



CITY COUNCIL

Meeting Agenda

REGULAR MEETING COUNCIL CHAMBERS

**MONDAY, JULY 14, 2014
7:00 P.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 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.

RULES FOR PUBLIC PARTICIPATION AT COUNCIL MEETINGS

The Administrative Code, Section § 5-209 defines public participation at Council meetings.

1. Citizens attending Council meetings are expected to conduct themselves in a responsible and respectful manner that does not disrupt the meeting.
2. Those wishing to have conversations should do so in the hall outside Council Chambers in a low speaking voice.
3. Public comment will occur only during the Public Comment period listed on the agenda at the podium and must be directed to Council as a body and not to any individual Council member or public or elected official in attendance. Clapping, calling out, and/or cheering when a speaker finishes his comments is not permitted.
4. Citizens may not approach the Council tables at any time during the meeting.
5. Any person making threats of any type, 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, removed from Council Chambers and/or cited.
6. Failure to abide by these regulations could result in your removal from Council Chambers and/or a citation. These regulations are meant to avoid disruptions at the meeting and they are not meant to interfere with public participation.

1. OPENING MATTERS

A. CALL TO ORDER

B. INVOCATION: Pastor Mel Sensenig, Christ Presbyterian Church

C. PLEDGE OF ALLEGIANCE

D. ROLL CALL

The purpose of the Executive Session on Monday, July 7th andn Monday, July 14th were related to recycling litigation and personnel matters respectively.

2. PROCLAMATIONS AND PRESENTATIONS

- Council Commendation recognizing Recreation Month, accepted by Executive Director Daphne Klahr
- Council Commendation recognizing the 10th Anniversary of Liberty Environmental, accepted by founder James Cinelli

3. PUBLIC COMMENT – AGENDA MATTERS:

Citizens have the opportunity to address the Council, by registering with the City Clerk by 5 pm on the day of the scheduled Council meeting or by legibly printing their name, address and the subject matter to be discussed on a sign-up sheet found on the podium in Council Chambers between 5 pm and 7 pm on the day of the scheduled 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, including applause or cheering, 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: Regular Meeting of June 23, 2014

B. AGENDA: Regular Meeting of July 14, 2014

5. Consent Agenda Legislation

A. Resolution - authorizing an interest-bearing bank account with Pennsylvania School District Liquid Asset Fund for the City of Reading, to deposit sewer revenue paid by City residents defined for Fund 55. (Man Dir/Pub Works)

B. Resolution - authorizing the hiring of Diego Arcinegas, Josiah Fisher, Cornell Deuber and Bradley Silcox as probationary patrol officers effective July 14, 2014 (Police)

6. ADMINISTRATIVE REPORT

7. REPORT FROM OFFICE OF THE AUDITOR

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

Daphne Klahr, Recreation Commission

9. ORDINANCES FOR FINAL PASSAGE

Pending - Further Legal Review Required

Bill 41-2014 - creating the Reading Regional Water Authority (**City Council**) *Introduced at the April 14 regular meeting*

Ordinance - authorizing a project labor management agreement for building projects in the City (**Mayor's Office**) *Introduced at the May 12 regular meeting; Additional review required; PLA Work Group meeting held June 25th*

None

10. INTRODUCTION OF NEW ORDINANCE

A. Ordinance - establishing a four-way stop intersection at Crestmont Street and Fern Avenue (**Public Works**) *Advertisement on July 21*

B. Ordinance - establishing a four-way stop intersection at Greenwich Street and North Second Street (**Public Works**) *Advertisement on July 21*

C. Ordinance - establishing a three-way stop intersection at West Green Street and McKnight Street (**Public Works**) *Advertisement on July 21*

D. Ordinance - establishing a three-way stop intersection at West Green Street and Weiser Street (**Public Works**) *Advertisement on July 21*

E. Ordinance - authorizing the transfer of \$25,000.00 from the Contracted Services line item in the Liquid Fuels Fund to the Maintenance of Roads and Bridges line item in the Public Works Budget (**Man Dir**).

F. Ordinance - authorizing the execution of the attached Intermunicipal Agreement between the City of Reading and the Berks County Solid Waste Authority to provide for an electronics' disposal program. (**Man Dir**)

G. Ordinance – authorizing the amendment of the 2014 Position Ordinance by eliminating the ‘Shift Supervisor Service Utility’ position and blending the associated responsibilities into an existing ‘Mechanical Maintenance Supervisor’ position at the Waste Water Treatment Plant.

(Man Dir)

H. Ordinance – authorizing the amendment of the 2014 Position Ordinance, by decreasing the Developer positions from two (2) to one (1) and increasing the Network Administrator position from one (1) to two (2).**(Man Dir)**

11. RESOLUTIONS

PENDING – Council Receipt and Review of PFM analysis

Resolution - designating Our City Reading, Inc. as the city’s redevelopment partner for certain properties located on Penn Street and authorizing the mayor to make applications for certain federal grants and loans **(Man Dir)**

A. Resolution – reappointing Melissa Eggert to the Board of Ethics **(Nom & Appts)**

B. Resolution – appointing Jack Gulati to the Main Street Board **(Nom & Appts)**

C. Resolution – appointing Catherine Cadwell to the Downtown Improvement District Authority **(Noms & Appts)**

12. PUBLIC COMMENT – GENERAL MATTERS

Please see public speaking rules on second page

13. COUNCIL BUSINESS / COMMENTS

14. COUNCIL MEETING SCHEDULE

Monday, July 14

Committee of the Whole – Council Office – 5 pm

Regular Meeting – Council Chambers – 7 pm

Monday, July 21

Finance Committee – Council Office – 5 pm

Standards of Living Committee – Council Office – 5 pm

Monday, July 28

Committee of the Whole – Council Office – 5 pm

Regular Meeting – Council Chambers – 7 pm

15. BAC AND COMMUNITY GROUP MEETING SCHEDULE

Monday, July 14

Fire Civil Service Board – Penn Room – 4 pm

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

Tuesday, July 15

HARB – Penn Room – 7 pm

Charter Board – Penn Room – 8 pm

Wednesday, July 16

Redevelopment Authority – Redevelopment Authority office – 6:30 pm

Thursday, July 17

Diversity Board – Penn Room – 3 pm

Monday, July 21

Library Board – 113 S 4th St – 4 pm

Tuesday, July 22

Housing Authority Workshop – WC Building – 4 pm

Housing Authority – WC Building – 5 pm

Planning Commission – Penn Room – 7 pm

Penn's Commons Neighborhood Group – Penn's Commons meeting room – 7 pm

Wednesday, July 23

Parking Authority – Parking Authority office – 5:30 pm

Stadium Commission – Stadium RBI room – 7:30 pm

Monday, July 28

DID Authority – 645 Penn St 5th floor – noon

District 7 Crime Watch – Holy Spirit Church – 7 pm

City of Reading City Council
Regular Business Meeting
Monday, June 23, 2014

Council President Francis Acosta called the meeting to order.

The invocation was given by a volunteer from the audience.

All present pledged to the flag.

ATTENDANCE

Council President Acosta
Councilor Daubert, District 1
Councilor Goodman-Hinnershitz, District 2
Councilor Sterner, District 3
Councilor Marmarou, District 4
Councilor Reed, District 5
Councilor Waltman, District 6
City Auditor D. Cituk
City Solicitor C. Younger
City Clerk L. Kelleher
Managing Director C. Snyder
Mayor Spencer

PROCLAMATIONS AND PRESENTATIONS

City Council issued the following:

- Commendation recognizing the benefits of a diet high in fruits and vegetables and urging residents to participate in “Meatless Monday” by Councilor Daubert
- Recognition Certificates to the Reading Music Foundation Scholarship Winners
- Recognition Certificates to the RHS Berks Best
 - Patricia Paulino – Communications Winner
 - Joel Christophel – Computer Science Finalist
 - Erisson Contreras – Vocational/Technical Skills Finalist

PUBLIC COMMENT

Council President Acosta stated that there were four (4) citizens registered to address Council on non-agenda matters. He stated that the Public Comment Rules require non-agenda comment at the end of the meeting; however, he inquired if any member of Council objected to suspending the rules requiring non-agenda comment at the end of the meeting. As no one objected, the rule was suspended. He reminded those registered about the public speaking

rules.

Kevin Deck, of West Lawn, distributed reports to Council about the overuse of fluoride in the water system. He expressed the belief that the over use of fluoride in drinking water, amounts in excess of 1.0 ppm or 1 mg/L causes health problems. He stated that in 2013 RAWA added 1.08 ppm to our drinking water. He expressed the belief that these doses of fluoride are unsafe.

Chris Gant, of Hanley Place, began asking Council questions about economic development. Council President Acosta explained that the public comment period is not a "Q&A" session but a time for people to express their opinions to the body of Council.

Mr. Gant expressed the belief that former warehouses should be converted into greenhouses and used for urban farming, which would provide jobs and sustainability of food for residents. He noted that the drought in the western portion of the United States has created sustainability issues. He also asked Council not to support the resolution regarding the privatization of the water system listed on tonight's agenda.

Council President Acosta stated that John Slifko is the next speaker and that Janie Zimmerman registered and deferred her time to Mr. Slifko.

John Slifko, of North 4th Street, noted that the last government study occurred 24 years ago resulting in the Home Rule Charter which went into effect in January 1996. He questioned if this form of government has succeeded in unifying the government and has created a professionally managed City. He expressed the belief that this form of government has failed almost since the beginning. He provided examples of dysfunction that apply to this and prior administrations and the expenses associated with the dysfunction.

Mr. Slifko stated that there are two main structural deficiencies associated with the current form of government: 1) providing a non-professional elected mayor some administrative function and 2) providing the elected mayor and Council with equal power, which creates an immediate conflict.

Mr. Slifko stated that "A Better Way for Reading" is a citizen's group who is undertaking an initiative to amend the Charter by providing all executive authority to the managing director appointed by Council and having Council lead by a full-time mayor who will have one vote as a member of Council. This form would eliminate the existing conflict, eliminate political management and create stable management. He stated that this form of government is predominantly used in United States cities that have more than 25,000 citizens. He stated that cities with the mayor-council form of government are declining.

APPROVAL OF THE AGENDA & MINUTES

Council President Acosta called Council's attention to the agenda for this meeting, including the legislation listed under the Consent Agenda heading and the minutes from the June 9th Regular Meeting of Council. He noted the following adjustments to the Consent Agenda heading:

- Addition of an Award of Contract for the repaving of Cotton Street
- Addition of a Motion authorizing a WWTP project change order for the Design Contract with RK&K at a cost of \$842,315.78, which will result in savings over the life of the construction project

Councilor Marmarou moved, seconded by Councilor Sterner, to approve the minutes from the June 23rd Regular Meeting of Council and the agenda, as amended, including the legislation listed under the Consent Agenda heading. The motion was approved unanimously.

Consent Agenda

A. Resolution 71-2014 - Authorizing the disposition of Contracts in the Law Office that have expired or were terminated prior to 2002 **(Solicitor)**

B. Resolution 72-2014 - authorizing the Mayor to sign and submit a DCED Commonwealth Financing Authority Greenways, Trails and Recreation Program Grant application to request funding (\$250,000) of the total project cost (\$300,000) for the Phase II rehabilitation of the Schlegel Park Pool **(Pub Works)**

C. Resolution 73-2014 – authorizing the creation of a bank account at Wells Fargo for the Section 108 Loan for the Doubletree Hotel, as per Bill No. 45-2011. **(Man Dir)**

D. Resolution 74-2014 – Authorizing the Department of Police to establish a bank account at Pagoda Federal Credit Union for purposes of securing certain evidence and property, as per Bill No. 45-2011 **(Man Dir)**

E. Resolution 75-2014 – authorizing the City to submit an ESG (Emergency Solutions Grant) program application in the amount of \$75,000 to the PA DCED for Opportunity House.**(Man Dir)**

F. Award of Contract - for the paving of Cotton Street to Martin Limestone Inc., a Division of NESL, dba Burkholder Paving, 621 Martindale Road, Ephrata, PA 17522, for a total price of \$309,376.50. **(Purchasing)**

G. Motion – authorizing a WWTP project change order for the Design Contract with RK&K at a cost of \$842,315.78, which will result in savings over the life of the construction project. **(Pub Works)**

ADMINISTRATIVE REPORT

The mayor read the Administrative report distributed to Council, in summary:

- The opening of bids for the repaving of Cotton Street
- The 411% increase in the number of potholes requiring repair due to the 2014 winter
- The intent to reroute the mowing cycles for City parks

Councilor Goodman-Hinnershitz stated that the repairs made to the Hill Road area at Egleman's Park are outstanding. She noted the beautiful re-pointing of the stone wall. She agreed that the Public Works Department is understaffed and they need to explore ways to improve the maintenance of City properties such as planting vegetation that does not require constant mowing.

AUDITOR'S REPORT

City Auditor Cituk read the report distributed to Council at the meeting, in summary:

- 2014 Admissions Tax
- 2014 Real Estate Transfer Tax
- 2014 Snow and Ice Grant
- Update on the actuarial reports on the City's three (3) pensions

Mr. Cituk stated that he expects the presentation on the final external audit to be delayed once again this year as the Redevelopment Authority and RAWA have not completed their external audits. He explained why the City's external audit needs to include the external audits from RAWA and the Redevelopment Authority.

Council President Acosta noted that one of the students who was to receive a recognition certificate just arrived. He asked Erisson Contreras, Vocational/Technical Skills Finalist, to step forward and the certificate was issued.

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

None.

ORDINANCES FOR FINAL PASSAGE

Pending – Further Legal Review Required

Bill 41-2014 – creating the Reading Regional Water Authority (City Council) *Introduced at the April 14 regular meeting*

Ordinance – authorizing a project labor management agreement for building projects in the City (Mayor's Office) *Introduced at the May 12 regular meeting; Additional review required; PLA*

Work Group meeting scheduled for June 25th at 5:30 pm in the Penn Room

Bill No. 47-2014 – authorizing the transfer of \$20,000 from the Salary line of the Fire-Prevention Education Division (Fire Marshal) to the Contracted Services line of the same division **(Fire) Introduced at the June 9 regular meeting**

Councilor Reed moved, seconded by Councilor Goodman-Hinnershitz, to enact Bill No. 47-2014.

The Managing Director stated that since the former Fire Marshall resigned, the division now needs to contract out for plan review.

Bill No. 47-2014 was enacted by the following vote:

Yeas: Daubert, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Acosta, President - 7

Nays: None - 0

Bill No. 48-2014 - amending the City Code Chapter 141 Animals, Part 2, Animal Control, by updating sections throughout, by adding Section 141-213 Limited Number of Animals Allowed Without Registration and renumbering as necessary **(Board of Health/Council Staff) Introduced at the June 9 regular meeting; Advertised June 16th**

Councilor Marmarou moved, seconded by Councilor Daubert, to enact Bill No. 48-2014.

The Managing Director stated that this ordinance requires a no cost registration of more than six (6) dogs/cats per household.

Bill No. 48-2014 was enacted by the following vote:

Yeas: Daubert, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Acosta, President - 7

Nays: None - 0

Bill No. 49-2014 –amending the 2014 Budget for the Department of Fire and Rescue Services, authorizing the transfer of funds to avoid a late payment penalty on the purchase of a refurbished ambulance **(Managing Director) Introduced at the June 9 regular meeting**

Councilor Reed moved, seconded by Councilor Daubert, to enact Bill No. 49-2014.

Bill No. 49-2014 was enacted by the following vote:

**Yeas: Daubert, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Acosta,
President - 7
Nays: None - 0**

INTRODUCTION OF NEW ORDINANCES

There were no ordinances introduced at this meeting.

RESOLUTIONS

A. Resolution 76-2014 – reappointing Wayne Bealer to the Planning Commission (Nom & Appts)

Councilor Marmarou moved, seconded by Councilor Reed, to adopt Resolution 76-2014.

Councilors Marmarou and Sterner noted the skill and ability of Mr. Bealer.

Resolution 76-2014 was adopted by the following vote:

**Yeas: Daubert, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Acosta,
President - 7
Nays: None - 0**

B. Resolution 77-2014 – publically expressing City Council’s position on the sale of the City’s water system

Councilor Goodman-Hinnershitz moved, seconded by Councilor Reed, to adopt Resolution 77-2014.

Councilor Goodman-Hinnershitz noted the amount of misinformation provided to the public during the discussions about the water system. She stated that at no time did any member of Council state or infer that they favored the sale of the system. She stated that the majority of Council want to retain ownership of the system. She expressed the belief that the water system is a public asset that should remain publicly controlled.

Councilor Daubert stated that while he will support this resolution on its merit, he noted that he disagrees with the definition of “privatization”. He expressed the belief that privatization applies to long term leases.

Councilor Reed agreed with the statement made by Councilor Goodman-Hinnershitz. She expressed the belief that the City should retain control of this public system now and in the future.

Councilor Waltman stated that he will not consider any type of RFP at this point in time for any type of water equity. He stated that the water issue has been a distraction from other pressing issues. He expressed the belief that all public assets, including the water system, require the City's protection.

Resolution 77-2014 was adopted by the following vote:

**Yeas: Daubert, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Acosta,
President - 7**

Nays: None - 0

COUNCIL COMMENT

Councilor Marmarou described the problems with the paving of Skyline Drive and the stone walls that frame the Skyline Drive roadway. He stated that the problematic areas are owned by Lower Alsace and Oley. He suggested that these municipalities undertake the required repairs.

Councilor Marmarou announced the upcoming Night in the Heights planned for Saturday, June 28th from 6-9 pm.

Councilor Daubert stated that he is holding a clean-up at Schlegel Park on Saturday, July 12th at noon. He encouraged citizens to attend and assist. He thanked Mr. Gant for suggesting the urban farming.

Councilor Waltman noted the success of the Centre Park Garden Tour over the past weekend. He stated that the group had perfect weather for the perfect event.

Councilor Reed agreed that the tour was gorgeous. She noted the improvements made to Adrienne's Inn on Centre Avenue. She also noted the passing of Bunny White who was a stalwart in the Reading community.

Councilor Reed expressed the belief that the change in form of government described by Mr. Slifko is 18 years overdue. She noted that 64% of cities with 22,000 residents are using the council manager form of government. She also agreed with making the mayor a member of council with one vote, which ends the conflicts that have existed with Council over the past 18 years. She asked the residents to consider supporting this initiative.

Councilor Sterner thanked those who spoke and those who were honored with commendations and recognition certificates.

Councilor Goodman-Hinnershitz expressed support for the amendment of the Charter to a council-manager form of government. She stated that the Pagoda has become a national symbol which helps drive visitors to Reading and Berks County. She announced the upcoming events scheduled at the Pagoda and at Skyline Drive. She noted the need to support the Pagoda Foundation and the volunteers that serve the Pagoda. She stated that a meeting of all parties that hold events on the mountain will be conducted to better organize the events.

The mayor noted that Mr. Slifko served on both prior Charter Review Commissions and on the Charter Board. He stated that the only recommendations that came out of the 2002 Charter Review Commission were a change in the form of government and the creation of the Charter Board. He noted his prediction that the Charter Board would be a costly endeavor. He noted that this last Review Commission worked to eliminate conflict and remove duplicity, which resulted in six (6) recommendations. He stated that Mr. Slifko did not support these recommendations and that Mr. Slifko cannot have it both ways by voting against the recommendations then saying a change in the form of government is needed. He stated that there was a lot of political wrangling during the Charter Review Commission meetings, which is reflected in the minutes. He stated that he looks forward to a discussion on a change in the type of government. He noted the expense of the Charter Board complaints. He stated that the problem is not always the form of government but the people serving in governmental positions.

Council President Acosta noted the repair of the façade of the building in the 000 block of South 5th Street. He stated that the owners of the building are very appreciative of the professionalism and dedication of Chief Building Inspector Brian Nicarry.

Council President Acosta explained that Council is holding a work group meeting to discuss the PLA (Project Labor Agreement) ordinance proposed by the mayor's office. He stated that this is a public meeting where people can sit in the meeting and listen to the discussion. He reminded the public that public comment is only required on the 2nd and 4th Mondays when regular business meetings are held. He stated that various people who have varying perspectives about the use of PLAs have been invited to participate in the discussion and assist Council in considering this issue. He stated that this explanation is meant to provide clarity to those who are misinformed about what public meetings are.

Councilor Goodman-Hinnershitz stated that much of the confusion about what a public meeting is and when public comment is permitted is created by specific people who work at City Hall and the act to misinform the public is intentional. She suggested that the supervisor hold these people accountable.

Council President Acosta stated that much of the misinformation comes from social media.

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

Respectfully submitted by Linda A. Kelleher CMC, City Clerk

RESOLUTION NO. ____ 2014

**AUTHORIZING THE ESTABLISHMENT OF A BANK ACCOUNT
FOR CITY SEWER REVENUES**

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

Authorizing an interest-bearing bank account with Pennsylvania School District Liquid Asset Fund (PSDLAF) for the City of Reading, to deposit sewer revenue paid by City residents defined for Fund 55.

Adopted _____, 2014

President of Council

Attest:

City Clerk



AGENDA MEMO

POLICE DEPARTMENT

TO: City Council
FROM: Chief William M. Heim
PREPARED BY: Chief William M. Heim
MEETING DATE: July 14, 2014
AGENDA MEMO DATE: July 9, 2014
REQUESTED ACTION: Authorize the hiring of four patrol officers to replace officers who have retired or left the department.

RECOMMENDATION

The Mayor and Police Chief recommend the hiring of the following individuals as patrol officers: 1. Diego Arcinegas 2. Josiah Fisher 3. Cornell Deuber 4. Bradley Silcox.

BACKGROUND

The 2014 budget authorizes a total of 168 police officers to staff the police department. Currently, we have 164 officers on board. In order to support crime reduction efforts and maintain a skilled and experienced police force, these replacements are necessary. These four individuals have passed all civil service and hiring requirements.

BUDGETARY IMPACT

None. These funded positions have become vacant due to retirements, resignations or terminations.

PREVIOUS ACTIONS

None

SUBSEQUENT ACTION

Council to take action to approve a resolution to authorize the hiring of the above named individuals as probationary police officers.

RECOMMENDED BY

The Mayor and Police Chief recommend approval.

RECOMMENDED MOTION

Approve/deny the resolution authorizing the hiring of Diego Arcinegas, Josiah Fisher, Cornell Deuber and Bradley Silcox as probationary patrol officers effective July 14, 2014.

R E S O L U T I O N N O. _____ 2014

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

Authorizing the hiring of Diego Arcinegas, Josiah Fisher, Cornell Deuber and Bradley Silcox as probationary patrol officers effective July 14, 2014

Adopted by Council _____, 2014

Francis G. Acosta
President of Council

Attest:

Linda A. Kelleher
City Clerk

**CITY OF READING
BERKS COUNTY, PENNSYLVANIA**

**ORDINANCE NO. _____ 2014
(Duly Enacted _____ 2014)**

AN ORDINANCE OF THE CITY OF READING, BERKS COUNTY, PENNSYLVANIA, SIGNIFYING THE INTENTION OF CITY COUNCIL TO ORGANIZE A MUNICIPAL AUTHORITY UNDER THE PROVISIONS OF THE PENNSYLVANIA MUNICIPALITY AUTHORITIES ACT, AS AMENDED AND SUPPLEMENTED, TO BE KNOWN AS THE “READING REGIONAL WATER AUTHORITY”; SETTING FORTH THE FORM OF THE ARTICLES OF INCORPORATION; APPOINTING THE FIRST MEMBERS OF THE BOARD OF THE AUTHORITY AND FIXING THEIR TERM OF OFFICE; DESIGNATING THE PURPOSES FOR SAID AUTHORITY; AUTHORIZING THE EXECUTION AND FILING OF THE ARTICLES OF INCORPORATION; AUTHORIZING THE TAKING OF ALL SUCH ACTION AS MAY BE NECESSARY OR APPROPRIATE TO ORGANIZE SAID AUTHORITY, INCLUDING THE PUBLICATION OF REQUIRED PUBLIC NOTICE; AND CONTAINING CLAUSES FOR SEVERABILITY, REPEAL, AND EFFECTIVE DATE.

WHEREAS, the City of Reading, Berks County, Pennsylvania (the “City”), is empowered to establish, organize, and incorporate an authority pursuant to §5603 of the Pennsylvania Municipality Authorities Act, 53 Pa. C.S.A. § 5601 et seq., Act 22 of 2001, effective June 19, 2001, which codifies and amends the Municipality Authorities Act of 1945, as amended and supplemented (the “Municipality Authorities Act”); and

WHEREAS, in preparation for the passage of this Ordinance, a public hearing was held by the City Council of the City pursuant to notice duly advertised as required by the Municipality Authorities Act.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, by the City Council of the City and **IT IS HEREBY ORDAINED AND ENACTED** by the authority of the same, as follows:

INTENT. It is the intent of the City Council of the City to organize an authority under provisions of the Municipality Authorities Act.

NAME OF AUTHORITY. The name of the authority shall be the “Reading Regional Water Authority”.

ARTICLES OF INCORPORATION. The proposed Articles of Incorporation of said Reading Regional Water Authority are as follows:

READING REGIONAL WATER AUTHORITY

ARTICLES OF INCORPORATION

To: The Secretary of the Commonwealth of Pennsylvania.

In compliance with requirements of the Pennsylvania Municipality Authorities Act, 53 Pa. C.S.A. § 5601 et seq., Act 22 of 2001, effective June 19, 2001, which codifies and amends the Municipality Authorities Act of 1945, as amended and supplemented (the “Municipality Authorities Act”), and pursuant to the ordinance enacted by the City Council of the City of Reading, Berks County, Pennsylvania, expressing the intention and desire of the City Council of said municipality to organize a municipality authority under said Municipality Authorities Act, the incorporating municipality does hereby certify:

The name of the Authority is “Reading Regional Water Authority”.The Authority is formed under provisions of the Pennsylvania Municipality Authorities Act, 53 Pa. C.S.A. § 5601 et seq., Act 22 of 2001, effective June 19, 2001, which codifies and amends the Municipality Authorities Act of 1945, as amended and supplemented, with all powers authorized by said Municipality Authorities Act. No other authorities have been organized under said Municipality Authorities Act, under the former Act of June 28, 1935 (P.L. 463, No. 191), or under the Act of May 2, 1945 (P.L. 382, No. 164), known as the “Municipality Authorities Act of 1945”, and is in existence in or for the incorporating municipality, except that the incorporating municipality has heretofore organized (i) the Reading Area Water Authority, (ii) the Reading Regional Airport Authority, (iii) the City of Reading Revitalization and Improvement Zone Authority, (iv) the Reading Downtown Improvement District Authority, and (v) the Berks Area Reading Transportation Authority, as a joint incorporating municipality, each under the provisions of the Act of May 2, 1945 (P.L. 382, No. 164), known as the “Municipality Authorities Act of 1945”, which authorities are in existence in or for said incorporating municipality. The name of the incorporating municipality is the City of Reading, Berks County, Pennsylvania. The names and addresses of the members of the City Council of the City of Reading, the incorporating municipality, are as follows:

<u>OFFICE</u>	<u>NAME</u>	<u>ADDRESS</u>
President	Francis Acosta	326 St. Nicholas Street Reading, PA 19607
Vice President	Marcia Goodman- Hinnershitz	564 South 15 th Street Reading, PA 19601
Council Member	Chris Daubert	1135 Gregg Avenue Reading, PA 19607
Council Member	Stratton P. Marmarou	1515 Linden Street Reading, PA 19604
Council Member	Donna Reed	1525 Argonne Road Reading, PA 19601
Council Member	Dennis M. Sterner	524 North 14 th Street Reading, PA 19604
Council Member	Jeffrey S. Waltman	723 North 4 th Street Reading, PA 19601

The names, addresses and terms of office of the first members of the Board of the Reading Regional Water Authority, are as follows:

<u>NAME</u>	<u>ADDRESS</u>	<u>TERM OF OFFICE</u>
Jeffrey S. Waltman	723 North 4 th Street Reading, PA 19601	One Year
Marcia Goodman-Hinnershitz	564 South 15 th Street Reading, PA 19601	Two Years
Dennis M. Sterner	524 North 14 th Street Reading, PA 19604	Three Years
Donna Reed	1525 Argonne Road Reading, PA 19601	Four Years
Francis Acosta	326 St. Nicholas Street Reading, PA 19607	Five Years

The terms of office of the first members of the Board of said Reading Regional Water Authority shall commence on the date of appointment and shall be computed from the first Monday in January of 2015.

The term of existence of the Reading Regional Water Authority shall be for a period of fifty (50) years.

Advertisement of notice of filing these Articles of Incorporation is submitted herewith.

IN WITNESS WHEREOF, the undersigned has executed these Articles on behalf of the City of Reading, Berks County, Pennsylvania, and has caused to be affixed the seal and attested this _____ day of _____ 2014.

**CITY OF READING
BERKS COUNTY, PENNSYLVANIA**

By: _____
Vaughn Spencer, Mayor

Attest: _____
Linda A. Kelleher CMC, City Clerk

**AN ORDINANCE AMENDING THE CITY OF READING CODIFIED ORDINANCES
CHAPTER 1 ADMINISTRATION AND GOVERNMENT SECTION 186, FISCAL
PROVISIONS BY ADDING SECTION 186 R PUBLIC CONSTRUCTION PROJECT LABOR
STABILIZATION AGREEMENT REQUIREMENTS**

WHEREAS the residents and taxpayers of the City of Reading, County of Berks, Commonwealth of Pennsylvania are periodically called upon to, among other things, finance, in whole or in part, the construction, renovation, alteration, modification and/or demolition of site preparation and/or structural improvements to real property situated within the corporate limits of the City. As such, the City of Reading, in its capacity as a market participant, on behalf of its residents and taxpayers, has a particular interest in taking reasonable steps to promote efficiency and establish minimum standards for all such projects and to promote the public interest in assuring the timely and economical undertaking and completion of such projects.

WHEREAS it is in the public interest of the residents and taxpayers of the City of Reading, and in the proprietary interest of the City as a market participant, to, as a condition of the awarding of contracts for construction, renovation, modification, alteration and/or demolition that are financed, in whole or in part, with public funds in the form of direct investment or procurement, grants, loans, public debt, public guaranteed debt, tax abatements, tax forgiveness, tax increment financing and/or similar forms of public and/or public/private financing methodologies, to assure that certain minimum project labor condition stabilization requirements are a specification of all bid solicitations for such projects and are appropriately incorporated into designated contract awards for such projects so as to provide for the resolution of any and all management/labor disputes and/or grievances without lockouts or strikes and establishing minimum project labor condition stabilization standards for all workers employed by all contractors and subcontractors, of all degrees, on such projects.

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

SECTION ONE. Amending the City of Reading Codified Ordinances Chapter 1, Administration and Government Section 186, Fiscal Provision by adding Section 186 R Public Construction Project Labor Stabilization Agreement Requirements.

To assure the implementation of these findings the City Council of the City of Reading, Berks County, Pennsylvania hereby requires, with respect to all projects of construction, renovation, alteration, modification and/or demolition, in the City of Reading, Pennsylvania, financed, in whole or in part, with the funds of a public body, including, but not limited to, direct investment or procurement, grants, loans, public debt, public guaranteed debt, tax abatements, tax forgiveness, tax increment financing and/or similar forms of public and/or quasi-public or public/private financing methodologies the following:

§186.

...

R. Public Construction Project Labor Stabilization Agreement Requirements

- (1) Prior to the solicitation for bids for award of contracts for every construction project, estimated, prior to bid solicitation, to be valued in total and regardless of separate phases or sequences of work to be undertaken, greater than \$1,000,000 whether to be solicited directly by or on behalf of the City of Reading or by or in combination with any third party, the Mayor of the City of Reading will cause to be conducted an independent study of the potential feasibility of requiring a Project Labor Stabilization Agreement to be applicable to all contractors and subcontractors, of every degree, anticipated to be employing workers in the undertaking and completion of the anticipated project.
- (2) The independent study so undertaken shall include, but not be limited to, analysis of the following:
 - (a) the local labor market conditions necessary to undertake and complete the proposed project in a timely fashion in order to meet the public interest in undertaking the project.
 - (b) the benefit to the City of Reading in establishing a Project Labor Stabilization Agreement in promoting:
 - [1] management/labor harmony and cooperation for the duration of the project,
 - [2] standardizing terms and conditions governing the employment of labor on the project,
 - [3] addressing flexibility in work scheduling, shift hours and starting times on the proposed project,
 - [4] securing negotiated adjustments with respect to work rules and staffing requirements on the proposed project,
 - [5] providing comprehensive and standardized mechanisms for the resolution of management/labor disputes that may arise on the project,
 - [6] insuring a reliable source of skilled and experienced craft people for the project, and
 - [7] furthering public policy objectives with respect to improvement of employment opportunities for women and minorities and contracting opportunities for minority business enterprises and women's business enterprises.
 - (c) the possible impact of lockouts and/or strikes on the timely undertaking and completion of the proposed project

- (3) The independent study will provide a recommendation regarding whether or not a Project Labor Stabilization Agreement will serve the proprietary interest City of Reading with respect to the individual project proposed to be undertaken. The City of Reading, under the auspices of the office of the Mayor of the City of Reading, may request the entity undertaking the independent study required by this paragraph to analyze such other factors as are reasonably deemed appropriate to further the implementation of the requirements of this Ordinance.
- (4) If a study commissioned under section 1-3 is completed and the study recommends the utilization of a Project Labor Stabilization Agreement, then the City may require that any request for proposals or solicitation of bids shall include bid specifications that require successful construction contractor bidders, of every degree, to be bound by a Project Labor Stabilization Agreement with the regional Building and Construction Trades Council having jurisdiction over the Reading, Pennsylvania geographic area and that is affiliated with the Pennsylvania State Building and Construction Trades Council.
- (5) Solicitation of bids for award of contracts for all such projects estimated prior to bid solicitation to be valued in total, and regardless of separate phases or sequences of work to be undertaken, greater than \$250,000 whether to be solicited by or on behalf of the City of Reading or by or in combination with the City of Reading and any third party shall specify, among other requirements, all of the contract condition requirements of this Ordinance when the independent study required by this Ordinance recommends the specification of a Project Labor Stabilization Agreement to serve the public interest of the City of Reading.
- (6) As a condition of the award of any contract specifying a Project Labor Stabilization Agreement, the responsible and responsive bidder(s) for any project shall within sixty (60) days of the date it is deemed by the City of Reading to be the conditionally designated responsive and responsible bidder for the project, shall, in good faith, negotiate a Project Labor Stabilization Agreement with the Regional Building and Construction Trades Council having geographic jurisdiction over the Reading Pennsylvania geographic area and affiliated with the Pennsylvania State Building and Construction Trades Council, that establishes minimum wages, hours, employee benefits and other terms and conditions of employment for all workers in all trades and/or crafts anticipated to be required for the undertaking of the project and applicable to all contractors and subcontractors, of every degree, that will provide any labor, directly or indirectly on the project.
- (7) No final contract award for any project subject to the Project Labor Stabilization Agreement requirements of this section may be made to any contractor or subcontractor prior to the completion of a Project Labor Stabilization Agreement. In the event that such a Project Labor Stabilization Agreement is not successfully concluded and completed within the sixty day period required above, the contractor or contractors conditionally determined to be the designated responsive and responsible bidder will conclusively be presumed to be non-responsive and/or non-responsible and removed from the list of responding bidders for the project.

- (8) In the event that a bidder is deemed to be non-responsive and/or non-responsible pursuant to the terms of this Ordinance, the entity soliciting bids for the project shall be directed to utilize the procedures of this Ordinance for the purpose of making a conditional award of a contract for the project to the next lowest responsive and responsible bidder.

SECTION 3. This Ordinance shall be effective ten (10) days after adoption pursuant to City of Reading Home Rule Charter Article II Section 219.

Adopted _____, 2014

Council President

Attest:

City Clerk

Submitted to Mayor: _____

Date: _____

Received by the Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____

Vetoed by Mayor: _____

Date: _____

BILL NO. ____-2014

AN ORDINANCE

**ESTABLISHING A FOUR-WAY STOP INTERSECTION
AT CRESTMONT STREET AND FERN AVENUE**

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

SECTION ONE. The intersection of Crestmont Street and Fern Avenue is hereby established as a four-way stop intersection.

SECTION TWO. Drivers of all vehicles approaching said intersections shall come to a complete stop and not proceed into said intersection until it can be done with safety, as provided in the Pennsylvania Motor Vehicle Code.

SECTION THREE. This ordinance shall become effective ten (10) days after its adoption in accordance with Sections 219 and 221 of the City of Reading Home Rule Charter.

Enacted by Council _____, 2014

President of Council

Attest:

City Clerk

Submitted to Mayor: _____

Date: _____

Received by the Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____

Vetoed by Mayor: _____

Date: _____

BILL NO. ____-2014

AN ORDINANCE

**ESTABLISHING A FOUR-WAY STOP INTERSECTION
AT GREENWICH STREET AND NORTH SECOND STREET**

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

SECTION ONE. The intersection of Greenwich Street and North Second Street is hereby established as a four-way stop intersection.

SECTION TWO. Drivers of all vehicles approaching said intersections shall come to a complete stop and not proceed into said intersection until it can be done with safety, as provided in the Pennsylvania Motor Vehicle Code.

SECTION THREE. This ordinance shall become effective ten (10) days after its adoption in accordance with Sections 219 and 221 of the City of Reading Home Rule Charter.

Enacted by Council _____, 2014

President of Council

Attest:

City Clerk

Submitted to Mayor: _____

Date: _____

Received by the Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____

Vetoed by Mayor: _____

Date: _____

BILL NO. ____-2014

AN ORDINANCE

**ESTABLISHING A THREE-WAY STOP INTERSECTION
AT WEST GREEN STREET AND MCKNIGHT STREET**

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

SECTION ONE. The intersection of West Green Street and McKnight Street is hereby established as a three-way stop intersection.

SECTION TWO. Drivers of all vehicles approaching said intersections shall come to a complete stop and not proceed into said intersection until it can be done with safety, as provided in the Pennsylvania Motor Vehicle Code.

SECTION THREE. This ordinance shall become effective ten (10) days after its adoption in accordance with Sections 219 and 221 of the City of Reading Home Rule Charter.

Enacted by Council _____, 2014

President of Council

Attest:

City Clerk

Submitted to Mayor: _____

Date: _____

Received by the Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____

Vetoed by Mayor: _____

Date: _____

BILL NO. ____-2014

AN ORDINANCE

**ESTABLISHING A THREE-WAY STOP INTERSECTION
AT WEST GREEN STREET AND WEISER STREET**

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

SECTION ONE. The intersection of West Green Street and Weiser Street is hereby established as a three-way stop intersection.

SECTION TWO. Drivers of all vehicles approaching said intersections shall come to a complete stop and not proceed into said intersection until it can be done with safety, as provided in the Pennsylvania Motor Vehicle Code.

SECTION THREE. This ordinance shall become effective ten (10) days after its adoption in accordance with Sections 219 and 221 of the City of Reading Home Rule Charter.

Enacted by Council _____, 2014

President of Council

Attest:

City Clerk

Submitted to Mayor: _____

Date: _____

Received by the Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____

Vetoed by Mayor: _____

Date: _____



MEMORANDUM

TO: Carole Snyder, Managing Director
FROM: Charles M. Jones, City Engineer
DATE: May 29, 2014
SUBJECT: Multi-Way Stop Intersections

The City of Reading received requests to consider multi-way stop intersections at the following four locations:

1. Crestmont Street & Fern Avenue
2. Greenwich Street & N 2nd Street
3. W Green Street & McKnight Street
4. W Green Street & Weiser Street

Attached are multi-way stop analyses for the four intersections completed by Great Valley Consultants. In all four cases, Great Valley Consultants concluded that the intersections can be a multi-way stop controlled intersection. Crestmont Street and Fern Avenue and Greenwich Street and N 2nd Street would be 4-way stop intersections while the two intersections on West Green Street would be 3-way stop intersections since West Green Street is currently one-way westbound.

It is my recommendation that appropriate ordinances be prepared for presentation to City Council for their approval.

CMJ/ts

C: Charles Younger, City Solicitor
Sgt Eric Hartman, Police Traffic Enforcement
Ralph Johnson, P.E., Acting Public Works Director



GVC
GREAT VALLEY CONSULTANTS

75 COMMERCE DRIVE ♦ WYOMISSING, PA 19610-3323

PHONE: (610) 375-8822

1-800-733-4821

FAX: (610) 375-8977

May 22, 2014

Charles M. Jones, PE
Department of Public Works
City of Reading
815 Washington Street
Reading, PA 19601

Re: City of Reading
Crestmont Street and Fern Avenue
Multi-way Stop Analyses
GVC File No. 3065-033

Dear Charlie:

At your request, Great Valley Consultants (GVC) performed an engineering study at the intersection of Crestmont Street and Fern Avenue to determine if a multi-way stop is warranted at these intersections. Currently, Crestmont Street is stop-controlled while Fern Avenue is a through street.

We performed our study in accordance with Section 2B.07 (Multi-Way Stop Applications) of the Manual on Uniform Traffic Control Devices (MUTCD), 2009 edition. This section provides statements of recommendation and guidance that must be considered when evaluating the warrants of multi-way stop control.

Sections of Fern Avenue and Crestmont Street are high-density residential areas with only on-street parking available. The parking restrictions at the intersection are only at the radii of the corners, so parked vehicles obstruct the sight distance of vehicles stopped at both approaches of Crestmont Street. The required sight distance when a road user is looking left or right is 280 feet. Due to the parked vehicles, the available sight distance at southeast bound Crestmont Street to the left is 82 feet and 71 feet to the right. Due to the parked vehicles, the available sight distance at northwest bound Crestmont Street to the left is 86 feet and 67 feet to the right.

If parking restrictions were implemented along Fern Avenue, the available sight distance could be increased. However, the available off-street parking available and alternative parking in this area is limited. As a result, Fern Avenue typically has vehicles parked along both sides of the street every day. Therefore, the City of Reading has stated expanding parking restrictions at this intersection is not an option.

Therefore, GVC concludes that the intersection of Crestmont Street and Fern Avenue can be a multi-way stop controlled intersection.

If you have any questions, please do not hesitate to contact our office.

Sincerely,

SCOTT E. ANDERSON
Project Engineer

SCA:lam

Engineers ♦ Architects ♦ Planners ♦ Consultants ♦ Surveyors



GVC
GREAT VALLEY CONSULTANTS

75 COMMERCE DRIVE ♦ WYOMISSING, PA 19610-3323

May 22, 2014

PHONE: (610) 375-8822

1-800-733-4821

FAX: (610) 375-8977

Charles M. Jones, PE
Department of Public Works
City of Reading
815 Washington Street
Reading, PA 19601

Re: City of Reading
Greenwich Street and North Second Street
Multi-way Stop Analysis
GVC File No. 3065-033

Dear Charlie:

At your request, Great Valley Consultants (GVC) performed an engineering study at the intersection of Greenwich Street and North Second Street. The study was to determine if a multi-way stop is warranted at these intersections. Currently, North Second Street is stop-controlled while Greenwich Street is a through street.

We performed our study in accordance with Section 2B.07 (Multi-Way Stop Applications) of the Manual on Uniform Traffic Control Devices (MUTCD), 2009 edition. This section provides statements of recommendation and guidance that must be considered when evaluating the warrants of multi-way stop control.

Greenwich Street and North Second Street are high-density residential areas with only on-street parking available. The parked vehicles on Greenwich Street obstruct the sight distance of vehicles stopped at both approaches of North Second Street. The required sight distance when a road user is looking left or right is 280 feet. Due to the parked vehicles, the available sight distance at south bound North Second Street to the left is 171 feet and 93 feet to the right. Due to the parked vehicles, the available sight distance at north bound North Second Street to the left is 77 feet and 160 feet to the right.

If parking restrictions were implemented along Greenwich Street, the available sight distance could be increased. However, the available off-street parking available and alternative parking in this area is limited. As a result, Greenwich Street typically has vehicles parked along both sides of the street every day. Therefore, the City of Reading has stated expanding parking restrictions at this intersection is not an option.

Also, the City of Reading provided a history of the accidents on record for the past three (3) years. It was determined that more than five (5) of the crashes occurred within a 12-month period and were susceptible to correction by a multi-way stop controlled intersection.

Therefore, GVC concludes that the intersection of Greenwich Street and North Second Street can be a multi-way stop controlled intersection.

If you have any questions, please do not hesitate to contact our office.

SCA:lam

Sincerely,



SCOTT C. ANDERSON

Project Engineer

Engineers ♦ Architects ♦ Planners ♦ Consultants ♦ Surveyors



May 22, 2014

Charles M. Jones, PE
Department of Public Works
City of Reading
815 Washington Street
Reading, PA 19601

Re: City of Reading
West Green Street Multi-way Stop Analyses
GVC File No. 3065-033

Dear Charlie:

At your request, Great Valley Consultants (GVC) performed an engineering study at the intersections of West Green Street with both Weiser Street and McKnight Street. The study was to determine if a multi-way stop is warranted at these intersections. Currently, Weiser Street and McKnight Street are stop-controlled while West Green Street is a through street.

We performed our study in accordance with Section 2B.07 (Multi-Way Stop Applications) of the Manual on Uniform Traffic Control Devices (MUTCD), 2009 edition. This section provides statements of recommendation and guidance that must be considered when evaluating the warrants of multi-way stop control.

West Green Street is a one-way street from east to west, and Weiser Street and McKnight Street are both two-way streets. The area of West Green Street is a high-density residential area with only on-street parking available. The parked vehicles on the north side of West Green Street obstruct the sight distance available for vehicles stopped at both Weiser Street and McKnight Street. The required sight distance when a road user is looking left at either intersection is 280 feet. Due to the parked vehicles, the available sight distance at Weiser Street is 90 feet, and at McKnight Street it is 96 feet.

If parking restrictions were implemented along the northern side of West Green Street and east of Weiser and McKnight Streets, the available sight distance could be increased. However, there is no off-street parking available in this area and no alternative parking in the surrounding area. As a result, West Green Street typically has vehicles parked along both sides of the street every day. Therefore, the City of Reading has stated expanding parking restrictions at these intersections is not an option.

Therefore, GVC concludes that the westbound approach of West Green Street at the intersections of Weiser Street and McKnight Street can be stop-controlled.

If you have any questions, please do not hesitate to contact our office.

Sincerely,

SCOTT C. ANDERSON
Project Engineer

SCA:lam

PUBLIC WORKS

TO: Members of City Council

FROM: David C. Ruyak, Operations Division Manager

PREPARED BY: David C. Ruyak, Operations Division Manager

MEETING DATE: July 28th, 2014

AGENDA MEMO DATE: June 30, 2014

RECOMMENDED ACTION: Approve Appropriation Transfers

BACKGROUND:

The bituminous contract was agreed upon in March of 2014 but has yet to be executed. As such, the original stated amount of \$30,000 is no longer available in the designated account code. This transfer will bring the account to a balance over the necessary level and will also cover future expenditures in road repair operations. Due to street repairs being over four times higher than in 2013, the transfer of funds will also ensure that potholes and sinkholes continue to be repaired.

BUDGETARY IMPACT:

Transfer of \$25,000
From: Contracted Services, 35-07-00-4216
To: Maintenance of Roads & Bridges, 35-07-00-4815.

PREVIOUS ACTION:

None

RECOMMENDED BY:

David Ruyak, Operations Division Manager of Public Works
Ralph Johnson, Interim Public Works Director

RECOMMENDED MOTION:

Approve the request.

BILL NO. _____ - 2014

AN ORDINANCE

AN ORDINANCE AUTHORIZATING THE TRANSFER OF FUNDS TO THE GENERAL FUND FROM THE LIQUID FUELS FUND.

THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION 1. Authorizing the transfer of \$25,000.00 from the Contracted Services line item in the Liquid Fuels Fund (35-07-00-4216) to the Maintenance of Roads and Bridges line item (35-07-00-4815).

SECTION 2. This ordinance shall become effective ten (10) days after its adoption, in accordance with Sections 219 & 221 of the City of Reading Home Rule Charter.

Enacted ____ July 28th _____, 2014

President of Council

Attest:

City Clerk

Submitted to Mayor: _____

Date: _____

Received by the Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____

BILL NO. _____-2014

A N O R D I N A N C E

AUTHORIZING THE MAYOR TO EXECUTE THE INTERMUNICIPAL AGREEMENT BETWEEN THE CITY OF READING AND THE BERKS COUNTY SOLID WASTE AUTHORITY FOR THE DISPOSAL OF ELECTRONICS.

WHEREAS, the City of Reading and the Berks County Solid Waste Authority believe that the citizens of the City of Reading will benefit from the City of Reading participating in an electronics' disposal program; and

WHEREAS, the City of Reading desires to enter into an agreement with the Berks County Solid Waste Authority to provide for an electronics' disposal program,

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

SECTION 1. The Mayor is authorized to execute the attached Intermunicipal Agreement between the City of Reading and the Berks County Solid Waste Authority to provide for an electronics' disposal program.

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

Enacted _____, 2014

President of Council

Attest:

City Clerk

Submitted to Mayor:

Date: _____

Received by the Mayor's Office:

Submitted to Mayor:

Date: _____

Approved by Mayor:

Date: _____

Vetoed by Mayor:

Date: _____

INTERMUNICIPAL COOPERATION AGREEMENT

THIS INTERMUNICIPAL COOPERATION AGREEMENT (“Agreement”) made as of the 30th day of May, 2014 is by and between the BERKS COUNTY SOLID WASTE AUTHORITY (hereinafter referred to as the “Authority”) and the CITY OF READING (hereinafter referred to as the “City”).

WHEREAS, the City desires to obtain electronic waste recycling services of a kind and nature hereinafter described (the “Services”); and

WHEREAS, the Authority desires to render these services to the City pursuant to the terms and conditions contained in the Agreement.

NOW THEREFORE, intending to be legally bound, and in consideration of promises, mutual covenants and other good and valuable consideration hereinafter contained, the parties hereto agree as follows:

1. RECITALS

The recitals set forth in the foregoing whereas paragraphs shall be considered to provide substantive provisions of this Agreement and are incorporated herein by this reference.

2. TERMS OF SERVICE

The Services that the Authority shall provide to the City shall take place as follows:

A. The City shall be responsible for separating its electronic waste into five distinct and separate categories, including: (1) central processing units and laptops; (2) computer monitors; (3) television sets; (4) covered devices; and (5) non-covered devices.

B. The Authority shall provide the City with pallets and gaylords for the storage and transportation of all of the City’s electronic waste.

C. As the need arises, and after properly sorting its electronic waste into the above-mentioned categories, the City shall be responsible for transporting said electronic waste in the gaylords and pallets at the City’s cost to the Authority’s electronic waste recycling center (the “Center”).

D. Once the City has transported the properly sorted electronic waste to the Center, the Authority shall unload the electronic waste and shall arrange for the processing and recycling of the same.

E. Improperly sorted electronic waste shall not be accepted and the City shall be responsible at its cost for removing such electronic waste from the Center.

3. COMPENSATION

The Authority will not require payment from the City for the Services, nor will the Authority pay the City for any materials brought to the Center by the City.

4. TERM

This Agreement shall become effective when executed by all parties, and shall be in effect perpetually, unless and until either party elects to terminate this Agreement under Paragraph 5 below.

5. RIGHT TO TERMINATE

A. Either party shall have the right to terminate this Agreement with or without cause by giving sixty (60) days prior written notice to the other at the address specified in Section 11 of this Agreement. Each party shall be liable for, but not limited to, any expenses, damages and/or legal fees which result from termination, if such termination is due to the other party's sole negligence, willful misconduct or material breach of this Agreement.

B. Both parties shall be responsible for all commitments as set forth in this Agreement up to and including the date of termination. Upon termination of this Agreement, both parties shall forthwith deliver to one another all documents and any other material in any way relating to the Services which may be in its possession.

6. WARRANTIES

A. The Authority warrants and represents that the Authority will comply with all applicable laws and regulations.

B. The City warrants and represents that the City will comply with all applicable laws and regulations.

7. CONFIDENTIALITY DISCLAIMER

A. The Authority recognizes and understands that some of the City's electronic waste, especially central processing units and laptops, may contain confidential, personal and private information. The Authority warrants that it shall not access and/or disseminate any confidential, personal or private information that may be stored on or in the City's electronic waste.

B. The Authority hereby disclaims any and all responsibility or liability for any third party's access and/or dissemination of any confidential and private information that may be stored in the City's electronic waste. The City hereby shall indemnify, defend and hold the Authority harmless regarding any claim asserted against the Authority arising from any third

party's unauthorized access and/or dissemination of any such confidential and private information.

8. REIMBURSEMENT

A. The City shall reimburse the Authority for any actual damages or costs, as well as court costs, directly caused by the City's failure to perform the City's express obligations under this Agreement. This remedy shall be in addition to, not in lieu of, any other remedies of the Authority provided by law, equity or this Agreement.

B. The Authority shall reimburse the City for any actual damages or costs, as well as court costs, directly caused by the Authority's failure to perform the Authority's express obligations under this Agreement. This remedy shall be in addition to, not in lieu of, any other remedies of the City provided by law, equity or this Agreement.

9. CHANGES

The Authority shall have the right to implement reasonable changes to the Services during the term of this Agreement. The Authority will notify the City of any changes to the Services that it implements at the address provided in Section 13 hereof.

10. NO REPRESENTATIONS

No party under this Agreement is the agent or employee of the other, and neither party under this Agreement is authorized to make any representations or incur any liabilities on behalf of the other party.

11. INDEMNIFICATION

A. To the fullest extent permitted by law, the City shall indemnify, defend and hold harmless the Authority and its agents and employees from and against claims, damages, losses and expenses, including but not limited to attorneys' fees, arising out of or resulting from performance of the Services in this Agreement, including any claim, damage, loss or expense attributable to bodily injury, sickness, disease or death, or to injury to or destruction of tangible property including loss of use resulting therefrom, but only to the extent caused in whole or in part by negligent and/or intentional acts or omissions of the City, a subcontractor, anyone directly or indirectly employed by them or anyone for whose acts they may be liable, regardless of whether or not such claim, damage, loss or expense is caused in part by a party indemnified hereunder. Such obligation shall not be construed to negate, abridge, or reduce other rights or obligations of indemnity which would otherwise exist as to a party or person described elsewhere in this Agreement.

B. To the fullest extent permitted by law, the Authority shall indemnify, defend and hold harmless the City and its agents and employees from and against claims, damages, losses and expenses, including but not limited to attorneys' fees, arising out of or resulting from performance of the Services in this Agreement, including any claim, damage, loss or expense attributable to bodily injury, sickness, disease or death, or to injury to or destruction of tangible property including loss of use resulting therefrom, but only to the extent caused in whole or in part by negligent and/or intentional acts or omissions of the Authority, a subcontractor, anyone directly or indirectly employed by them or anyone

for whose acts they may be liable, regardless of whether or not such claim, damage, loss or expense is caused in part by a party indemnified hereunder. Such obligation shall not be construed to negate, abridge, or reduce other rights or obligations of indemnity which would otherwise exist as to a party or person described elsewhere in this Agreement.

C. Nothing contained in this Section 13 shall be construed as, or constitute, a waiver of the Authority or the City's entitlement to government immunity pursuant to the Political Subdivision Tort Claims Act, 42 Pa.C.S.A. §8541, et seq.

12. NON-ASSIGNABILITY

The City shall not assign the Agreement without the written consent of the Authority.

13. NOTICES

Any notices required to be given pursuant to the terms and provisions hereof shall be in writing and shall be sent certified mail, return receipt requested, addressed to each party at the following address:

THE CITY:

City of Reading
Attn: Division Manager, Recycling/
Solid Waste Office
815 Washington Street
Reading, PA 19601

With a copy to :
Charles Younger, Esquire
City Solicitor
City of Reading
815 Washington Street
Reading, PA 19601

THE AUTHORITY:

Berks County Solid Waste
Authority
Attention: Executive Director
633 Court Street, 14th Floor
Reading, PA 19601

With a copy to:
Georgeadis Setley
Attn: Douglas Paul Rauch,
Esquire
4 Park Plaza, 2nd Floor
Wyomissing, PA 19610

14. SEVERABILITY

In the event any provision hereof is declared null and void by a court of law, the remaining provisions of this Agreement shall remain in full force and effect.

15. ENTIRE AGREEMENT

A. This Agreement constitutes the entire understanding of the parties hereto and no changes, amendments or alterations shall be effective unless in writing and signed by both parties and only to the extent therein set forth.

B. No waiver of the breach of any term or condition of the Agreement shall be deemed to constitute the waiver of any other breach of the same or any other term or condition.

16. GOVERNING LAW

This Agreement shall be governed by the laws of the Commonwealth of Pennsylvania and any action filed in connection with this Agreement shall be filed in the Court of Common Pleas of the County of Berks, Pennsylvania.

[Signatures appear on following page.]

INTENDING TO BE LEGALLY BOUND, the undersigned authorized officers of the Berks County Solid Waste Authority and the City of Reading have executed this Intermunicipal Cooperation Agreement as of the 30th day of May, 2014.

**BERKS COUNTY SOLID WASTE
AUTHORITY**

CITY OF READING

By: _____
Title: Chairman

By: _____
Title: Mayor

**BILL NO. 2014 - ____
AN ORDINANCE**

**MODIFYING THE CITY OF READING 2014 POSITION ORDINANCE
ELIMINATING ONE POSITION AT THE WASTE WATER TREATMENT PLANT**

THE COUNCIL OF THE CITY OF READING ORDAINS AS FOLLOWS:

Section One: The 2014 Position Ordinance is hereby amended, eliminating the 'Shift Supervisor Service Utility' position and blending the associated responsibilities into an existing 'Mechanical Maintenance Supervisor' position at the Waste Water Treatment Plant.

Section Two: This ordinance shall become effective ten (10) days after its adoption in accordance with Sections 219 and 221 of the City of Reading Home Rule Charter.

Enacted by Council on July ____, 2014:

President of Council

Attest:

City Clerk

Submitted to Mayor: _____

Date: _____

Received by Mayor:

Date: _____

Approved by Mayor:

Date: _____

Vetoed by Mayor:

Date: _____



TO: City Council

FROM: Henry Tangredi
Information Technology Division Manager

PREPARED BY: Henry Tangredi
Information Technology Division Manager

MEETING DATE: July 14, 2014

AGENDA MEMO DATE: July 9, 2014

RECOMMENDED ACTION: Approve IT Position Transfer

BACKGROUND:

The IT Division currently has three Developer positions and one Network Administrator position. The operational workload for the Network Administrator is continually more than one person can do and

has very limited coverage during absences (sick, vacation, etc.) It is requested that council amend the position ordinance by eliminating one (1) Developer position (currently vacant), bringing the total to one (1) and increasing the Network Administrator position to two (2). The transfer of the position has no additional budgetary impact.

BUDGETARY IMPACT:

None

PREVIOUS ACTION:

None

RECOMMENDED BY:

Managing Director, Admin Services Director, IT Division Manager

RECOMMENDED MOTION:

Approve the request.

**BILL NO. _____
AN ORDINANCE**

AN ORDINANCE AMENDING THE 2014 FISCAL YEAR EMPLOYEE POSITION ORDINANCE BY DECREASING THE DEVELOPER POSITIONS FROM TWO (2) TO ONE (1) AND INCREASING THE NETWORK ADMINISTRATOR POSITION FROM ONE (1) TO TWO (2).

THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION 1. Ordinance amending the 2014 Fiscal Year Employee Position Ordinance, Bill No. 126-2012 by decreasing the Developer positions from two (2) to one (1) and increasing the Network Administrator position from one (1) to two (2).

SECTION 2. Any other ordinance, or part thereof, of the City of Reading, Berks County, Pennsylvania, which is contrary to the amended ordinance, is hereby repealed.

SECTION 3. This ordinance shall be effective ten (10) days after its adoption and approval by the Mayor, or re-passage by City Council over the Mayor's veto, in accordance with Section 219 of the City of Reading Home Rule Charter, or as set forth in Section 221 of the City of Reading Home Rule Charter.

Enacted _____, 2014

President of Council

Attest:

City Clerk

Submitted to Mayor: _____

Date: _____

Received by the Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____

Vetoed by Mayor: _____

Date: _____

RESOLUTION _____ 2014

**DESIGNATING OUR CITY READING, INC. AS THE CITY'S REDEVELOPMENT PARTNER
FOR CERTAIN PROPERTIES LOCATED ON PENN STREET AND AUTHORIZING THE
MAYOR TO MAKE APPLICATIONS
FOR CERTAIN FEDERAL GRANTS AND LOANS**

WHEREAS the City Council of the City of Reading is desirous of furthering the redevelopment of the Penn Street Corridor between 4th and 5th Streets,

WHEREAS, with the approval of the U.S. Department of Housing and Urban Development the BEDI and Section 108 Arts District boundaries can be extended to include this portion of Penn Street, as long as all other aspects of the successful Application remain the same, and

WHEREAS there is the further opportunity to apply for funds from the Economic Development Administration (EDA) of the U.S. Department of Commerce to carry out revitalization of this area of Penn Street, and

WHEREAS, Our City Reading, Inc. is an integral part of the BEDI / 108 Arts District Application and has a strong track record in developing, leasing and managing properties within the City of Reading, and

WHEREAS, the City of Reading currently owns several buildings on Penn Street which should receive priority to be redeveloped, which can be used to meet the requirements of matching funds from non 108, BEDI and EDA sources and additionally which are historic in nature and can generate further income for the project by the sale of historic tax credits, and

WHEREAS, both the City of Reading and Our City Reading, Inc. agree that they should act in partnership to secure the extension of the BEDI / 108 Arts District boundaries to include Penn Street, to apply for funds from the Economic Development Administration, and to effectuate the sale of historic tax Credits,

NOW, THEREFORE, BE IT RESOLVED:

1. That the Mayor of the City of Reading, be and hereby is, authorized to negotiate redevelopment agreements, subject to Council approval, with Our City Reading, Inc. for the revitalization of Penn Street between fourth and fifth Streets, which major provisions will provide for the following:
 - a. It is recognized that the funds that spent for acquisition of structures on Penn Street will be recognized as meeting the requirements of leveraged funds for both the BEDI and 108 Amendments for the BEDI / 108 Arts District Project and the EDA Application for the revitalization of Penn Street.
 - b. It is the intent of the City of Reading and Our City Reading, Inc. that the structures located between fourth and fifth streets shall be redeveloped entrepreneurs using Section 108, BEDI funds and EDA funds; such redevelopment plans shall be subject to further Council approval.

- c. In order to sell the Historic Tax Credits, The City of Reading shall own the structures and lease the structures to a limited partnership for a term as recommended by Tax Counsel and as may be approved by City Council. It is envisioned that the limited partnership consists of Our City Reading, Inc. and the City of Reading as the General Partners. The Limited Partners shall be made up of those purchasing tax credits.
 - d. Our City of Reading, Inc., in accordance with a subsequent redevelopment agreement, shall be responsible for coordinating the construction and renovation of the structures to insure that such construction/renovation shall be carried out in a responsible and competitive manner, including but not limited to the best of its ability the avoidance of cost overruns, and that all HUD Regulations be complied with.
 - e. Our City Reading, Inc. shall be responsible for insuring that all the terms of the HUD Section 108 loan and the BEDI are complied with, as well as the EDA Grant.
 - f. The Limited Partnership shall also be responsible for the borrowing of private funds and public funds for the project, so that neither the City nor the Our City Reading, Inc. shall be responsible for re-payment of such loans.
 - g. Our City of Reading shall in coordination with the City of Reading be responsible for leasing the structures in a manner to insure that there is sufficient cash flow to cover operating expenses and debt service. It is understood that outside agents may be required and will be a cost of development
2. The Mayor be and hereby is authorized to file an Amended Application to the U.S. Department of Housing and Urban Development to extend the boundaries of the BEDI / 108 Arts District Project for the BEDI and Section 108 Approved applications to include Penn Street from 4th to 5th Streets and to take all necessary actions to secure the Amendment and be empowered to sign all the necessary documents with the U.S. Department of Housing and Urban Development.
 3. The Mayor be and here is authorized to file an Application, in co-ordination with Our City Reading, Inc., with the Economic Development Administration of the U.S Department of Commerce in the amount of \$3,000,000 and the Mayor is further Authorized to sign all the necessary documents and carry out all necessary actions required by the Economic Development Administration.
 4. As per discussion with City Council, the Administration will emphasize in negotiations with OCR (1) the need for any housing at this location to be market rate and (2) the need for discussions to be expanded to include the other developers.

APPROVED BY COUNCIL _____

Council President

ATTEST:

City Clerk

R E S O L U T I O N N O._____

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

That Melissa Eggert is reappointed to the Board of Ethics with a term ending July 14, 2017.

Adopted by Council_____, 2014

Francis G. Acosta
President of Council

Attest:

Linda A. Kelleher
City Clerk

R E S O L U T I O N N O._____

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

That Jack Gulati is appointed to the Main Street Board with a term ending December 31, 2017.

Adopted by Council _____, 2014

Francis G. Acosta
President of Council

Attest:

Linda A. Kelleher
City Clerk

RESOLUTION NO. _____

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

That Catherine Cadwell is appointed to the Downtown Improvement District Authority with a term ending January 1, 2019.

Adopted by Council _____, 2014

Francis G. Acosta
President of Council

Attest:

Linda A. Kelleher
City Clerk