



CITY COUNCIL

Meeting Agenda

**REGULAR MEETING
COUNCIL CHAMBERS**

**MONDAY, AUG 11, 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: Rev. John Francis, Christ Episcopal Church

C. PLEDGE OF ALLEGIANCE

D. ROLL CALL

The purpose of the Executive Session on Monday, August 11 was related to personnel and litigation matters.

2. PROCLAMATIONS AND PRESENTATIONS

None

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: Special Meeting of July 21 and Regular Meeting of July 28, 2014

B. AGENDA: Regular Meeting of August 11, 2014

5. Consent Agenda Legislation

A. Resolution – authorizing the placement of a memorial plaque at the lower baseball field at Schlegel Park in the name of Lee and Donna Maniaci, as per the Naming Policy application reviewed and recommended by the Director of Public Works. (Man Dir)

B. Award of Contract - for renovation of the Recycling Center Baler Facility on Hill Road (Purchasing) *To Be Distributed on Monday*

6. ADMINISTRATIVE REPORT

7. REPORT FROM OFFICE OF THE AUDITOR

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

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 25 and July 24*

PENDING AUG 12 PUBLIC HEARING

A. Ordinance – amending the Code Book, Chapter 600 “Zoning”, Section 600-807 entitled “C-C Commercial Core District” by amending: (1) Subsection B “Allowed Uses” to include public parking garages and parking lots owned/or operated by the City of Reading or the Reading Parking Authority, and to prohibit non-public parking garages and parking lots; and (2) Subsection C “Additional Requirements in the C-C District” to prohibit non-public parking garages or parking lots open to the general public. **(Parking Authority/Council Staff)***Introduced at the July 28 regular meeting; Public Hearing 8-12-14; Ordinance Advertisement 8-11 and 8-18-2014*

A. Bill No. 59-2014 – setting the annual salary of the Director of Public Works at \$95,000 **(Man Dir)** *Introduced at the July 28 regular meeting*

B. Bill No. 60-2014 –amending the 2014 Position Ordinance by eliminating the “Treasury Manager” position and replacing it with an “Assistant Municipal Operations Manager – Treasury Coordinator” position in the Department of Administrative Services, Citizens Service Center Division. **(Man Dir)** *Introduced at the July 28 regular meeting*

C. Bill No. 61-2014 – amending the salary range for the Public Works Director **(Man Dir)** *Introduced at the July 28 regular meeting*

D. Bill No. 62-2014 – amending the Water Authority Lease Agreement **(Council)** *Introduced at the July 28 regular meeting*

10. INTRODUCTION OF NEW ORDINANCES

A. Ordinance - repealing Bill 46-2014 to dissolve the Water Authority **(Council)**

B. Ordinance – increasing the number of Water Authority board members from five (5) to seven (7) **(Council)** *TO BE DISTRIBUTED ON MONDAY*

11. RESOLUTIONS

A. Resolution 87-2014 - 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 **(Man Dir)**

B. Resolution – appointing Ralph Johnson as Public Works Director **(Man Dir)**

12. PUBLIC COMMENT – GENERAL MATTERS

Please see public speaking rules on second page

13. COUNCIL BUSINESS/ COMMENTS

14. COUNCIL MEETING SCHEDULE

Monday, August 11

Committee of the Whole – Council Office – 5 pm

Regular Meeting – Council Chambers – 7 pm

Tuesday, August 12

Public Hearing re Zoning Amendment Parking in the CC – Council Chambers – 5 pm

Tax Exoneration Hearing re 824 Washington Street – at the conclusion of the zoning public hearing

Monday, August 18

Nominations & Appointments Committee – Council Office – 4:30 pm

Finance Committee – Council Office – 5 pm

Standards of Living Committee – Council Office – 5 pm

Monday, August 25

Committee of the Whole – Council Office – 5 pm

Regular Meeting – Council Chambers – 7 pm

15. BAC AND COMMUNITY GROUP MEETING SCHEDULE

Monday, August 11

Fire Civil Service Board – Penn Room – 4 pm

6th & Amity Neighborhood & Playground Assn – 6th & Amity Field House – 6:30 pm

Tuesday, August 12

Board of Health – Penn Room – 4 pm

Water Authority Workshop – Water Authority Office – 4 pm
District 11 Crime Watch – Orthodox Presbyterian Church – 7 pm

Wednesday, August 13

Zoning Hearing Board – Penn Room – 5:30 pm
Center City Community Organization – Holy Cross Church – 6 pm

Thursday, August 14

Police Pension Board – Penn Room – 10 am
Outlet Area Neighborhood Assn – St. Mark’s Lutheran Church – 6:30 pm

Monday, August 18

Library Board – 113 S 4th St – 4 pm

Tuesday, August 19

HARB – Penn Room – 7 pm
Charter Board – Penn Room – 8 pm

Wednesday, August 20

Redevelopment Authority – Redevelopment Authority Office – 6:30 pm

Thursday, August 21

Blighted Property Review Committee – Council Chambers – 6 pm

Monday, August 25

DID Authority – 645 Penn St 5th Floor – noon
District 7 Crime Watch – Holy Spirit Church – 7 pm

**City of Reading City Council
Special Meeting
Monday, July 21, 2014**

Council President Francis Acosta called the Special meeting to order.

ATTENDANCE

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

PUBLIC COMMENT

Council President Acosta opened the floor for public comment and no one came forward to speak; therefore, the public comment period was closed.

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.

Councilor Reed moved, seconded by Councilor Sterner, to approve the agenda for the Special Meeting and the legislation listed under the consent agenda heading. The motion was approved unanimously.

Consent Agenda Legislation

A. Resolution 83-2014 –authorizing the submission and execution of Sewage Facilities grant application for \$100,000 from the Commonwealth Financing Authority to be used for Sewer and Wastewater Treatment Plant planning (**Man Dir**)

Councilor Reed moved, seconded by Councilor Goodman-Hinnershitz, to adjourn the special meeting of Council.

Respectfully submitted by Linda A. Kelleher CMC, City Clerk

City of Reading City Council
Regular Business Meeting
Monday, July 28, 2014

Council President Francis Acosta called the meeting to order. He announced that the purpose of the Executive Session on Monday, July 21st and Monday, July 28th were related to the lease of real property and personnel matters respectively. He also announced that on Thursday, July 25th Council met with local contractors to hear their concerns about the proposed PLA.

The invocation was given by Pastor Steve Elmarzouky, from the Islamic Center.

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

Council President Acosta announced that the mayor was excused from tonight's meeting.

PROCLAMATIONS AND PRESENTATIONS

None.

PUBLIC COMMENT

Council President Acosta stated that there is one (1) citizen registered to address Council on agenda matters and there are three (3) 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 remaining public speaking rules.

Peter Rye, of Morgantown Road, stated that he is chair of the CRIZ Authority and that the 2013 CRIZ application was denied, in part, by the State because the City did not have a

shovel ready project tied to the application. He noted the need for the City to have a strong commitment to a development project when the next application is considered.

Mr. Rye stated that House Bill (HB) 1177, already approved by the State Senate will modify the current CRIZ Act by allowing four (4) additional Third Class Cities into the program, rather than two (2). He stated that it is believed that York and Erie will be the next cities added to the program and that as two (2) additional may also be included, Reading needs to prepare for the application period which is approximately one (1) month. He noted that the Penn Square properties should be the cornerstone of economic development in Reading.

Council President Acosta suggested that Mr. Rye prepare a CRIZ report that can be presented at a future Council meeting.

Robert Hickey, of South 6th Street, was not present.

Bonnie Hickey, of South 6th Street, was not present.

Maryanne Ciarlone, of South 6th Street, stated that she filed a Right to Know request on May 28th and she was issued notice of a 30 day extension; however, the 30 time period concluded but the information requested was not provided. She provided a copy of the request, which was delivered to the Solicitor.

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 July 14th Regular Meeting of Council. He noted the need to make the following additions to the agenda:

- Addition of a Consent Agenda Resolution reappointing Gary Mogel as Acting Fire Chief
- Addition of an Ordinance for Introduction authorizing the execution of the 4th Addendum of the Water Lease
- Withdrawing the Award of Contract for the Wyomissing Park Streetlight Project from the Consent Agenda
- Withdrawing duplicate Ordinance E for Introduction

Councilor Marmarou moved, seconded by Councilor Sterner, to approve the minutes from the July 14th 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. Award of Contract – for the Wyomissing Park Street Light Project **(Man Dir)** *Info to be distributed on Monday - WITHDRAWN*

B. Award of Contract –for the general contractor’s work on the Digester Project for the Wastewater Treatment Plant to Eastern Environmental Contractors, Inc., Green Lane, PA 18054, for a total price of \$4,664,000.00. **(Purchasing)**

C. Award of Contract – for the electrical contractor’s work on the Digester Project for the Wastewater Treatment Plant to PSI Pumping Solutions, York Springs, PA 17372 for a total price of \$240,200 **(Purchasing)**

D. Award of Contract – for the disposal of municipal trash to Berks Transfer, Reading, PA 19605 for a total price of \$118,000.00. **(Purchasing)**

E. Award of Contract – **for the installation and rental of bulk oxygen systems for the Waste Water Treatment Plant and the Sixth and Canal Street Pumping Station and the supply of oxygen for both locations for a one-year period.** (Purchasing)

F. Resolution 85-2014 – reappointing Gary Mogel as Acting Fire Chief **(Man Dir)**

ADMINISTRATIVE REPORT

None.

AUDITOR’S REPORT

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

- 2014 Admissions Tax Collection
- 2014 Real Estate Transfer Tax Collection
- Update on the Pension Audit

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*

Council President Acosta stated that if there is no objection, Council will take the four (4) ordinances relating to stop signs as a group. No one objected.

A. Bill No. 50-2014 - establishing a four-way stop intersection at Crestmont Street and Fern Avenue (**Public Works**) *Introduced at the July 14 regular meeting; Advertisement on July 21*

B. Bill No. 51-2014 - establishing a four-way stop intersection at Greenwich Street and North Second Street (**Public Works**) *Introduced at the July 14 regular meeting; Advertisement on July 21*

C. Bill No. 52-2014 - establishing a three-way stop intersection at West Green Street and McKnight Street (**Public Works**) *Introduced at the July 14 regular meeting; Advertisement on July 21*

D. Bill No. 53-2014 - establishing a three-way stop intersection at West Green Street and Weiser Street (**Public Works**) *Introduced at the July 14 regular meeting; Advertisement on July 21*

Councilor Marmarou moved, seconded by Councilor Reed, to enact Bill Nos. 50-53-2014.

Bill Nos. 50-53-2014 were enacted by the following vote:

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

E. Bill No. 54-2014 - 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**) *Introduced at the July 14 regular meeting*

Councilor Reed moved, seconded by Councilor Marmarou, to enact Bill No. 54-2014.

Bill No. 54-2014 was enacted by the following vote:

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

F. Bill No. 55-2014 – 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) Introduced at the July 14 regular meeting**

Councilor Goodman-Hinnershitz moved, seconded by Councilor Daubert, to enact Bill No. 55-2014

Bill No. 55-2014 was enacted by the following vote:

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

Nays: None - 0

G. Bill No. 56-2014 – 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) Introduced at the July 14 regular meeting**

Councilor Reed moved, seconded by Councilor Goodman-Hinnershitz, to enact Bill No. 56-2014

Bill No. 56-2014 was enacted by the following vote:

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

Nays: None - 0

H. Bill No. 57-2014 – 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) Introduced at the July 14 regular meeting**

Councilor Reed moved, seconded by Councilor Goodman-Hinnershitz, to enact Bill No. 57-2014

Bill No. 57-2014 was enacted by the following vote:

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

Nays: None - 0

I. Bill No. 58-2014 – amending the 2014 Budget by adding Fund 55 Retail Sewer Fund **(Man Dir) Introduced at the July 14 regular meeting**

Councilor Marmarou moved, seconded by Councilor Reed, to enact Bill No. 58-2014

Bill No. 58-2014 was enacted by the following vote:

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

Nays: None - 0

INTRODUCTION OF NEW ORDINANCES

The following ordinances were read into the record:

A. Ordinance – amending the Code Book, Chapter 600 “Zoning”, Section 600-807 entitled “C-C Commercial Core District” by amending: (1) Subsection B “Allowed Uses” to include public parking garages and parking lots owned/or operated by the City of Reading or the Reading Parking Authority, and to prohibit non-public parking garages and parking lots; and (2) Subsection C “Additional Requirements in the C-C District” to prohibit non-public parking garages or parking lots open to the general public. **(Parking Authority/Council Staff)Public Hearing 8-12-14; Ordinance Advertisement 8-11 and 8-18-2014**

B. Ordinance – authorizing the budget 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 **(Pub Works) WITHDRAWN**

C. Ordinance – setting the annual salary of the Director of Public Works at \$95,000 **(Man Dir)**

D. Ordinance –amending the 2014 Position Ordinance by eliminating the “Treasury Manager” position and replacing it with an “Assistant Municipal Operations Manager – Treasury Coordinator” position in the Department of Administrative Services, Citizens Service Center Division. **(Man Dir)**

E. Ordinance – amending the salary range for the Public Works Director **(Man Dir)**

F. Ordinance – authorizing the execution of the 4th Addendum to the Water Lease Agreement **(Council Staff)**

RESOLUTIONS

A. Resolution 86-2014 – directing the mayor to execute the amendment to the Memorandum of Understanding between the City of Reading and the Foundation for the Reading Pagoda **(Council Staff/Pagoda Foundation)**

Councilor Goodman-Hinnershitz moved, seconded by Councilor Reed, to adopt Resolution 86-2014.

Councilor Goodman-Hinnershitz thanked the Managing Director for the work she did to get this issue resolved. She also thanked the mayor for being on board with the language in the document. She stated that the approval of the agreement will allow the Pagoda Foundation to move forward. She noted that the Pagoda is becoming a regional asset that is recognized by many people and organizations.

Councilor Waltman agreed and noted that the Pagoda is the exclamation point that sits atop of the gorgeous mountain that frames Reading

Council President Acosta stated that this matter was resolved through the tireless work of many parties, including Lee Olsen. He noted his hope that the City will use this agreement to frame other agreements with organizations that operate from City owned properties.

The Managing Director noted that she is using this agreement as a model. She stated that she is beginning to discuss such an agreement with the boxing organization that runs at the Baer Park Field House. The City Clerk reminded the group that the Elections Office has been wanting to use the Field House as a polling place for years.

Resolution 86-2014 was adopted by the following vote:

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

PENDING - Council Receipt and Review of PFM analysis

Resolution 87-2014 - 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 **(Man Dir)**

Council President Acosta stated that this resolution will remain pending for the following two weeks, as various Councilors requested additional time to review the analysis prepared by PFM.

COUNCIL COMMENT

Councilor Marmarou announced the CHCC National Night Out planned for August 5th from 6-8 pm at the College Manor Pool

Councilor Goodman-Hinnershitz noted the upcoming events at the Pagoda.

Councilor Reed congratulated those who organized the Reading Pride event held in Centre Park. She stated that the event is very well attended and well organized.

Councilor Reed noted the upcoming 100th Anniversary of the Dedication of the Maine Anchor located within City Park on Sunday, August 3rd at 11 a.m. She described the event and the original dedication ceremony.

Council President Acosta described the Columbian Independence Day celebration that occurred over the past weekend.

Council President Acosta thanked Council for placing their trust in him and Councilor Waltman to negotiate an amendment to the water lease deal with RAWA. He stated that RAWA will vote on the amendment at their meeting this Thursday. He noted that the water issue is now closed and concluded for Council. He stated that Council is not willing or ready to reopen discussions on a long term deal or an RFP for the water system. He stated that although PFM and the DCED continue to press for the monetization of the system, Council is unwilling to take the necessary steps.

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

Respectfully submitted by Linda A. Kelleher CMC, City Clerk

RESOLUTION ____-2014

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

Authorizing the placement of a memorial plaque at the lower baseball field in Schlegel Park in the name of Lee and Donna Maniaci, as per the Naming Policy application reviewed and recommended by the Director of Public Works.

Adopted August ____, 2014

President of Council

ATTEST:

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: _____

AN ORDINANCE OF THE CITY OF READING AMENDING THE CITY OF READING CODE BOOK, CHAPTER 600 ENTITLED "ZONING", PART 6 ENTITLED "TYPES OF USES", SECTION 600-807 ENTITLED "C-C COMMERCIAL CORE DISTRICT" BY AMENDING: (1) SUBSECTION B ENTITLED "ALLOWED USES" TO INCLUDE PUBLIC PARKING GARAGES AND PARKING LOTS OWNED/OR OPERATED BY THE CITY OF READING OR THE READING PARKING AUTHORITY, AND TO PROHIBIT NON-PUBLIC PARKING GARAGES AND PARKING LOTS; AND (2) SUBSECTION C ENTITLED "ADDITIONAL REQUIREMENTS IN THE C-C DISTRICT" TO PROHIBIT NON-PUBLIC PARKING GARAGES OR PARKING LOTS OPEN TO THE GENERAL PUBLIC.

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

SECTION 1. Amending the City of Reading Codified Ordinances, Chapter 600 entitled "Zoning", Part 6 entitled "Types of Uses", as attached in Exhibit A:

SECTION 2. All relevant ordinances, regulations and policies of the City of Reading, Pennsylvania not amended by this Ordinance shall remain in full force and effect.

SECTION 3. If any section, subsection, sentence or clause of this Ordinance is held for any reason to be invalid, such decisions shall not affect the validity of the remaining portions of the Ordinance.

SECTION 4. 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: _____, 2014

President of Council

Attest:

City Clerk

(Council Office & Parking Authority)

Submitted to the Mayor: _____

Date: _____, 2014

Received by the Mayor's Office: _____

Date: _____, 2014

Approved by the Mayor: _____

Date: _____, 2014

Vetoed by the Mayor: _____

Date: _____, 2014

EXHIBIT A

§ 600-807. C-C Commercial Core District.

A. Dimensional requirements.²⁰

B. Allowed uses.

(1) Permitted-by-right uses:²¹

High-rise apartments;

Movie theaters and performing arts facilities

Low-rise or mid-rise apartments;

One-family attached dwellings (townhouses) or one-family semidetached dwellings meet the regulations of the R-3 District gardens, crop farming and forestry

Amusement arcade

Municipal building

Passenger bus or train terminal

Public parking garages and parking lots that are owned/or operated by *the City or Reading Parking Authority* ~~a City authorized parking authority or another governmental entity~~. A new parking garage with a street frontage of more than 100 feet shall include at least one street-level commercial use.

~~Nonpublic parking garages and parking lots that serve a use located within the C-C District, as opposed to being available to the general public. If such parking involves 10 or more new parking spaces, then special exception approval shall be required. As a criteria of special exception approval, the applicant shall show that the parking: (a) will not cause a loss of a significant historic building; (b) will not create a serious traffic congestion or a traffic hazard for pedestrians; and (c) will include suitable landscaping between the parking and a public sidewalk. See also Subsection C below.~~ A new parking garage with a street frontage of more than 100 feet shall include at least one street-level commercial use.

Bakeries (limited to 2,000 square feet production floor area) and retail sale of baked goods

Bank and other financial institutions, which may include drive-through facilities

Business and printing services

Civic/convention center and sports arena

College or university, other than residential uses

Conversion of existing building space into one or more dwelling units, which shall meet the requirements listed for "conversions" in § 600-1203D, even though the use is not a conditional use. Such conversion shall only be allowed if the lot includes at least one street level principal business establishment.

Creation and retail sales of art and crafts items, which may include multiple vendors

Dry cleaners (limited to 2,000 square feet of service/production area)

Fire and ambulance station

Fitness centers/exercise clubs

Funeral homes

Hotels, motels and bed-and-breakfast inns
 Offices
 Personal services, such as barber or beauty shop (see § 600-1103), tailors, nail salons (see § 600-1103) and certified massage therapy (see § 600-1103), and not including a massage parlor
 Photo-finishing services
 Radio and television stations
 Recreational facilities, public parks and nonmotorized recreation trails
 Restaurants (eat-in or takeout) which may include entertainment but shall not include drive-through service. This use shall not allow outdoor sale of ready-to-eat heated food on a regular basis on a lot that is not operated from a building on the lot.
 Retail stores
 Small appliance sales, repair and service stores
 Social clubs and associations (non-PLCB licensed), which shall not be allowed fronting on Penn Street between 2nd Street and 6th Street and which shall not operate between 12:00 midnight and 11:00 a.m. For any use that also meets the definition of a BYOB, Chapter 127, Part 3 (§§ 127-301 to 127-308), and § 127-202 shall also be met.
 Trade, vocational and hobby schools, not including residential uses

NOTE:

1. The street-level floor shall include at least one principal business establishment.
2. Accessory uses. See Part 10 unless otherwise noted.
 - (a) Amusement devices: pursuant to § 600-1010 of this chapter.
 - (b) Entertainment: pursuant to § 600-1005.
 - (c) Home occupations, major or minor: see § 600-1006.
 - (d) Storage as an accessory use to a use located within the C-C District.
 - (e) ***Parking exclusively serving a principal use on the same lot***
3. Conditional Uses
 - (a) Banquet hall.
 - (b) Gaming facility.
 - (c) Taverns and nightclubs.
4. Special exception uses. Pursuant to § 600-1202 of this chapter.
 - (a) Day-care facilities.
 - (b) Dormitory or other residential uses owned or operated by a college or university, other than permitted-by-right dwelling units that are occupied by a "family."
 - (c) Place of worship.

C. Additional requirements in the C-C District.

1. Retail uses shall not extend into the public right-of-way, except as may be specifically approved under another City ordinance.
2. Drive-through services shall only be permitted as accessory to financial institutions. A drive-through facility shall not have an entrance or exit onto Penn Street.
3. Height requirements.
 - (a) Structures may be increased in height up to 175 feet by special exception,

provided the applicant provides an analysis to show that the additional height will allow sunlight to reach the street during midday hours, considering any proposed setbacks and an analysis of how the building will be set back from windows of existing adjacent buildings to provide compatibility.

4. See parking requirements in § 600-1603.

5. A building shall not have a street-level building wall longer than 50 feet unless such wall is interspersed with a window or door at least every 50 feet, artistic displays, changes in building setback or rooflines of more than three feet variation, and/or architectural features.

6. Wind turbines shall be allowed that are attached to a roof of a building and do not extend a total of more than 25 feet above the roof of the building.

7. A principal or accessory parking lot or parking garage shall not be allowed that is open to the general public, unless the structure is owned and/or operated by the City, the Reading *Parking Authority or their designees. Accessory parking lots and garages are permitted only on the same lot as the principle use, except for lots and garages owned and or operated by the City, the Reading Parking Authority or their designees.* ~~Berks County, another governmental entity, or a City authorized parking authority.~~

BILL NO. ____2014

AN ORDINANCE

ESTABLISHING THE SALARY OF THE DIRECTOR OF PUBLIC WORKS

THE COUNCIL OF THE CITY OF READING ORDAINS AS FOLLOWS:

Section One: The annual salary of the Director of Public Works is hereby established as \$95,000.

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 _____, 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: _____

BILL NO. ____2014
AN ORDINANCE
MODIFYING THE CITY OF READING 2014 POSITION ORDINANCE
ESTABLISHING THE POSITION OF ASSISTANT MUNICIPAL OPERATIONS MANAGER
IN THE DEPARTMENT OF ADMINISTRATIVE SERVICES

THE COUNCIL OF THE CITY OF READING ORDAINS AS FOLLOWS:

Section One: The 2014 Position Ordinance is hereby amended, eliminating the “Treasury Manager” position and replacing it with an “Assistant Municipal Operations Manager – Treasury Coordinator” position in the Department of Administrative Services, Citizens Service Center Division.

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.

Adopted by Council on _____, 2014:

President of Council

Attest:

City Clerk

Submitted to Mayor:

Date: _____

Received by the Mayor’s Office:

Date: _____

Submitted to Mayor:

Date: _____

Approved by Mayor:

Date: _____

Vetoed by Mayor:

Date: _____

BILL NO. ____2014
AN ORDINANCE

AN ORDINANCE AMENDING CITY OF READING PERSONNEL CODE 70-701 H SALARY RANGES.

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

SECTION 1. Amending the Personnel Code Section 70-701 H Salary Ranges shall be amended to read as follows:

H. Salary ranges.

- (1) Managing Director. The Managing Director of the City of Reading shall be compensated at an annual salary of no less than \$90,000 and no more than \$120,000.
- (2) Chief of Fire and Rescue Services. The Chief of the Department of Fire and Rescue Services for the City of Reading shall be compensated at an annual salary of no less than \$60,000 and no more than \$85,000. **[Amended 2-28-2011 by Ord. No. 12-2011]**
- (3) Chief of Police. The Chief of Police for the City of Reading shall be compensated at an annual salary of no less than \$80,000 and no more than \$120,000. **[Amended 2-28-2011 by Ord. No. 12-2011]**
- (4) Public Works Director. The Director of the Department of Public Works of the City of Reading shall be compensated at an annual salary of no less than ***\$80,000 and no more than \$100,000*** ~~\$70,000 and no more than \$85,000.~~
- (5) Director of Administrative Services. The Director of Administrative Services of the City of Reading shall be compensated at an annual salary of no less than \$75,000 and no more than \$100,000. **[Added 2-28-2011 by Ord. No. 12-201121]**
- (6) City Solicitor. The Director of the Legal Department for the City of Reading shall be compensated at an annual salary of no less than \$60,000 and no more than \$75,000.
- (7) Community Development Director. The Director of the Department of Community and Economic Development for the City of Reading shall be compensated at a salary of no less than \$75,000 and no more than \$100,000.

SECTION 2. All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

SECTION 3. This Ordinance shall become effective immediately.

Enacted by Council _____, 2014

BILL NO. ____-2014
AN ORDINANCE

DIRECTING THE MAYOR TO EXECUTE THE 4th ADDENDUM TO THE LEASE AGREEMENT WITH THE READING AREA WATER AUTHORITY (RAWA) AS ATTACHED IN EXHIBIT A.

Whereas the Council of the City of Reading hereby ordains as follows:

Section 1. Directing the mayor to execute the 4th Addendum to the Lease Agreement with the Reading Area Water Authority (RAWA) as attached in Exhibit A.

Section 2. All ordinances or resolutions, or parts of ordinances or resolutions, insofar as they are inconsistent with this Ordinance are hereby repealed.

Section 3. The provisions of this Ordinance shall be severable and if any of its provisions shall be held to be unconstitutional or illegal, the validity of any other remaining provisions of the Ordinance shall not be affected thereby. It is hereby expressly declared as the intent of the City Council of the City of Reading that this Ordinance would have been adopted had such unconstitutional or illegal provision or provisions had not been included herein.

Section 4. 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: _____, 2014

President of Council

Attest:

City Clerk

(Council Staff)

Submitted to Mayor: _____

Date: _____

Received by the Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____

Vetoed by Mayor: _____

Date: _____

**FOURTH ADDENDUM TO THE LEASE AND OPERATING AGREEMENT
BETWEEN THE CITY OF READING, PENNSYLVANIA AND
THE READING AREA WATER AUTHORITY**

THIS FOURTH ADDENDUM, (the “Fourth Addendum”) by and between the City of Reading, Berks County, Pennsylvania (“City”) and the Reading Area Water Authority (“Authority”), is hereby entered into this ____ day of _____, 2014 (“Addendum Date”), and hereby amends the Lease and Operating Agreement between the City and the Authority dated May 20, 1994, effective June 1, 1994, as supplemented in January, 1995, and amended in October, 1997, December, 2010, and 2012.

RECITALS

A. WHEREAS, the Authority has been incorporated pursuant to an Ordinance of the Council of the City and is existing under the provisions of the Act of Assembly approved May 22, 1945, P.L. 382, as amended and supplemented, known as the “Municipality Authorities Act of 1945” (the “Act”);

B. WHEREAS, the City leases its Water System to the Authority pursuant to the terms of the Original Amended Lease (hereinafter defined);

C. WHEREAS, the Council of the City (“Council”) enacted Ordinance 46-2014 on or about May 27, 2014, 2014, purporting to terminate the Original Amended Lease, take back the water system pursuant to Section 5622 of the Act, 53 Pa. C.S.A. § 5622, and dissolve the Authority;

D. WHEREAS, the parties mutually desire to enter into this Fourth Addendum in order to, among other things, strengthen the City’s oversight of the Authority and the Water System and in order to protect the City’s investment in the Water System currently operated by the Authority; and

NOW THEREFORE, the Authority and the City, in consideration of the agreements, conditions and covenants herein contained, each intending to be legally bound, hereby covenant and agree as follows:

Definitions. Unless otherwise defined herein, all capitalized terms used in this Fourth Addendum shall have the meanings ascribed to them in the Original Amended Lease (as hereinafter defined).

All references in this Fourth Addendum or the Original Amended Lease to the "Lease" or "herein" or "hereunder" or other similar terms shall mean the Original Amended Lease, as amended by this Fourth Addendum.

"Original Amended Lease" shall mean the collective agreement by and between the City and the Authority as evidenced by the Lease and Operating Agreement between the City and Authority, dated May 20, 1994, effective June 1, 1994, as supplemented in January, 1995, and amended in October, 1997, December, 2010, June 2012, and ____, 2014, and as the same may hereinafter be amended, supplemented or modified from time to time.

Authority Budget. Not later than November 1 of each year, beginning November 1, 2014, the Authority shall transmit its proposed Budget for the next Fiscal Year to City Council by delivery to the City Clerk. Council shall have thirty (30) days to review, and provide comments to the Authority on, such proposed budget. The Authority shall give due consideration to the comments of the Council and the Mayor's Office of the City prior to the adoption of the budget by the Authority.

Authority Contracts.

Prior to approval by the Authority, of any (a) proposed Authority contracts for professional services, (b) proposed Authority contracts related to the expansion of the Water System, and (c) proposed Authority contract under which the Authority is, or may be, obligated to pay more than of Two Million (\$2,000,000.00) Dollars in any rolling twelve (12) month period or having a cumulative term of more than one year, including any renewal periods, shall be submitted to the City Clerk for review by City Council and shall require approval by City Council, subject to the condition that if (i) the contract shall be subject to bid and for routine purchases of utilities, chemicals and supplies; (ii) the contract shall be necessary to respond to an emergency; or (iii) the contract shall be necessary to comply with the mandate of a regulatory body or court having jurisdiction and authority over the Authority, then in such

event, the Authority shall be free to approve or award such contract without Council's approval but with notice to Council.

The Authority shall not enter into any Authority contract required to be submitted to City Council as provided above unless approved by City Council. The foregoing notwithstanding, the Authority may enter into Contracts submitted to City Council without City Council approval if Council shall fail to act on a proposed contract within thirty (30) days of the City Clerk's receipt of same.

Authority Debt. All new debt incurred by the Authority after the date of this Addendum shall require approval by resolution of City Council. All such requests by the Authority for approval of new debt shall be accompanied by a written explanation as to the following:

A description of the project or purpose for which the new debt will be incurred;

A comprehensive description of the terms and conditions of the proposed financing;

A five (5) year projection of the impact of the debt on Authority finances; and

The impact of the new debt on the Authority's debt service coverage ratio, including details of the calculation of the debt service coverage ratio

Authority Solicitor. The Authority shall appoint an Authority Solicitor annually. No individual attorney or law firm or affiliated organization shall serve as Authority Solicitor for more than six (6) out of any ten (10) consecutive years. Neither the current solicitor of the Authority nor any firm with whom he is then affiliated may serve as Authority Solicitor beyond the first Authority meeting in January 2019. In the final year of the current Authority Solicitor's term as solicitor, the Authority shall retain the services of a new solicitor for at least six (6) months prior to the conclusion of the current solicitor's term.

Authority Board. The Authority agrees within twenty (20) days from the date of this Addendum to propose an amendment to its Articles of Incorporation in accordance with Section 5605 of the Act to increase the number of members of its Board from five (5) to seven (7) members and shall submit said proposed amendment to Council of the City for approval by resolution or ordinance.

Authority Audit. The Authority shall provide the City Clerk and City Auditor with a correct

and complete final draft copy of the Authority's audited financial statements no later than May 30 of each year and a copy of the Authority's final audited financial statement by June 15 of each year.

Annual Water System Plan Review. No later than June 30 of each year, the Authority shall present an annual plan including a statement and current status of goals and objectives and a detailed management discussion and analysis of operations and finances, to the City Clerk for agreement or disagreement by City Council by September 1 of each year.

Authority Financial Reports and Debt Closing Binders. The Authority shall provide the City Clerk and City Auditor with correct and complete copies of current quarterly financial reports of the Authority no later than 45 days after the end of each fiscal quarter of the Authority. The Authority shall provide the City Clerk and City Auditor with any other financial or operational information in its possession or readily obtainable that is requested by Council within ten (10) days of such request. The Authority shall provide the City Clerk and City Auditor correct and complete executed copies of all existing Authority debt closing transcripts, bibles and documents within forty-five (45) days from the date of this Addendum. Going forward, the Authority shall provide the City Clerk and City Auditor correct and complete executed copies of all Authority debt closing transcripts, bibles and documents within ten (10) days from the date of the closing of any debt incurred by the Authority.

Lease Payments. The Authority and the City agree that the combined Financing Fee and Meter Surcharge components of the Lease payment for each calendar year, beginning January 1, 2015 shall be Eight Million (\$8,000,000.00) Dollars, which amount reflects the fair rental value of the Water System. Beginning January 1, 2020, the amount of the combined Financing Fee and Meter Surcharge components of the Lease payment for each calendar year shall be increased on January 1 of each year by an amount equal to the positive change in the Consumer Price Index for the most recently completed twelve (12) month period for which such index is reported (expressed as a percentage) multiplied by the amount of the Lease Payment for the immediately preceding January 1 or 2.5% per annum, whichever amount is

greater. The base amount of the Lease payment was arrived at by taking into consideration the valuation performed by an independent consultant selected by the Center for Local Government Excellence at Albright College and the valuation obtained by the City from Municipal & Financial Services, dated March 27, 2014. The cost of the valuation from the Center for Local Government Excellence shall be paid for the Authority. The parties agree that the aforesaid valuations shall be used solely for the purposes of determining "fair rental value" of the Water System.

Termination. Section 7.05 of the Original Amended Lease shall be amended in its entirety to read as follows:

Either the City or the Authority may terminate the Original Amended Lease by serving written notice on the other of its intent and desire to terminate the Original Amended Lease on the date specified in such notice, which shall be a date not earlier than one hundred eighty (180) days from and including the date of such notice, in which event the Original Amended Lease shall terminate as of the date specified in such notice.

IN WITNESS WHEREOF, the City of Reading, Berks County, Pennsylvania, has caused this Fourth Addendum to be executed in its name and on its behalf by its Mayor and its official seal to be affixed hereunder and attested by its City Clerk, and the Reading Area Water Authority has caused this Agreement to be executed in its name and on its behalf by its Chairperson or Vice Chairperson and its corporate seal to be affixed hereto and attested by its Secretary or Assistant Secretary, all as of the day and year first above written.

City of Reading

Reading Area Water Authority

By: _____
Mayor

By: _____
Chairperson

Attest: _____
City Clerk

Attest: _____
Asst. Secretary

BILL NO. _____ 2014
AN ORDINANCE

AN ORDINANCE REPEALING BILL NO. 46-2014, DISSOLVING THE
READING AREA WATER AUTHORITY.

WHEREAS, the City Council of the City of Reading adopted Bill No. 46-2014 dissolving the Reading Area Water Authority (“RAWA”), terminating the Lease and Operating Agreement between RAWA and the City of Reading, and requiring RAWA to convey to the City of Reading all property of RAWA, including the Water System as defined in the Lease and Operating Agreement between the City of Reading and RAWA;

WHEREAS, the City Council of the City of Reading and RAWA have negotiated an amendment to the aforesaid Lease and Operating Agreement;

WHEREAS, the City Council of the City of Reading has agreed in conjunction with entering into the aforesaid amended Lease and Operating Agreement that City Council would repeal Bill No. 46-2014.

NOW THEREFORE, BE IT DULY ENACTED AND ORDAINED, by the City Council of this City, as follows:

SECTION 1. Due to the amendment of the Lease and Operating Agreement between the City of Reading and RAWA, City Council repeals Bill No. 46-2014 which dissolves RAWA, terminates the Lease and Operating Agreement, and requires the conveyance by RAWA of the Water System and all property of RAWA to the City of Reading.

SECTION 2. All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

SECTION 3. 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 by Council _____, 2014

President of Council

Attest:

City Clerk

Council Staff

Submitted to Mayor: _____

Date: _____

Received by 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. In addition, the final plan to be presented to Council for approval will include a preliminary marketing plan, a project timeline which meets all regulatory deadlines and a reversion clause which provides for ownership to revert to the City in the event the project timeline is not met.

APPROVED BY COUNCIL _____

Council President

ATTEST:

City Clerk

RESOLUTION NO. ____ 2014

CONFIRMING RALPH JOHNSON AS DIRECTOR OF PUBLIC WORKS FOR THE CITY OF READING IN ACCORDANCE WITH ARTICLE VI, SECTION 603 OF THE CITY OF READING HOME RULE CHARTER, AS AMENDED.

WHEREAS, City of Reading Mayor Vaughn Spencer has recommended the hiring of Ralph Johnson as Director of Public Works; and

WHEREAS, Mayor Vaughn Spencer is confident in the capabilities of Ralph Johnson and his ability to perform the duties and responsibilities of the Director Pubic Works.

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

That Mayor Vaughn Spencer's recommendation to appoint Ralph Johnson as the City's Director of Public Works is hereby confirmed in accordance with Article VI, Section 603 of the City of Reading Home Rule Charter, as amended.

Adopted Council _____, 2014

President of Council

Attest:

City Clerk