



# **CITY COUNCIL**

## **Meeting Agenda**

**SPECIAL MEETING**  
**2013**  
**COUNCIL CHAMBERS**

**TUESDAY, DEC 24,**

**9:30 AM**

*The Regular and Special 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](http://www.ReadingPa.gov), under Info and Downloads/Meetings and Agenda.*

*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*

### **1. Opening Matters**

**A. Call to Order**

**B. Roll Call**

### **2. Public Comment – Agenda Matters:**

***Citizens have the opportunity to address the Council only on the legislation listed on this agenda, by registering with the City Clerk one half (1/2) hour before the meeting begins. 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 shall speak at the beginning of the meeting and shall limit their remarks to 5 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.*

### **3. Approval Of Agenda**

**A. Agenda:** Special Meeting of December 24, 2013

### **4. Ordinances for Final Passage**

**Consider the Override of the mayor's veto of Bill No. 75-2013**

**Bill No. 75-2013** – authorizing the Mayor to execute the first Memorandum of Understanding between the City of Reading and the Foundation for the Reading Pagoda (Law and Council Office) *Introduced at the Nov 25 regular meeting*

### **5. Adjourn**



**Executive Office of the Mayor  
Vaughn D. Spencer**

December 19, 2013

To: City Council

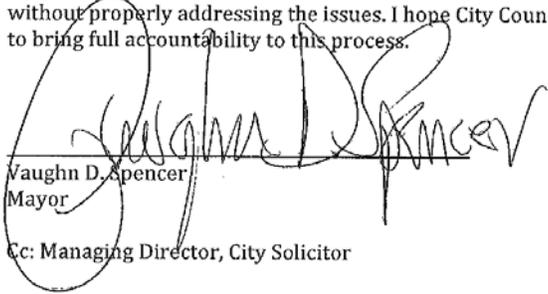
Re: Mayoral Veto of Bill #75-2013

Members of Council,

While I understand the desire to move forward with a formal agreement between the City and the Foundation for the Reading Pagoda and do want to see our landmark secured with a committed effort to market and operate the property, I cannot support the MOU that has been adopted and will not support any ordinance nor execute any agreement until our ongoing forensic audit is complete and the outstanding concerns have been resolved to the administration's satisfaction.

To be clear, the review done by Herbein was not a thorough investigation of matter, and did not include legal considerations on both the transfers of funds or the current standing of the foundation as a corporation. Our intent is to fully understand what happened and take proper corrective action if necessary.

I have cooperated with the foundation by allowing them to continue operating without an agreement while this runs its course, and do not understand the urgency in getting the MOU signed without properly addressing the issues. I hope City Council will support the Administration's effort to bring full accountability to this process.

  
Vaughn D. Spencer  
Mayor

Cc: Managing Director, City Solicitor

ORDINANCE NO. 75-2013

**AUTHORIZING THE MAYOR TO EXECUTE THE FIRST MEMORANDUM  
OF UNDERSTANDING BETWEEN THE CITY OF READING AND THE  
FOUNDATION FOR THE READING PAGODA**

**WHEREAS**, the City of Reading ("City") is the fee simple owner of a piece of property located in the City of Reading, Berks County, Pennsylvania, known as the Reading Pagoda; and

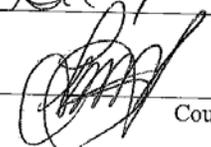
**WHEREAS**, the City and the Foundation for the Reading Pagoda jointly desire to find a long term solution to protect, enhance and preserve this valuable Reading landmark.

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

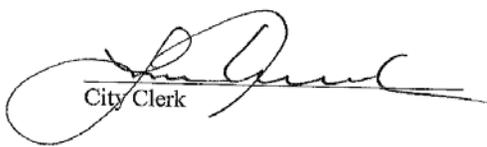
**SECTION 1.** That the Mayor is authorized to execute the Memorandum of Understanding between the City of Reading and the Foundation for the Reading Pagoda as attached in Exhibit A.

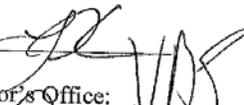
**SECTION 2.** This Ordinance shall become effective in ten (10) days after its adoption and approval by the Mayor in accordance with Section 219 of the City of Reading Home Rule Charter.

Enacted Dec 9, 2013

  
\_\_\_\_\_  
Council President

Attest:

  
\_\_\_\_\_  
City Clerk

Submitted to Mayor: 

Date: 12/10/13

Received by the Mayor's Office: 

Date: 12/10/13

Approved by Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

Vetoed by Mayor: \_\_\_\_\_

Date: 12/19/13



EXHIBIT A

**MEMORANDUM OF UNDERSTANDING BETWEEN  
THE CITY OF READING AND THE FOUNDATION FOR THE READING  
PAGODA**

**WHEREAS**, the City of Reading (“City”) is the owner of a piece of property with improvements located in the City and known as the Reading Pagoda; and

**WHEREAS**, the Foundation for the Reading Pagoda (“Foundation”) was established to assist in the preservation, enhancement, and maximum community utilization of the Reading Pagoda; and

**WHEREAS**, the City and the Foundation desire to set forth in writing certain understandings related to the Reading Pagoda; and

**WHEREAS**, this Memorandum of Understanding between the City and the Foundation will set forth the terms of these understandings:

1. The Foundation will operate all programming, events, and daily use at the Reading Pagoda.
  2. The Foundation will ensure appropriate staffing and supervision of all programming, events, and daily use at the Reading Pagoda.
  3. In consultation with the City, the Foundation will set fees and guidelines for building rentals, and will divide all revenues from the Reading Pagoda in a manner to be mutually agreed upon by the City and the Foundation.
  4. In consultation with the City, the Foundation will develop a long-term strategic plan for both the operation and the physical maintenance of the Reading Pagoda.
  5. The Foundation will submit to the City on a monthly basis both programming and financial reports relevant to the operation of the Reading Pagoda.
  6. The City will continue to be responsible for the physical maintenance of all Reading Pagoda property which is owned by the City and managed by the Foundation.
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7. The City will continue to assume all liability for the Reading Pagoda property and acts occurring thereon, and will maintain sufficient liability insurance for that purpose.

8. The City and the Foundation will establish an SOP for security at the Reading Pagoda.

9. The City and the Foundation agree to take all action necessary to carry forth the provisions of this Memorandum of Understanding.

10. To the extent not otherwise covered by the terms of this Memorandum of Understanding, the City and the Foundation will consult with each other and mutually and jointly agree on resolution of any other issues in re the Reading Pagoda. All amendments to this Memorandum of Understanding shall be in writing and approved by the governing bodies of each party.

CITY OF READING

By: \_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk

FOUNDATION FOR THE  
READING PAGODA

By: \_\_\_\_\_

Attest:

\_\_\_\_\_