

CITY COUNCIL

Committee of the Whole

Monday, June 10, 2013

Council Office

5:00 pm

Agenda

Although Council committee meetings are open to the public, public comment is not permitted at Council Committee of the Whole meetings. However, citizens are encouraged to attend and observe the meetings. Comment from citizens or professionals during the meeting may be solicited on agenda topics via invitation by the President of Council.

All electronic recording devices must be located behind the podium area in Council Chambers and located at the entry door in all other meeting rooms and offices, as per Bill No.27-2012.

- I. CDBG Action Plan Amendment re funding of fire equipment**
- II. Amendment to the Recreation Fees**
- III. Agenda Review**



COMMITTEE of the WHOLE

CITY COUNCIL

MINUTES
May 28, 2013
5:00 P.M.

COUNCIL MEMBERS PRESENT:

M. Goodman-Hinnershitz, D. Sterner, S. Marmarou, D. Reed, R. Corcoran, F. Acosta, J. Waltman

OTHERS PRESENT:

L. Kelleher, C. Younger, D. Cituk, C. Snyder, M. Bembenick, V. Spencer

The Committee of the Whole meeting was called to order at 5:05 pm by Council Vice President Goodman-Hinnershitz.

I. Pay to Play Ethics Amendment

Ethics Solicitor Greg Shantz stated that the proposed ordinance is based on the one currently in place in Philadelphia, which has been challenged and upheld. He stated that he believes the Philadelphia ordinance was enacted in 2009 and immediately challenged. He stated that Pittsburgh and other municipalities are using the Philadelphia legislation as their model as it has been challenged and upheld.

Mr. Shantz explained that the proposed ordinance focuses on the disclosure of campaign contributions and campaign financial reporting and intended to provide increased transparency and prevent the appearance of kickbacks. He stated that the ordinance was originally placed into the procurement policies, when it should have been located in the Ethics Code.

Mr. Waltman inquired how this legislation works with the State Elections Code and how it affects contributions to those running for City positions. Mr. Shantz stated that there are gaps in the State Elections Code and this legislation corrects those gaps. He stated that the dollar amounts in this legislation are based from the Philadelphia

ordinance and tailored for Reading. He stated that the proposed legislation limits those running for Mayor to a maximum of \$250K and those running for City Council to a maximum of \$100K. He again noted that the disclosure of those contributing is more important than the limits.

Ms. Goodman-Hinnershitz questioned the need to include references to this legislation in the City's RFPs. Ms. Katzenmoyer stated that the ordinance covers only no bid contracts.

Mr. Marmarou thanked Mr. Shantz and Ms. Katzenmoyer for their work on this legislation.

II. Agenda Review

Ms. Kelleher stated that the Fire Chief requested an amendment to the agenda to add two promotion resolutions onto the Consent Agenda. She stated that the promotions are revenue neutral, as the promotions are replacing retired employees.

A. Bill No. 27-2013 – authorizing the transfer of funds from the Trash/Recycle Fund (\$2 million) and Liquid Fuel Fund (\$400,000) to the General Fund (**Controller**)

Mr. Bembenick stated that this is a housekeeping item that returns funds borrowed from the General Fund earlier in the year.

B. Bill No. 28-2013 - Amending the City of Reading Codified Ordinances Chapter 1 Administrative Code, Part J Code of Ethics by adding definitions, amending the Solicitation/Acceptance of Gifts; Rebuttable Presumption, adding a provision regarding the Awarding of Contracts, and adding a provision regarding Campaign Contributions and Reporting Requirements (**Board of Ethics/Council Staff**) **Reviewed at 5-6 COW**

Ms. Goodman-Hinnershitz stated that this issue was addressed by Mr. Shantz at the beginning of this meeting.

C. Bill No. 28-2013 – Amending the Building/Trades and Property Maintenance Fee Schedules by applying certain fees to cover post-fire related activities, which will be billed against the fire escrow fund balance if the building has property insurance or billed to the property owner if the building is not covered by property insurance. (**Bus. Analyst**)

Mr. Cituk explained that the need for this ordinance was uncovered through a Fire Escrow workgroup composed of Mr. Kersley, Ms. Kelleher, Mr. Lachat, Ms. Kohl and himself. He stated that City post-fire activities will be charged to the fire escrow account

for properties that have fire insurance. He noted that currently post-fire work is billed to the property owner and then liened when the property owner fails to respond to the billed charges. When fire escrow funds are available the charges can be immediately drawn down. He noted that the group also learned that delinquent taxes and utility charges can also be charged to the fire escrow account.

Mr. Cituk explained that when fire insurance exists, the property owner receives a payment from the insurance company to rehabilitate or demolish the property. The City receives a small portion to hold in escrow until the property owner either rehabilitates or demolishes the property. If the City demolishes the property the fire escrow funds can be used to offset the cost of the demolition.

Mr. Cituk stated that the work group identified other issues which should be moving forward in other proposed ordinances.

A. Resolution 38-2012 - approving the undertaking of a project by the Reading Area Water Authority for the operation and/or acquisition of a certain sewer collection, conveyance and pumping system serving the Berks Park 78 Owners Association in Bethel Township (RAWA) **Reviewed at 5-6 COW**

Ms. Snyder stated that she had a conversation with Mr. Miller regarding this project. She explained that the project will provide sewage transportation service for only five (5) customers who reside in this area. She stated that there will not be any expansion of services. She stated that RAWA provides water service for this area and they are interested in having RAWA bid to provide sewage transportation services. The sewage is currently treated at the Bethel plant.

Mr. Waltman noted that in previous years Council had conversations with RAWA about their annual budgets and policies; however, those conversations no longer exist. He questioned if RAWA has a pro forma on this project and he questioned RAWA's experience with sewage. Ms. Kelleher stated that while RAWA itself has no sewage expertise, Miller Environmental, owned by Executive Director Dean Miller, does have experience with sewage as they run some municipal sewage treatment plants. Mr. Waltman questioned why Miller Environmental would not submit a bid.

Ms. Kelleher was asked to contact Mr. Miller about attending Monday's Standards of Living Committee meeting to discuss this matter further.

A. Ordinance - Authorizing the Mayor to execute a Lease Agreement between the City of Reading and WFMZ for the Lease of a Portion of the "WEEU Building" for the

installation of a transmitter on the existing Tower **(Law) Note: Ineligible for enactment until the June 24th meeting due to the Charter required 14 day lay over period**

Ms. Goodman-Hinnershitz stated that this ordinance is being introduced tonight. She invited Barry Fisher, President of WFMZ to speak with Council.

Mr. Fisher stated that WFMZ began a local news program in Berks County in the early 1900's and Berks Edition began broadcasting in 1995. He explained that WFMZ currently uses a microwave link located on the WITF tower on the Fire Tower property on Skyline Drive. This link is used to provide a signal for broadcasts from the field. He stated that WITF no longer needs the signal and WFMZ needs to increase the height of the existing tower due to the growth of trees on the mountain. He noted that the trees interfere with the ability to access the signal. He stated that the tower will not be higher than 160 feet and that there are other towers that are higher.

Mr. Fisher noted that an agreement was made with former Mayor McMahon to locate a new tower on the Fire Tower building; however, due to the historical significance of the Fire Tower, WFMZ did not install the new tower on the building.

Ms. Goodman-Hinnershitz stated that due to the Charter required 14 day layover period, this ordinance will not be eligible for enactment until June 24th.

B. Resolution – approving the Conditional Use application for HM Investments at 912 Amity Street to add one residential unit on the first floor, after the conditions are met by the property owner (Council Staff)

C. Resolution - denying the Conditional Use application for a two unit rental (2 bedroom first floor unit and 3 bedroom unit on the combined 2nd and 3rd floors) floor unit at 1146 North 6th Street submitted by James Kintzer and approving a Conditional Use permit for 1146 North 6th Street for a two unit rental (1 bedroom first floor unit and 3 bedroom unit on the combined 2nd and 3rd floors) with conditions. (Council Staff)

Ms. Kelleher stated that the 912 Amity decision is drafted for approval with conditions that the permit will not be issued until the property is compliant with the Property Maintenance and Building/Trades code regulations. She stated that an inspection is scheduled for June 14th.

Ms. Kelleher stated that the 1146 North 6th decision denies the original application but approves an alternative that allows a one bedroom unit in the first floor and a three bedroom unit on the combined 2nd and 3rd floors. She noted that wording of this decision will not allow the second and 3rd floors to be subdivided into additional units

nor allow a unit in the basement. Again the permit will not be issued until the property is in compliance with the Building/Trades and Property Maintenance regulations.

III. 2014 Budget

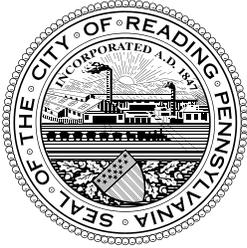
Mr. Bembenick stated that budget worksheets were distributed to the departments and are to be returned to Administrative Services by June 14th. The proposed budgets will be reviewed with those who submit the worksheets.

Ms. Reed suggested holding a budget summit in June or July. She noted that the past summits helped the Administration and Council to get on the same page with budget issues. Mr. Acosta agreed noting that the Mayor's staff is proposing some significant changes with this budget and it is important for Council to consider them well before the budget is presented and introduced.

Ms. Snyder stated that Mr. Mann has prepared a five year report on revenue projections, which is more optimistic than what was presented at the Finance Committee meeting last week. She stated that Mr. Mann is currently revising the report to include some additional revenue generation areas.

The Committee of the Whole meeting adjourned at 6:35 pm.

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



AGENDA MEMO
COMMUNITY DEVELOPMENT

TO: CITY COUNCIL
FROM: LENIN AGUDO, COMMUNITY DEVELOPMENT
DEPARTMENT DIRECTOR
MEETING DATE: JUNE 24, 2013
AGENDA MEMO DATE: MAY 16, 2013
REQUESTED ACTION: TO APPROVE AN AMENDMENT TO THE PY2013
(39TH CD YEAR JANUARY 1, 2013 TO DECEMBER 31,
2013) CDBG ACTION PLAN

The Community Development Department is asking City Council to pass the resolution at the **June 24, 2013** City Council meeting.

BACKGROUND: The City received a FEMA Assistance to Firefighters Grant to fund the purchase 102 sets of personal protective equipment which includes coats, pants, suspenders, class 1 life safety belts, gloves, hoods, helmets, and boots. This new equipment will replace outdated or provide new equipment to firefighters as needed to safely perform their duties. The City received 80% of the project cost from the FEMA AFG. The match of 20% is needed. CDBG funds are eligible to fund fire protection equipment as fire protection equipment is considered to be an integral part of a public facility. Thus, the purchase of the protective clothing worn by the fire fighters is eligible under the CDBG category of Public Facilities and Improvements. The funding of the personal protective equipment is also identified as a Mayor's Priority as non-City funds will be leveraged through the FEMA AFG in the amount of 80% of the total project cost. The purchase of the new equipment does not conflict with the principals of the City's MVA. The FEMA AFG award period is one year.

FEMA AFG Award Amount \$219,504
CDBG Amount \$ 55,000

BUDGETARY IMPACT: None.

PREVIOUS ACTION: None.

SUBSEQUENT ACTION: None.

RECOMMENDED BY: The Fire Chief, Managing Director, and Mayor.

RECOMMENDED MOTION: To approve/deny a Council Resolution authorizing the Mayor to execute a PY2013 (39th CD year - January 1, 2013 to December 31, 2013) CDBG Action Plan Amendment to program \$55,000 in unprogrammed CDBG funds for the Fire Protection Equipment activity. The activity's eligibility / fundability is fire protection equipment 24CFR570.207 (b) (1) (ii) and public facilities and improvements 24CFR570.201(c) / low mod area 24CFR570.208 (a) (1). The activity's service area contains 68.4% low mod persons.

Attachment

Cc: Carole Snyder
David Hollinger
Crystal Edwards
Neil Nemeth
Cindy DeGroot

RESOLUTION NO. _____

RESOLUTION OF THE COUNCIL OF THE CITY OF READING
AUTHORIZING THE MAYOR TO EXECUTE A
PY2013 CDBG ACTION PLAN AMENDMENT

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 PY2013 (39th CD year - January 1, 2013 to December 31, 2013) CDBG Action Plan has been prepared meeting HUD's requirements and providing guidance for addressing the housing and community development needs of the City;

WHEREAS, the Department of Fire and Rescue Services would like to utilize CDBG funds to purchase fire protection equipment;

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

The Mayor is authorized to execute a PY2013 (39th CD year - January 1, 2013 to December 31, 2013) CDBG Action Plan Amendment. The amendment will program \$55,000 in unprogrammed CDBG funds for the Fire Protection Equipment activity. The activity's eligibility / fundability is fire protection equipment 24CFR570.207 (b) (1) (ii) and public facilities and improvements 24CFR570.201(c) / low mod area 24CFR570.208 (a) (1). The activity's service area contains 68.4% low mod persons.

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

ADOPTED BY COUNCIL _____, 2013

PRESIDENT OF COUNCIL

ATTEST:

AGENDA MEMO

Managing Director

TO: City Council
FROM: Shelly Katzenmoyer, Deputy City Clerk
PREPARED BY: Shelly Katzenmoyer, Deputy City Clerk
MEETING DATE: June 24, 2013
AGENDA MEMO DATE: June 5, 2013
RECOMMENDED ACTION: Amending Park and Recreation Rental Fees

RECOMMENDATION

The Recreation Commission recommends amending the park and recreation rental fees.

BACKGROUND

The Business Analyst is currently reviewing the Special Event permit procedure. During this review it was discovered that the Recreation Commission has begun using an updated rental fee schedule. This amendment would make the City's fee schedule consistent with those fees recommended by the Recreation Commission.

The rental fees for the bandshell and pagoda are not affected by this amendment as they are not overseen by the Recreation Commission.

The Commission recommends adding fees for basketball tournaments at 3rd & Spruce and 11th & Pike. There is also a separate rental fee for the pavilion at 3rd & Spruce and fees to rent the tennis courts at Hampden Park.

You will also notice delineation in rental fees for residents, non-profits, schools, non-residents, and for-profit businesses and organizations.

BUDGETARY IMPACT

None – rental fees for these facilities are now budgeted to the Recreation Commission to further the programming offered by the Commission.

PREVIOUS ACTIONS

None

SUBSEQUENT ACTION

Formal action by Council is needed to amend the fee schedule.

RECOMMENDATION

The recommendation is that City Council approves the recommendation of the Recreation Commission regarding these fee increases.

BILL NO. _____
AN ORDINANCE

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF READING, BERKS COUNTY, PENNSYLVANIA, FEE SCHEDULE, ADMINISTRATIVE FEES, PUBLIC WORKS DEPARTMENT, PARKS AND RECREATION FEES. THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION 1: The Code of Ordinances of the City of Reading, Berks County, Pennsylvania, Fee Schedule, Administrative Fees, Public Works Department, Parks and Recreation Fees shall be and is hereby amended and shall hereafter be set forth as attached hereto and made a part here.

SECTION 2: All other items, parts, sections, etc. of the Code of Ordinances of the City of Reading, Berks County, Pennsylvania, which are contrary to the amended chart attached as Exhibit A are hereby repealed; otherwise all other parts, sections, etc. of said Code and Chapter shall remain in effect unchanged and likewise are ratified.

SECTION 3: This ordinance shall be effective ten (10) days after its adoption and approval by the Mayor, in accordance with Section 219 of the City of Reading Home Rule Charter.

Enacted _____, 2013

President of Council

Attest:

City Clerk

(Recreation Commission/Business Analyst)

Submitted to Mayor: _____

Date: _____

Received by the Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____

Vetoed by Mayor: _____

Date: _____

Item	Old City Fee	CITY			City For-profit Non-resident	Deposit	
		RESIDENT	NON-PROFIT	SCHOOLS			
Pendora Fieldhouse (6 hours)	\$180.00	\$175.00	\$175.00	\$175.00	\$225.00	equal to rental fee	
additional hours over 6	n/a	25.00 P/H	25.00 P/H	25.00 P/H	\$25.00 per hour	equal to rental fee	
Schlegel Fieldhouse (6 hours)	\$180.00	\$125.00	\$125.00	\$125.00	\$175.00	equal to rental fee	
additional hours over 6	n/a	25.00 P/H	25.00 P/H	25.00 P/H	\$25.00 per hour	equal to rental fee	
3rd and Spruce Gym (minimum 2 hour rentals only)	200.00 (2-3 hrs)	35.00P/H	35.00P/H	20.00P/H	75.00P/H	equal to rental fee	during normal
	n/a	50.00P/H	50.00P/H	50.00P/H	90.00P/H	equal to rental fee	outside normal
Tournaments (3rd and Spruce)	n/a	50.00P/H	50.00P/H	50.00P/H	90.00P/H	equal to rental fee	
(minimum 6 hours up to 12 per day)							
11th and Pike Gym (minimum 2 hour rentals only)	150.00 (2-3 hrs)	25.00P/H	25.00P/H	15.00P/H	65.00P/H	equal to rental fee	during normal
	n/a	40.00P/H	40.00P/H	40.00P/H	80.00P/H	equal to rental fee	outside normal
Tournaments (Pike)	n/a	40.00P/H	40.00P/H	40.00P/H	80.00P/H	equal to rental	

						fee	
(minimum 6 hours up to 12 per day)							
Large Pavilions	\$100 (6 hours)	150.00*	150.00*	150.00*	200.00*	equal to rental fee	*includes \$5
Small pavilions	\$50 (6 hours)	\$50.00	\$50.00	\$50.00	\$100.00	equal to rental fee	
3rd and Spruce Pavilion	\$50.00	\$100.00	\$100.00	\$100.00	150.00*	equal to rental fee	*includes \$5
Ball field Rentals	(2) hours before 8PM \$20.00	10	10	10**	20		**Commun lieu of fees a hour or 1/2 donati Sch
(minimum 2 hours)	(2) hours after 8PM \$30.00	25*	25*	25*	35		*includes ele
Tennis Courts	n/a	5P/H	5P/H	5P/H	10P/H		
Basketball courts with lights	n/a	10.00P/H	10.00P/H	10.00P/H	20.00P/H	equal to rental fee	
		25	25	25	35.00P/H		exception Ci

RECOMMENDED BY

Recreation Commission

RECOMMENDED MOTION

To approve the Recreation Commission's recommendation that the fee schedule of the City of Reading be amended to reflect current fees.