed funds and canceling incomplete 2010 activities and reassigning their funding as specified.

Cc: Thomas McMahon
Carl Geffken

Dan Wright
Neil Nemeth
Alex Palacios
Steve Haver

RESOLUTION No. _____

**RESOLUTION OF THE COUNCIL OF THE CITY OF READING
AUTHORIZING THE MAYOR TO EXECUTE A FFY2011 (37TH CD YEAR
- JANUARY 1, 2011 TO DECEMBER 31, 2011) ACTION PLAN
AMENDMENT TO REVISE 2010 ACTIVITIES AND ALLOCATE
UNPROGRAMMED HOME FUNDS TO HABITAT FOR HUMANITY IN
THE TOTAL AMOUNT OF \$278,000 FOR THE CONDUCT OF ELIGIBLE
ACTIVITIES IN THE CITY OF READING AS REQUIRED BY HOME
PROGRAM REGULATIONS AND FINAL RULE AT 24 CFR 92**

WHEREAS, under 24 CFR Part 91, the U.S. Department of Housing and Urban Development (HUD) outlines the consolidated submissions for Community Planning and Development programs which will serve as (1) a planning document for the City that builds on a participatory process at the grass roots level; (2) an application for federal funds under HUD's formula grant program; (3) a strategy to be followed in carrying out HUD programs; and (4) an Action Plan that provides a basis for assessing performance;

WHEREAS, the FFY2009 to FFY2013 five year Consolidated Plan (35th to 39th years - January 1, 2009 to December 31, 2013) specifies activities the City will undertake to address priority needs and local objectives using formula grant funds and program income the City expects to receive during a five year period;

WHEREAS, the FFY2011 (37th year - January 1, 2011 to December 31, 2011) Action Plan specifies activities the City will undertake to address priority needs and local objectives using formula grant funds and program income the City expects to receive during the program year;

**NOW, THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY
OF READING THAT:**

The FFY2011 (37th CD year - January 1, 2011 – December 31, 2011)

Action Plan is amended to allocate \$100,000 in unprogrammed HOME funds to Habitat for Humanity for a property rehabilitation program in various locations City-wide. In addition, 2010 Action Plan projects for Blighted Property Review Committee Residential Rehabilitation program and Neighborhood Home Ownership Acquisition and Rehabilitation program are cancelled and reassigned to Habitat for Humanity in the amount of \$178,000. This allocation shall be for the development of affordable housing as defined in 24 CFR 22.205 and will occur primarily in the Ricktown neighborhood.

The Mayor, on behalf of the City of Reading, is authorized and directed to execute the amendment to the satisfaction of HUD.

PASSED COUNCIL _____,
20_____

PRESIDENT OF COUNCIL

ATTEST:

CITY CLERK

RESOLUTION No. _____

RESOLUTION OF THE COUNCIL OF THE CITY OF READING AUTHORIZING THE MAYOR TO EXECUTE A FFY2011 (37TH CD YEAR - JANUARY 1, 2011 TO DECEMBER 31, 2011) ACTION PLAN AMENDMENT TO ALLOCATE \$400,000 IN HOME UNPROGRAMMED FUNDS TO BERKS HOUSING DEVELOPMENT PARTNERSHIP (BHDP), A COMMUNITY HOUSING DEVELOPMENT ORGANAZTION (CHDO). IN ADDITION, BHDP SHALL BE ALLOCATED CHDO OPERATING FUNDS AND ADMINISTRATIVE FUNDS TO DEVELOP, MANAGE AND ADMINISTER AFFORDABLE HOUSING PROGRAMS IN COMPLIANCE WITH HOME PROGRAM REGULATIONS AND FINAL RULE AT 24 CFR 92

WHEREAS, under 24 CFR Part 91, the U.S. Department of Housing and Urban Development (HUD) outlines the consolidated submissions for Community Planning and Development programs which will serve as (1) a planning document for the City that builds on a participatory process at the grass roots level; (2) an application for federal funds under HUD's formula grant program; (3) a strategy to be followed in carrying out HUD programs; and (4) an Action Plan that provides a basis for assessing performance;

WHEREAS, the FFY2009 to FFY2013 five year Consolidated Plan (35th to 39th years - January 1, 2009 to December 31, 2013) specifies activities the City will undertake to address priority needs and local objectives using formula grant funds and program income the City expects to receive during a five year period;

WHEREAS, the FFY2011 (37th year - January 1, 2011 to December 31, 2011) Action Plan specifies activities the City will undertake to address priority needs and local objectives using formula grant funds and program income the City expects to receive during the program year;

NOW, THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF READING THAT:

The FFY2011 (37th CD year - January 1, 2011 – December 31, 2011)

Action Plan is amended to allocate \$400,000 in unprogrammed HOME funds to Berks Housing Development Partnership, a Community Housing Development Organization as defined in 24 CFR 92.300. BHDP shall also be allocated CHDO operating funds in the amount of \$75,833 and HOME Administrative funds in the amount of \$75,000. This allocation shall be for the development, operation and administration of affordable housing as defined in 24 CFR 22.205, and related operational and administrative activities as defined in 24 CFR 92.207 and 92.208.

The Mayor, on behalf of the City of Reading, is authorized and directed to execute the amendment to the satisfaction of HUD.

PASSED COUNCIL _____,
20_____

PRESIDENT OF COUNCIL

ATTEST:

CITY CLERK

RESOLUTION NO. _____

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

That Fred Opalinski is appointed to the Citizen's Advisory Board with a term ending December 31, 2014.

Adopted by Council _____, 2011

Vaughn D. Spencer
President of Council

Attest:

Linda A. Kelleher
City Clerk

RESOLUTION NO. _____ 2011

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

Council supports the in-sourcing of the City's recycling program and asks the Managing Director to proceed in accordance herewith.

Adopted by Council _____, 2011

Vaughn D. Spencer
President of Council

Attest:

Linda A. Kelleher
City Clerk