

CITY COUNCIL

Meeting Agenda

**REGULAR MEETING
COUNCIL CHAMBERS**

**MONDAY, JAN 26, 2015
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: Rabbi Lipsker, Chabad Lubavitch of Berks County

C. PLEDGE OF ALLEGIANCE

D. ROLL CALL

The purpose of the Executive Session on Monday, January ____ was related to ____ matters.

2. PROCLAMATIONS AND PRESENTATIONS

- Recognition of the Berks Catholic Berks Best Fall Athletes

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 January 12, 2014

B. AGENDA: Regular Meeting of January 26, 2014

5. Consent Agenda Legislation

A. Resolution – authorizing the continuation of the engagement of Duane Morris to handle the recycling litigation **(Man Dir)**

B. Resolution – authorizing the promotion of Paramedic/Firefighter Trent Zulick to the rank Lieutenant in the Fire Prevention Division, effective February 2, 2015. **(Fire Chief)**

C. Award of Contract – for the 6th and Canal Long Term Improvements project – Phase II **(Pub Works)**

D. Resolution – authorizing, endorsing and implementing the Pennsylvania's Statewide Historic Preservation Plan **(HARB)**

6. ADMINISTRATIVE REPORT

7. REPORT FROM OFFICE OF THE AUDITOR

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

9. ORDINANCES FOR FINAL PASSAGE

A. Ordinance – authorizing the amendment of the RAWA Articles of Incorporation by adding two additional members to the Board of Directors and by defining the terms of the new members **(Council Staff/Law)** *Introduced at the January 12 regular meeting*

B. Ordinance – repealing sections 219-101, 219-102, 219-103, 219-105 & 219-106 of the City Code, as required by House Bill 80-2014 adopted by the Pennsylvania Legislators and approved by the Governor in November 2014. **(Council Staff/Law)** *Introduced at the January 12 regular meeting*

C. Ordinance – amending the Administrative Code, Chapter 5, Section 5-213 and § 5-302 regarding the use of outside legal counsel **(Council Staff/Law)** *Introduced at the January 12 regular meeting*

D. Ordinance – amending the Administrative Code, Chapter 5, Section Re3117-0o5a-Ex A – Purchasing Policies regarding the use of outside legal counsel **(Council Staff/Law)** *Introduced at the January 12 regular meeting*

E. Ordinance - amending Chapter 212, Fee Schedule, Section 104 Business Licenses-Annual License Tax and Section 114 Food Code, of the City of Reading Code of Ordinances to add Business License and Food Vendor Fees for Special Events **(Council Staff/Law)** *Introduced at the January 12 regular meeting; Advertised on Jan 19th*

10. INTRODUCTION OF NEW ORDINANCES

A. Ordinance - authorizing the transfer of funds covering HUD eligible salaries within the 2014 Budget between the General Fund and the Community Development Department **(Administration Division)**

B. Ordinance – amending the Fee Schedule by adding EMS membership fees and non-emergency wheelchair transportation fees **(Bus Analyst/Man Dir)**

11. RESOLUTIONS

A. Resolution – denying the Conditional Use application for 1537 Perkiomen Avenue and ordering de-conversion **(Council Staff/Law)**

B. Resolution – denying the Conditional Use application for 922 A Franklin Street and ordering de-conversion **(Council Staff/Law)**

C. Resolution – approving the Conditional Use application for 231 South 4th Street, adding two additional rental units, with conditions (**Council Staff/Law**)

D. Resolution – approving the Conditional Use application for 1141 North 9th Street, allowing one additional unit, with conditions (Council Staff/Law) **To be distributed on Monday**

12. PUBLIC COMMENT – GENERAL MATTERS

Please see public speaking rules on second page

13. COUNCIL BUSINESS / COMMENTS

14. COUNCIL MEETING SCHEDULE

Monday, January 26

Committee of the Whole – Council Office – 5 pm

Regular Meeting – Council Chambers – 7 pm

Monday, February 2

Nominations & Appointments Committee – Council Office – 4 pm

Strategic Planning Committee – Council Office – 5 pm

Wednesday, February 4

HARB Appeal Hearing 1031 Madison Ave– Council Chambers– 5 pm

Monday, February 9

Committee of the Whole – Council Office – 5 pm

Regular Meeting – Council Chambers – 7 pm

15. BAC AND COMMUNITY GROUP MEETING SCHEDULE

Monday, January 26

DID Authority – 645 Penn St 5th floor

District 7 Crime Watch – Holy Spirit Church – 7 pm

Tuesday, January 27

Environmental Advisory Council – Public Works Building – noon

Housing Authority Workshop – WC Building – 4 pm

Housing Authority – WC Building – 5 pm

Planning Commission – Penn Room – 7 pm

Penn’s Common Neighborhood Group – Penn’s Common Meeting Room – 7 pm

Wednesday, January 28

Main Street Board – Gateway Bldg 5th floor – 3:30 pm

Parking Authority – Parking Authority Office – 5:30 pm

Thursday, January 29

Water Authority – Water Authority Office – 4 pm

Monday, February 2

Shade Tree Commission – Public Works Building – 6 pm

Tuesday, February 3

Board of Health – Penn Room – 4 pm

Charter Board – Penn Room – 7 pm

Wednesday, February 4

Reading Elderly Housing Crime Watch – Front & Washington Sts – 2:30 pm

District 2 Crime Watch – St Paul's Lutheran Church – 6:30 pm

Thursday, February 5

Police Civil Service Board – Penn Room – noon

Glenside Community Council – Christ Lutheran Church – 6:30 pm

District 3 Crime Watch – Calvary Baptist Church – 7 pm

Sunday, February 8

College Heights Community Council – Nativity Lutheran Church – 7 pm

Monday, February 9

Fire Civil Service Board – Penn Room – 4 pm

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

City of Reading City Council
Regular Meeting
January 12, 2015

Council President Acosta called the meeting to order.

The invocation was given by Rev. Danny Moore, Holy Trinity Church of God.

All present pledged to the flag.

There was no executive session held during the Committee of the Whole meeting.

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 V. Spencer

PROCLAMATIONS AND PRESENTATIONS

- Chief Stoudt issued Department of Fire and Rescue Services Awards to firefighters and EMS Technicians
- Council issued a Commendation recognizing the 2014 RHS Boys Soccer Team
- Council issued a Commendation recognizing Berks Dog Search, accepted by Susie Olson

PUBLIC COMMENT

Council President Acosta stated that there are three (3) citizens registered to address Council on non-agenda matters. He inquired if any Councilor objected to suspending the rule requiring non-agenda comment at the end of the meeting. As no one objected the rule was suspended.

Councilor Daubert read the public speaking rules that were adopted by Council.

George Stichter, of Moss Street, was not present.

Floyd Stahl, of North 11th Street, stated that 500 North Front Street was improperly placarded as Property Maintenance believed the someone was illegally residing at the property. However, after an inspection with police officers, they determined that no person resided there. He expressed the belief that Property Maintenance placarded the building to prevent him from purchasing the building. He requested an investigation into this issue.

Nate Rivera, of North 6th Street, expressed the belief that citizens are frustrated with the Parking Authority and the manner in which the Authority's employees treat citizens. He expressed the belief that as parking is a City asset, the City should retain some control over the asset. He expressed the belief that Authority employees treat citizens rudely and he provided some examples of situations he experienced. He expressed the belief that the City should not allow the Parking Authority to take the towing concession.

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 December 22nd Regular Meeting of Council. He stated that four Board, Authority and Commission appointment and reappointment resolutions will be added under the Resolution heading.

Councilor Sterner moved, seconded by Councilor Marmarou, to approve the minutes from the December 22nd 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 - to Herbein & Company for external auditing services for a one year period with the option to extend for four additional years **(Purchasing Mgr)**

B. Resolution 1-2015 - disposing the 2007 Financial Interest Statements **(Council Staff)**

C. Resolution 2-2015 - Authorizing the Bank Accounts for the City of Reading for the 2015 Calendar Year **(Controller)**

D. Resolution 3-2015 - **authorizing the promotion of Sergeant Paul J. Riley to the rank of Lieutenant effective January 16, 2015.** (Police Chief)

E. Resolution 4-2015 - **authorizing the promotion of Officer Darrin C. Dougherty to the rank of Sergeant effective January 16, 2015.** (Police

Chief)

G. Resolution 5-2015 - authorizing conditional offers of employment to David Drago, Marcos Rodriguez-Muriel and Missael DeJesus as probationary patrol officers effective Monday, January 19, 2015. **(Police Chief)**

WITHDRAWN BY THE ADMINISTRATION

F. Award of Contract – for the 6th and Canal Long Term Improvements project – Phase II(Pub Works)

ADMINISTRATIVE REPORT

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

- The repairs to the Pagoda walls are complete
- The City is concluding negotiations to perform vehicle maintenance of the County DA's fleet
- A website through the software company Mind Mixer is being created to encourage citizen collaboration on the Comprehensive Plan
- The State of the City address will be given on January 28th from 11:30 am to 1 pm at the Goggleworks and free lunch will be provided

AUDITOR'S REPORT

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

- Update on the Pension Board meetings and activities
- Update on the State Snow/Ice Grant for 2014
- Audit of the 2012-13 State Liquid Fuels Fund

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

None.

ORDINANCES FOR FINAL PASSAGE

None.

INTRODUCTION OF NEW ORDINANCES

Council President Acosta read the following ordinances into the record:

A. Ordinance – authorizing the amendment of the RAWA Articles of Incorporation by adding two additional members to the Board of Directors and by defining the terms of the new members **(Council Staff/Law)**

B. Ordinance – repealing sections 219-101, 219-102, 219-103, 219-105 & 219-106 of the City Code, as required by House Bill 80-2014 adopted by the Pennsylvania Legislators and approved by the Governor in November 2014.**(Council Staff/Law)**

C. Ordinance – amending the Administrative Code, Chapter 5, Section 5-213 and § 5-

302 regarding the regarding the use of outside legal counsel (**Council Staff/Law**)

D. Ordinance – amending the Administrative Code, Chapter 5, Section Re3117-0o5a-Ex A – Purchasing Policies regarding the regarding the use of outside legal counsel (**Council Staff/Law**)

E. Ordinance - amending Chapter 212, Fee Schedule, Section 104 Business Licenses-Annual License Tax and Section 114 Food Code, of the City of Reading Code of Ordinances to add Business License and Food Vendor Fees for Special Events (**Council Staff/Law**)
Advertisement scheduled for Jan 19th

RESOLUTIONS

A. Resolution No. 6-2015 –appointing Maria Rodriguez to RAWA (**Nom & Appts**)

B. Resolution No. 7-2015 –appointing Richard Wagner to the Human Relations Commission (**Nom & Appts**)

C. Resolution No. 8-2015 – reappointing Michael Kautter to the Fire/Building Code Board of Appeals (**Nom & Appts**)

D. Resolution No. 9-2015 –appointing William “Gus” Giddens to the Housing Authority (**Nom & Appts**)

Councilor Marmarou moved, seconded by Councilor Goodman-Hinnershitz, to adopt Resolution Nos. 6-9-2015.

Councilor Marmarou described the merits of those being appointed and reappointed.

Councilor Goodman-Hinnershitz noted the importance of the interview process that occurs to make sure the candidates are well suited to the board they will be serving on.

Resolution Nos. 6-9-2015 were adopted by the following vote:

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

Nays: None - 0

COUNCIL COMMENT

Councilor Marmarou stated that he was enthused by the Pro Policy rally held on Saturday at City Park; however, he wished that more police officers would have attended.

Councilor Waltman stated that he was excited about the awards issued to the Department of Fire and Rescue Services and the commendation to the RHS Boys Soccer team. He stated that Reading has much to offer.

Councilor Reed congratulated the EMS Technicians and fire fighters honored at the meeting. She also noted the success of the New Year's Eve celebration at the Pagoda.

In response to Mr. Rivera's comment on the rudeness of the Parking Authority employees, Mr. Spencer suggested that Mr. Rivera bring this issue to the attention of the Authority board. He also questioned why citizens do not stay for the entire meeting to hear responses to the issues they raise.

Councilor Sterner expressed the belief that there are many positive features in Reading; however, the majority continues to focus attention on the negatives. He stated that he is pleased that Council celebrates the many positives by honoring individuals and organizations at Council meetings.

Councilor Goodman-Hinnershitz suggested that the City embrace and assist the Pagoda Foundation with the New Year's Eve celebration. She noted that the businesses on Mount Penn recognize that Mount Penn is a component of the City's economic engine and that it is time for the City to recognize that fact.

Councilor Goodman-Hinnershitz described the various incidents within District 2 over the past weeks that required the attention of EMS, Public Works and the Police. She thanked these departments for their assistance and their support.

Council President Acosta noted that both the Pagoda Foundation and the Firefighters Museum are completing a strategic plan. He also noted the attendance and support of elected officials from the County, the State and the Federal levels at the Pro Police Rally. He stated that although it was cold and windy, the event successfully honored those who work to keep all citizens safe.

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



AGENDA MEMO

FIRE DEPARTMENT

TO: City Council
FROM: Fire Chief William Stoudt, Jr.
PREPARED BY: Fire Chief William Stoudt, Jr.
MEETING DATE: January 26, 2015
AGENDA MEMO DATE: January 21, 2015
REQUESTED ACTION: Authorize promotions

RECOMMENDATION

The Mayor, Managing Director and the Fire Chief recommend the following promotion be approved within Divisions of the Department of Fire and Rescue Services:

Paramedic/Firefighter Trent Zulick to the rank Lieutenant in the Fire Prevention Division, effective February 1, 2015.

BACKGROUND

There is a need to promote to the position of Fire Prevention Lieutenant. The promotion is due to attrition.

BUDGETARY IMPACT

None. This funded position has a recent current vacancy.

PREVIOUS ACTIONS

None.

SUBSEQUENT ACTION

Council to take action to approve promotion within The Department of Fire and Rescue Services

RECOMMENDED BY

The Fire Chief recommends approval.

\

R E S O L U T I O N N O. _____ 2015

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

Authorizing the promotion of Paramedic/Firefighter Trent Zulick to the rank Lieutenant in the Fire Prevention Division, effective February 1, 2015.

Adopted by Council _____, 2015

Francis G. Acosta
President of Council

Attest:

Linda A. Kelleher
City Clerk

A RESOLUTION NO. _____ 2015

**TO ENDORSE PENNSYLVANIA'S STATEWIDE HISTORIC
PRESERVATION PLAN 2012-2017**

WHEREAS, the City of Reading understands that the irreplaceable historical, architectural, archaeological, and cultural heritage of this Commonwealth should be preserved and protected for the benefit of all the people, including future generations, and;

WHEREAS, Section 301 of the Municipalities Planning Code requires local governments to identify a plan for historic preservation and the adoption of relevant goals of the Pennsylvania's Statewide Historic Preservation Plan is a step in fulfilling that requirement; and

WHEREAS, the City of Reading has expressed interest in the endorsement of Pennsylvania's Statewide Historic Preservation Plan and will assist in the implementation at the local level; and

NOW, THEREFORE, BE IT RESOLVED that the City of Reading City Council of Berks County Pennsylvania endorses the Pennsylvania's Statewide Historic Preservation Plan and will ask the Administration to take the following actions to implement relevant goals and objectives:\

Local Action:

- A. Maintain a comprehensive historic resources inventory to help identify places of local significance that will also be shared with Pennsylvania Historic and Museum Commission's Bureau for Historic Preservation (BHP).
- B. Identify ways that cultural and historic resources contribute to local community character, quality of life, and economic growth potential.
- C. Evaluate municipal planning policies and regulations to ensure that these policies address the community's historic preservation needs to the greatest extent possible. A thorough review of the municipal code and zoning ordinances, planning procedures and other regulatory mechanisms is essential to advancing preservation and making the highest and best use of historic resources.
- D. Identify significant historic resources that need to be protected through the City of Reading's Historic District Ordinance (seeking technical advice from the BHP community preservation coordinator). For resources that are threatened by demolition or neglect, apply to be included on the annual *Pennsylvania at Risk* list.
- E. If the City of Reading owns, occupies, or manages historic buildings, it will take action to keep these properties occupied and in good repair.

Training:

- A. Alert municipal staff and local partner organizations to the requirements of the Pennsylvania History Code, Section 106 of the National Historic Preservation Act, and consultation obligations required when state and federal funding are used for projects and request training for the BHP staff when necessary.
- B. Seek training for the City of Reading's Historical Architectural Review Board to ensure that the review process is professional and fair.

Signs and Markers:

- A. Partner with local preservation advocates to submit a historical marker application to BHP for persons, places, or events that have statewide or national significance.
- B. Partner with local preservation advocates to interpret history in public spaces (public gathering areas, parks, and trails) that would benefit from the addition of a sign, marker, or media tag to educate people about community history.

Outreach and Funding:

- A. Advise property owners of income-producing buildings (stores, offices, rental housing, etc.) that are listed on the National Register of Historic Places or are located in Historic Districts to the federal Rehabilitation Investment Tax Credit (RITC) program for historic building rehabilitations. Advise applicants that the BHP tax credit manager is available for assistance in preparing RITC applications.
- B. Identify all active, preservation-related, grassroots advocacy groups, reach out to them and seek their support in working toward preservation goals and priorities.
- C. Reach out to local school districts and preservation advocacy organizations to identify ways to provide traditional and non-traditional (outside the classroom) learning opportunities.
- D. Seek out grants, state and federal funding and philanthropic donations to conduct historic preservation projects; as a Certified Local Government, the City of Reading is specifically eligible to receive federal funding through the National Park Service.

Adopted by Council on _____2015

Francis G. Acosta Council President

ATTEST:

Linda A. Kelleher CMC, City Clerk

BILL NO. _____ 2015
AN ORDINANCE

AN ORDINANCE AUTHORIZING AN AMENDMENT TO THE READING AREA WATER AUTHORITY ARTICLES OF INCORPORATION INCREASING THE NUMBER OF AUTHORITY BOARD MEMBERS TO SEVEN (7) AND SETTING THE TERMS FOR THE TWO NEW AUTHORITY BOARD MEMBERS.

WHEREAS, the City of Reading (the "Municipality"), of Berks County, Pennsylvania, adopted an Ordinance to establish the Reading Area Water Authority (the "Authority"), Berks County, Pennsylvania, on May 5, 1994, pursuant to the Municipality Authorities Act of 1945, as amended (the "Act"); and

WHEREAS, the Authority has a corporate life which expires May 20, 2093; and

WHEREAS, the Authority has had, as its primary purpose, the management of a water treatment, distribution and collection system within the Municipality; and

WHEREAS, the City of Reading City Council has adopted an Ordinance at its meeting of August 25, 2014 amending the lease agreement by increasing the number of Authority Board members; a copy of the Ordinance is attached hereto marked Exhibit "A" and incorporated herein.

NOW, THEREFORE, BE IT ORDAINED AS FOLLOWS:

SECTION 1: The Reading Area Water Authority Articles of Incorporation shall be amended by expanding the number of Authority Board members by two (2) members, for a total of seven (7).

SECTION 2: Defining the terms of the additional two (2) members to be four (4) years and five (5) years, respectively.

SECTION 3: The Mayor, in conjunction with the Reading Area Water Authority, is hereby authorized and directed to execute and file all things necessary and proper to effectuate the amendment to the Articles, and the City Clerk is hereby authorized and directed to affix the seal of the Municipality to any such executions, and attest such signatures of the Mayor and Council President.

SECTION 4: All Articles, Amendments, Ordinances or parts thereof that are inconsistent with this Ordinance are hereby repealed. If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby

declared as the intent of the Municipality Council that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

BE IT ORDAINED AND ENACTED, this _____ day of _____, 2015.

Francis G. Acosta, Council President

ATTEST:

Linda A. Kelleher CMC, City Clerk

READING AREA WATER AUTHORITY

RESOLUTION PROPOSING AMENDMENT TO ARTICLES OF INCORPORATION

Adopted July 31, 2014

AN RESOLUTION OF READING AREA WATER AUTHORITY PROPOSING TO
AMEND ITS ARTICLES OF INCORPORATION TO INCREASE THE NUMBER OF
BOARD MEMBER POSITIONS FROM FIVE TO SEVEN.

WHEREAS, the Reading Area Water Authority (the "Authority") is a municipal authority existing under the Municipal Authorities Act of the Commonwealth of Pennsylvania, Act 22 of 2001, 53 Pa. C.S.A. Chapter 56, as amended and supplemented from time to time (the "Act"); and

WHEREAS, by this Resolution of the Authority, the Authority expresses its desire to amend its Articles of Incorporation so as to increase the number of board members from five (5) to seven (7);

NOW, THEREFORE, BE IT RESOLVED by the Board of the Authority, as follows:

SECTION 1. This Authority proposes that the Articles of Incorporation of the Authority be amended to increase the number of board member positions from five (5) to seven (7) in accordance with the proposed below:

ARTICLES OF AMENDMENT

TO: THE SECRETARY OF THE COMMONWEALTH OF PENNSYLVANIA

In compliance with provisions of the Municipalities Authorities Act, Act of June 19, 2001, P.L. 287, codified at 53 Pa.C.S.A Section 5601, et seq., as amended and supplemented, of the Commonwealth of Pennsylvania, and pursuant to a resolution duly adopted by the Board of

Reading Area Water Authority proposing an amendment to the Articles of Incorporation of said Authority, which proposed amendment has been submitted to and adopted and approved by the City Council of the City of Reading, Berks County Pennsylvania, the governing authority of the municipality composing said Authority, by an Ordinance duly enacted and ordained, the said Authority hereby files these Articles of Amendment to its Articles of Incorporation and in connection therewith hereby does certify:

1. The name of the Authority is "Reading Area Water Authority"; and the registered office of the Authority is located at 815 Washington Street, Reading, Pennsylvania 19601.

2. The Authority has been duly formed under the provisions of the Act of May 2, 1945, P.L. 382 entitled "Municipality Authorities Act of 1945", as amended and now codified at 53 Pa.C.S.A Section 5601, et seq., the Articles of Incorporation having been approved May 9, 1994.

3. A copy of the Ordinance enacted and ordained by the City Council of the City of Reading, Berks County, Pennsylvania, said City Council being the governing authority of the municipality composing the Authority, duly certified by the City Clerk of said City, is attached hereto and thereby is made a part of these Articles of Amendment.

4. The amendment proposed by the Board of the Authority and adopted and approved by the aforesaid City Council of the City of Reading, Berks County, Pennsylvania, is to amend the Articles of Incorporation of the Authority adding a new Section 7 to read as follows:

"7. The Board of Directors of the Authority shall consist of seven (7) members effective as of September ___, 2014. The two newly created positions shall serve for initial terms, as follows: one new appointee shall serve for a for a term ending the first Monday in January 2018 and the other new appointee shall serve for a term ending the first Monday in

January 2019. Thereafter appointments and reappointments to the two newly-created Board positions shall serve for terms of five (5) years.”

5. The effective date of the amendments reflected in paragraph 4 above shall be the earliest date permitted by law.

IN WITNESS WHEREOF, the Reading Area Water Authority has caused these Articles of Amendment to be executed in its name and on this behalf by its Chairman or Vice Chairman and its official seal to be affixed hereunto and attested by its Secretary or Assistant Secretary, all as of the ____ day of _____, 2014.

**READING AREA
WATER AUTHORITY**

By: _____
Chairman

ATTEST:

By: _____
Secretary (SEAL)

SECTION 2. The Secretary of the Authority is directed to certify a copy of this Resolution and thereafter to submit said certified copy to the City Council of the City of Reading.

SECTION 3. In the event that the City Council of the City of Reading shall approve the proposed Amendment to the Articles of Incorporation, the proper officers of the Authority shall take such actions and execute such documents as are necessary to cause the Articles of Amendment to be filed in accordance with law.

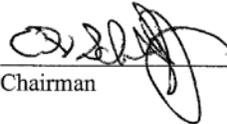
SECTION 4. All resolutions or parts of ordinances conflicting or inconsistent herewith are hereby repealed.

SECTION 5. If any sentence, clause or section or part of this Ordinance is for any reason to be found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Resolution.

SECTION 6. This Resolution shall become effective immediately

DULY ADOPTED this 31st day of July, 2014

READING AREA
WATER AUTHORITY,
Berks County, Pennsylvania


Chairman

ATTEST:

Asst Secretary

BILL NO. _____ 2015

AN ORDINANCE

AN ORDINANCE REPEALING SECTIONS 219-101, 219-102, 219-103, 219-105 & 219-106 IN THE CITY OF READING CODE OF ORDINANCES, AS REQUIRED BY HOUSE BILL 80-2014.

THE CITY OF READING CITY COUNCIL HEREBY ORDAINS AS FOLLOWS:

SECTION 1. Repealing Sections 219-101, 219-102, 219-103, 219-105 & 219-106 relating to firearms in the City of Reading Code of Ordinance., as required by House Bill 80-2014 adopted by the Pennsylvania legislature and approved by the Governor in November 2014 and reserving Chapter 219.

SECTION 2. This ordinance shall become effective in ten (10) days of approval in accordance with Section 221 of the City of Reading Home Rule Charter.

Enacted by Council _____, 2015

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

AMENDING THE ADMINISTRATIVE CODE, CHAPTER 5, SECTION RE3117-OO5a-Ex A – PURCHASING POLICIES REGARDING THE USE OF OUTSIDE LEGAL COUNSEL.

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

Section 1. Amending the Administrative Code, Chapter 5, Section Re3117-Oo5a-Ex A – Purchasing Policies regarding the regarding the use of outside legal counsel, 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 it adoption, in accordance with Sections 219 & 221 of the City of Reading Home Rule Charter.

Enacted: _____, 2014

President of Council

Attest:

City Clerk

(Adm Services & Council Staff)

Submitted to Mayor: _____

Date: _____

Received by the Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____

Vetoed by Mayor: _____

Date: _____

EXHIBIT A

Section 4

Sole Source Purchases

1.01 DEFINITION

Sole source purchases are defined as purchases of supplies, or equipment that meet **all** of the following criteria:

- A. It is the only item that will produce the desired results or possess a unique performance capability and
- B. It is available from only one source and
- C. It is patented or copyrighted.

Professional services, ***legal services and attorneys and law firms*** are not eligible for sole source purchasing requirements.

4.02 PROCEDURE

Sole source purchases are exempt from competitive requirements upon certification by the Purchasing Coordinator stating the conditions and circumstances necessitating the purchase via a Sole Source Justification Form. This certification shall set forth the purpose and need in addition to why the item is the only one that will produce the desired results. The Sole Source Justification Form must be signed by the Managing Director to be deemed "approved".

Sole Source Justification Forms shall expire annually on December 31st. Sole Source contracts shall not be eligible for automatic renewal/extension and must be re-certified by the Purchasing Coordinator before a renewal/extension may occur.

Section 8

Purchasing of Professional Services

8.01 PURPOSE:

The purpose of this regulation is to outline the process involved for preparing specifications, letting of Request For Proposals (RFP's), awarding contracts and payment of bills for professional services.

8.02 APPLICABLE TO:

All departments, divisions, offices or agencies.

8.03 POLICY:

1. For the purpose of this regulation the term "professional" is defined as those persons or firms marketing services requiring advanced academic or technical training skills. Examples of professional services include work done by the following contractors but is not necessarily limited to these services:

- ◆ Accountants
- ◆ Architects
- ◆ Attorneys, ***including Independent legal counsel as per § 5-213 and § 5-302***
- ◆ Bond Underwriters
- ◆ Engineers
- ◆ Insurance Consultants, Agents, and/or Brokers
- ◆ Investment Advisors
- ◆ Physicians
- ◆

2. Professional service contracts are not to be confused with standard contracts which seek a price or costs for particular work detailed in specifications. Professional contracts seek expertise through an RFP and pricing or cost may not be of "primary" importance.

3. A professional contract, while it is based upon work performed in response to task specifications and the need for a finished product as outlined by the City and agreed to by a contractor, it is one that by its very nature cannot be awarded solely based upon the selection of the lowest bidder.

4. Factors other than price alone must be carefully weighed in the review of proposals and the award of such contracts. These factors include the professional qualifications/certifications, special skills, experience, and familiarity of the contractor with the work requested, all of which have impacts on the quality of the product/service to be delivered.

8.04 PREPARING REQUESTS FOR PROPOSALS (RFP'S) FOR CONTRACTS GREATER THAN \$35,000.

1. When to prepare an RFP.

A. When it is estimated that the cost of a purchase of professional services shall meet or exceed \$35,000, the RFP process must be initiated and the vendor must be retained through a written contract. Competitive proposals increase the ability to fully evaluate both the benefit and costs of the services being sought.

B. Notwithstanding any other provisions to the contrary if the Managing Director so determines, no RFP shall be required for an employee engaged in providing professional services to the City who terminates employment with the City and shall then be engaged as an independent contractor. In addition, no RFP shall be required for an independent contractor whose engagement terminates, if the Managing Director desires to continue the engagement by the City.

C. For all contracts expected to exceed \$34,999.99 and for all contracts that are multi-phased (e.g., feasibility study and design, multiple contract renewals/extensions within a one-year period) department, division, office, agency or person designated by the Managing Director shall prepare a RFP specifically for the extent of the work effort that can be defined at that particular time. The RFP should solicit information pertaining to the contractor's qualifications and costs (including appropriate hourly rates, etc.) for as many phases as appropriate. Costs and qualification information should then be utilized to select the contractor. For any subsequent phases of the contract that have not been specifically defined in the initial RFP, a new RFP should be drafted and circulated to secure competitive proposals from interested contractors.

2 How to write an RFP:

The Request For Proposal shall clearly describe the desired services and may include, but not be limited to, the following information:

- ◆ General background information pertinent to the requested services.
- ◆ Nature and scope of requested services including minimum tasks and activities to be performed together with prescribed completion schedule.
- ◆ Methodology and technical approach to be used in accomplishing the requested work.
- ◆ Description of reports required.
- ◆ Documentation of qualifications and experience in similar work and resumes of staff members to be assigned to the engagement.
- ◆ Compensation information including detailed cost information itemizing hours and rates of each class of staff to be utilized, and out-of-pocket expenses such as travel, telephone, publication and duplication.
- ◆ Estimated utilization of City resources necessary to complete

the engagements.

- ◆ Information as to the City's evaluation and selection process.
- ◆ Minority Business Enterprise (MBE)/Woman Business Enterprise (WBE) participation.

8.05 CONTRACTS BETWEEN \$10,000 AND \$34,999:

1. The department, division, office, agency or person designated by Managing Director to handle the assignment, shall request written proposals from at least three (3) firms. Proposals shall include the fee in the form of a unit cost and the total maximum cost to be charged. After analysis, a recommendation shall be presented to the purchasing coordinator, Director of Administrative Services and Managing Director for final approval.

legal will In the event the Solicitor has concluded that a conflict exists between the Mayor/Administration and City Council, the RFP process for independent counsel shall commence. The Mayor/Administration or City Council shall review their respective proposals and prepare individual justifications that include, at minimum: a brief explanation identifying the preferred bid, anticipated cost, and the allocation source from where the expenses will be paid. Final analysis and ultimate approval for all justifications will rest with the purchasing coordinator, Solicitor or his representative, Director of Administrative Services and Managing Director.

2. Upon written request, unsuccessful firms shall be given a written explanation as to the reasons for the selection.

3. The department, division, office or agency should take precautions to project the total cost of professional service contracts that are multi-phased. An RFP must be prepared for those multi-phased contracts when the total cost of which could exceed \$34,999.99.

4. Once final approval for a contract less than \$35,000 has been granted by the Administrative Services Director and the Managing Director, the department, division, office, agency or person designated by the Managing Director to handle the assignment shall meet with a representative from the City Solicitor's office to draft the required contracts.

5. Multiple contracts valued below \$35,000 which occur during a single year and provide for the same or a substantially similar service; or for which services are provided by the same individual or vendor shall be considered to be multi-phased. These contracts shall be subject to the approval requirements of a contract that exceeds \$34,999.99.

6. No contract valued at less than \$35,000 shall be eligible for payment by the City without the contract having been signed by the City Solicitor.

7. The City Solicitor shall provide final review for form and content and signature

on the contract. Contracts without Solicitor signature will not be eligible for payment.

8.06 THE PURCHASING COORDINATOR'S RESPONSIBILITY:

For purposes of consistency, the purchasing coordinator shall be appointed to all committees designated to prepare RFP's, review all documents prior to issuance and evaluate submissions.

The Administrative Services Director shall authorize the advertising for professional services by the purchasing coordinator, who will advertise in local newspapers of general circulation, regional metropolitan newspapers, trade journals, if applicable, and the City website.

1. The advertisement shall give notice that an RFP is available for review by interested firms. Basic information describing the requested services, where the document can be obtained and the deadline and location for submission shall be included.
2. At the discretion of the purchasing coordinator or the department, division, office or agency a mandatory pre-proposal conference may be held with all interested firms to clarify any questions.

8.07 SELECTION OF PROFESSIONAL SERVICE CONTRACTS GREATER THAN \$34,999.99

The proposals of those firms responding to an RFP are reviewed by a selection committee designated by the Managing Director or his designee.

In the event the Solicitor has concluded that a conflict exists between the Mayor/Administration and City Council, the RFP process for independent legal counsel shall commence. The Mayor/Administration or City Council shall review their respective proposals and prepare individual justifications that will include, at minimum: a brief explanation identifying the preferred bid, anticipated cost, and the allocation source from where the expenses will be paid. The justifications will then be submitted to a Panel composed of the Solicitor, Managing Director, and Auditor for their review and recommendation. The Panel shall offer their recommendation for final approval to City Council once they have reached a two-thirds majority vote. Failure to secure a majority vote by either the Mayor/Administration or City Council will require supplemental information or additional information as requested by the Panel.

1.

A. The selection committee shall consist of the purchasing coordinator, the City Solicitor (non-voting member), three designees of the department, division, office or agency, and the designee of the Administrative Services Director. All committee members must sign and return, to the purchasing coordinator, the Confidentiality Statement and No Conflict of Interest Statement prior to receiving any non-public information regarding the applicable RFP.

B. The selection process shall be based on the objective criteria contained in the RFP (Section 8.04.2) and not on the lowest bid.

Examples of the evaluation criteria include: size and experience of the firm on similar projects, client references, demonstrable understanding of the requested work, the ability and/or commitment to meet the prescribed completion schedule, and the cost estimates.

C. The recommendation of the selection committee shall be to the firm with highest total points.

D. The selection committee has the responsibility to negotiate the most favorable cost, terms and conditions to the City of Reading. The negotiating process may involve one or more RFP responses, and may continue until the actual award of the contract.

E. A meeting with the purchasing coordinator and the representative of the Solicitor's office will be available for a firm who is dissatisfied after not being recommended for award of the contract.

2. The selection committee shall submit a written report on the process and its recommendation, to be reviewed with the Administrative Services Director.

3. Prior to formal acceptance, the RFP and the proposal shall be submitted to the Solicitor's staff for review.

4. The Administrative Services Director and the selection committee will prepare a recommendation for the Managing Director to present to City Council for final approval where such approval is required by the Charter and/or by the Administrative Code. ~~and/or the purchasing policies.~~

5. The Administrative Services Director shall advise the purchasing coordinator to formally notify the successful firm.

6. No contract valued at greater than \$34,999.99 shall be eligible for payment by the City unless the contract is approved by Council and signed by the Mayor and City Solicitor.

7. The City Solicitor shall provide final review of the contract for form and content. The City Solicitor's signature shall only be affixed to the contract after this review is complete. Contracts lacking Solicitor approval will not be eligible for payments.

8.08 RENEWAL OF PROFESSIONAL SERVICE CONTRACTS:

The City shall have the option to renew a professional services contract for one (1) year beyond the established contract period, based upon a continuation of the current contract price or the re-negotiation of a new price. This does not preclude the City from requesting a term contract with multiple 1-year renewal periods, as long as the total contract term does not exceed five (5) years. However, if a contract does not originate with multiple 1-year renewal periods, it

shall only be eligible for a one (1) year extension at the current or re-negotiated price.

BILL NO. ____-2014
AN ORDINANCE

AMENDING THE ADMINISTRATIVE CODE, CHAPTER 5, SECTION § 5-213 AND § 5-302, AMENDING THE ADMINISTRATIVE CODE, REGARDING THE USE OF OUTSIDE LEGAL COUNSEL.

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

Section 1. Amending the Administrative Code, Chapter 5, Section 5-213 AND § 5-302 regarding the regarding the use of outside legal counsel as follows:

§ 5-213. Independent legal counsel. [Added 7-13-1998 by Ord. No. 22-1998]

~~In the event either the Mayor/Administration or City Council require legal representation in an area of conflict City Council and the Mayor or the Administration, each party shall have the ability to select their own legal counsel independent of the City.~~

The Solicitor, as chief legal advisor to the City of Reading, has authority to determine whether a conflict exists between the Mayor/Administration and City Council. In the event a conflict does exist, the Mayor/Administration and City Council shall begin and complete a mediation process within ten (10) business days from the date the conflict was identified by the Solicitor, facilitated by a neutral third party that shall be selected by the Solicitor and agreed to by the Mayor/Administration and City Council. If at the conclusion of the mediation process the conflict still exists each party shall have the right to seek and retain independent legal counsel, separate and apart from the advice of the Office of the Solicitor. Section 8 of the Purchasing Policies shall apply.

§ 5-302. Independent legal counsel. [Added 7-13-1998 by Ord. No. 22-1998]

~~In the event either the Mayor/Administration or City Council require legal representation in an area of conflict City Council and the Mayor or the Administration, each party shall have the ability to select their own legal counsel independent of the City.~~

The Solicitor, as chief legal advisor to the City of Reading, has authority to determine whether a conflict exists between the Mayor/Administration and City Council. In the event a conflict does exist, the Mayor/Administration and City Council shall begin and complete a mediation process within ten (10) business days from the date the conflict was identified by the Solicitor, facilitated by a neutral third party that shall be selected by the Solicitor and agreed to by the Mayor/Administration and City Council. If at the conclusion of the mediation process the conflict still exists each party shall have the right to seek and retain independent legal counsel, separate and apart from the advice of the Office of the Solicitor. Section 8 of the Purchasing Policies shall apply.

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

(Adm Services & Council Staff)

Submitted to Mayor: _____

Date: _____

Received by the Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____

Vetoed by Mayor: _____

Date: _____

BILL NO. _____ 2015
AN ORDINANCE

**AMENDING CHAPTER 212, FEE SCHEDULE, SECTION 104 BUSINESS LICENSES-
ANNUAL LICENSE TAX AND SECTION 114 FOOD CODE, OF THE CITY OF READING
CODE OF ORDINANCES TO ADD BUSINESS LICENSE AND FOOD VENDOR FEES FOR
SPECIAL EVENTS AS BELOW**

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

SECTION 1. Chapter 212, Section 104 Business Licenses-Annual License Tax of the City Code Fee Schedule is amended as follows:

Add: Business Privilege License for Special Event \$15 annually

SECTION 2. Chapter 212, Section 114 Food Code of the City Code Fee Schedule is amended as follows:

Add: Food Vendor for Special Event \$10/event

SECTION 3. All relevant ordinances, regulations and policies of the City of Reading, Pennsylvania not amended per the attached shall remain in full force and effect.

SECTION 4. If any section, subsection, sentence or clause of this ordinance is held for any reason to be invalid such decision shall not affect the validity of the remaining portions of the Ordinance.

SECTION 5. This Ordinance shall be effective ten (10) days after adoption pursuant to City of Reading Home Rule Charter Article II Section 219.

Adopted _____, 2015

Council President

Attest:

City Clerk

(Council Staff/Law)

Submitted to Mayor: _____

Date: _____

Received by the Mayor's Office: _____

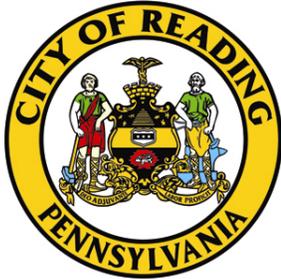
Date: _____

Approved by Mayor: _____

Date: _____

Vetoed by Mayor: _____

Date: _____



AGENDA MEMO

COMMUNITY DEVELOPMENT DEPARTMENT

TO: City Council
FROM: Lenin Agudo, CD Director
PREPARED BY: Lenin Agudo, CD Director
MEETING DATE: January 26, 2015
AGENDA MEMO DATE: January 13, 2015
REQUESTED ACTION: Authorize the Transfer of Funds

RECOMMENDATION

The Community Development Department requests the following transfer of funds:

- \$129,844.57 from General Fund to CD Admin as detailed below:
 - \$84,233.43 From GF Account Code #01-10-39-4000 Salary
 - \$23,116.17 From GF Account Code #01-10-39-4900 Benefits
 - \$16,051.11 From GF Account Code #01-10-39-4901 Pension
 - \$6,443.86 From GF Account Code #01-10-39-4913 Social Security
 - \$129,844.57 To CD Account Code #32-10-00-3901 Community Dev (transfer from General Fund)

BACKGROUND

The request of the transfer of these funds from the general fund is to cover half the costs of three (3) positions within the Community Development Department, the CD Director, CD Manager, and Confidential Secretary. These positions have responsibilities for several daily tasks and activities, of which 50 percent are HUD-related and 50 percent are General Fund-related. In 2014, CD paid for these positions 100 percent, and is now asking to be reimbursed in order to adhere with HUD regulations.

According to HUD regulations, program admin funds can only be used for the administration of HUD programs as well as certain planning activities that pertain specifically to the programs. Therefore, CD is requesting reimbursement in the amount of \$129,844.56 to cover 50 percent of the total salary and benefits costs for the aforementioned positions in order to remain in compliance with HUD.

The reimbursement of the overpayment of funds is standard operating procedure, and the Administration is aware of the need to reimburse the overpayment. However, due to the amount that is required to be reimbursed, council approval is being sought for the transfer.

Once funding is received, CD will ensure that the appropriate HUD accounts are credited. CD will also ensure that the funds are accounted for per HUD guidelines, as a failure to do so could result in findings and a potential repayment of funds to HUD.

BUDGETARY IMPACT

The transfer occurs during the 2014 budget period.

PREVIOUS ACTIONS

None

SUBSEQUENT ACTION

- Council to take action to approve an ordinance to authorize the transfer of funds
- Appropriate HUD accounts to be credited for the overpayment of funds

RECOMMENDED BY

Carole Snyder, Managing Director; Lenin Agudo, CD Director; Chris Zale, City Controller; and Matthew Bembek, Director of Administrative Services

RECOMMENDED MOTION

Approve/deny the ordinance authorizing the transfer of funds as listed.

**BILL ____ -2015
AN ORDINANCE**

AN ORDINANCE AUTHORIZING THE TRANSFER OF FUNDS WITHIN THE

2014 BUDGET BETWEEN THE GENERAL FUND AND THE COMMUNITY DEVELOPMENT DEPARTMENT (ADMINISTRATION DIVISION)

THE CITY OF READING CITY COUNCIL HEREBY ORDAINS AS FOLLOWS:

SECTION 1. Authorizing the transfer of \$84,233.43 From GF Account Code #01-10-39-4000 (Salary), \$23,116.17 From GF Account Code #01-10-39-4900 (Benefits), \$16,051.11 From GF Account Code #01-10-39-4901 (Pension), and \$6,443.86 From GF Account Code #01-10-39-4913 (Social Security) to CD Account Code #32-10-00-3901 (Community Development)

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 _____ 2015

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. _____-2015
AN ORDINANCE
AMENDING CHAPTER 212, FEES, PART 113, FIRE PREVENTION AND PROTECTION,
ESTABLISHING ANNUAL DEPARTMENTAL MEMBERSHIP FEES AND
NON-EMERGENCY WHEELCHAIR TRANSPORTATION FEES

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

Section One: The title of § 212-113 is amended to read “Fire Prevention and Fire Protection and Medical Transportation.”

Section Two: § 212-113 is amended by adding a new Subpart N, “Membership and Non-Emergency Transportation Fees,” and shall contain the fee information included as Appendix A hereto.

Section Three: This Ordinance shall be effective ten (10) days after adoption pursuant to Sections 219 and 221 of the City of Reading Home Rule Charter.

Adopted _____, 2015

President of Council

Attest:

City Clerk

Sent to Mayor _____
Date: _____
Signed by Mayor _____
Date: _____
Vetoed by Mayor: _____
Date: _____
Over-ridden by Council:
Date: _____

Exhibit A
City of Reading Fire/EMS Rate Changes for 2015
(NON EMERGENCY)

City of Reading Annual Membership Plan

Change Single Person from \$35.00 to \$45.00

Change Family Plan from \$50.00 to \$70.00

Wheelchair Van Services

Non Member – 1 way trip from \$50.00 to \$60.00 plus \$4.00 per loaded mile

Non Member – Round Trip from \$70.00 to \$80.00 plus \$4.00 per loaded mile

Member – 1 Way trip from \$40.00 to \$50.00 plus \$2.00 per loaded mile

Member Round Trip - from \$60.00 to \$70.00 plus \$2.00 per loaded mile

R E S O L U T I O N N O. _____ 2015

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

Denying the Conditional Use application submitted by Mr. Jairo Cuesta, 3442 Stoner Ave., Reading, PA 19606 (applicant), for the addition of a third residential rental unit to the existing two residential unit dwelling at 1537 Perkiomen Avenue and ordering the de-conversion of the additional dwelling located on the first floor rear of the property within six months.

Adopted by Council _____, 2015

Francis G. Acosta
President of Council

Attest:

Linda A. Kelleher CMC
City Clerk

(Council Staff)

IN RE: APPLICATION OF : BEFORE THE CITY COUNCIL
 JAIRO CUESTA, :
 FOR A CONDITIONAL USE : OF THE CITY OF READING,
 PERMIT TO ADD ONE :
 ADDITIONAL DWELLING : PENNSYLVANIA
 UNIT TO THE TWO UNIT :
 RENTAL PROPERTY :
 AT 1537 PERKIOMEN AVE., :
 READING, BERKS COUNTY, PA :

**DECISION OF THE CITY OF READING
 CITY COUNCIL ON A CONDITIONAL USE APPLICATION**

AND NOW, this 26th day of January, 2015, after a hearing held on January 5, 2015, upon the application of Jairo Cuesta, 3442 Stoner Ave., Reading, PA 19606, notice of such hearing having been first sent, posted and advertised in accordance with the provisions of the Pennsylvania Municipalities Planning Code and the City of Reading Zoning Ordinance, as amended, the City of Reading City Council (hereinafter “Council”) renders the following decision:

FINDINGS OF FACT

City Council finds the following facts:

1. The applicant is Jairo Cuesta, 3442 Stoner Ave., Reading, PA 19606 (hereinafter Applicant).
2. Applicant is the owner of the fee simple property at 1537 Perkiomen Avenue (hereinafter Subject Property), at the time of application and at the time of the hearing.
3. The Subject Property is located in the R3 zoning district as that term and district is defined by the City of Reading Zoning Ordinance, as amended, (hereinafter referred to as “Zoning Ordinance”).
4. Applicant is seeking a Conditional Use permit to add an additional rental unit to the Subject Property which is currently zoned to allow two residential rental dwellings, as per Zoning Ordinance sections 600-804(B)(3), 600-1203 (D), 600-1204(D), 600-1602 (D), 600-1603 (A) (31) (a) and 600-2202.
5. The Applicant testified at the hearing with the assistance of an interpreter.
6. The Applicant stated that the property was purchased five years ago as a three unit property. The Applicant purchased the property through a private sale. One

unpermitted unit on the first floor rear was identified during a property maintenance inspection in 2014.

7. The Applicant did not provide any testimony on the off street parking spaces required by the zoning ordinance and he did testify that there are utility meters for each unit and a separate meter for the common areas.
8. The zoning administrator provided a case report, in summary:
 - The property is located in the R-3 Residential Zone;
 - The applicant purchased the property on February 23, 2006. Property Maintenance inspected the building in July of 2014, as a three dwelling unit rental property. Prior inspection was performed in October 1998, as a two dwelling unit rental property. A zoning permit was issued in September of 1969 for two dwelling units. Housing payments were last paid in 2009. Prior to 2009 housing payments were paid for two units.
 - The Zoning Administrator reviewed and approved zoning for two dwelling units on June 20, 2014. The third rental unit was denied. The applicant was informed that they could voluntarily de-convert the subject property back to a two unit dwelling or seek conditional use approval from City Council. The applicant met with the Zoning Administrator on November 4, 2014, and submitted a conditional use application for the third unit.
 - The third unit is located on the first floor rear of the building. It consists of a living room, bedroom, kitchen and bath for a total of 360 square feet; the habitable space is 208 square feet. This space is below the minimum size requirements of the zoning ordinance.
 - There are two unimproved parking spaces located at the rear of the property and only accessible via 1537 Perkiomen Ave Rear, which is not owned by the applicant. 1.5 off-street parking spaces are required for each dwelling unit for a conversion, or the applicant shall provide two off-street parking spaces. The other two units are deemed to be legally non-conforming, and therefore would not require off-street parking; however, this provision may be exercised when increasing the non-conformity. If off-street parking cannot be provided, and the conditional use application is approved, then the applicant will need additional zoning relief.
9. The zoning administrator and the Planning Commission recommend denying the permit.

DISCUSSION

The Applicant is seeking a Conditional Use Permit to add one additional residential dwelling unit to the first floor rear of the Subject Property which is currently zoned for two residential rental units.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. The Subject Property at 1537 Perkiomen Avenue is located in the R3 Zoning District.
2. Hearing was held on January 5, 2015.
3. Applicant requests a Conditional Use permit to add one additional rental dwelling units to the first floor rear of the Subject Property which is currently zoned for two residential rental units.
4. The burden of proof for an application for a Conditional Use is upon the Applicant.
5. City of Reading City Council is permitted to grant Conditional Uses, with conditions and other relief as set forth in the Zoning Ordinance of the City of Reading and

Pennsylvania Municipalities Planning Code upon compliance with the requirements therefore set forth in the Zoning Ordinance.

6. The Applicant did not present testimony on the parking requirements required by the zoning ordinance.
7. Applicant did not file an application for other relief from the City of Reading Zoning Hearing Board.
8. The zoning administrator and Planning Commission recommended denying the application for the addition of the new residential rental unit, as the unit requested does not meet the minimum square footage requirements listed in the zoning ordinance.

DECISION

After reviewing the Applicant's request in detail, City Council enters the following decision:

1. The application of Jairo Cuesta, 3442 Stoner Ave., Reading, PA 19606, to add one residential dwelling unit to this property is hereby denied with the following orders:
 - a. The property shall be de-converted to two residential rental units no later than July 26, 2015 as permitted in 1969, as the additional unit within the Subject Property does not meet the minimum square footage requirements required by the zoning ordinance.
 - b. An inspection to ascertain that the de-conversion occurred will be scheduled by the property owner, property manager or the City on or before July 26, 2015.
 - c. If the de-conversion does not occur by July 26, 2015 or if the Applicant or his representative fails to allow the inspection of the property at the request of City officials, the City shall immediately exercise its right to revoke the Business Privilege License of the Applicant as per City Code §339-209 and immediately shut down all rental and business properties owned by the Applicant within the City of Reading.
 - d. The property shall meet all applicable Building, Trades and Fire Code requirements required by the City's Building and Trades Division and the Fire Department.

This is the decision of the City of Reading City Council by a vote of ___ to ___.

R E S O L U T I O N N O. _____ 2015

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

Denying the Conditional Use application submitted by Mr. Francisco Diaz, 922 A Franklin St., Reading, PA 19602 (applicant), Reading 19602 for the conversion of 922 A Franklin Street from one residential unit dwelling and one commercial unit to a three residential unit dwelling and one commercial unit and ordering the de-conversion of the additional two dwelling units within six months.

Adopted by Council _____, 2015

Francis G. Acosta
President of Council

Attest:

Linda A. Kelleher CMC
City Clerk

(Council Staff)

IN RE: APPLICATION OF : BEFORE THE CITY COUNCIL
FRANCISCO DIAZ :
FOR A CONDITIONAL USE : OF THE CITY OF READING,
PERMIT TO ADD TWO :
ADDITIONAL DWELLING : PENNSYLVANIA
UNITS TO THE RENTAL PROPERTY :
AT 922 A FRANKLIN ST., :
READING, BERKS COUNTY, PA :

**DECISION OF THE CITY OF READING
CITY COUNCIL ON A CONDITIONAL USE APPLICATION**

AND NOW, this 26th day of January, 2015, after a hearing held on January 5, 2015, upon the application of Francisco Diaz , 922 A Franklin Street, Reading, PA 19602, notice of such hearing having been first sent, posted and advertised in accordance with the provisions of the Pennsylvania Municipalities Planning Code and the City of Reading Zoning Ordinance, as amended, the City of Reading City Council (hereinafter “Council”) renders the following decision:

FINDINGS OF FACT

City Council finds the following facts:

10. The applicant is Francisco Diaz, of 922 A Franklin Street, Reading, PA 19602 (hereinafter Applicant).
11. Applicant is the owner of the fee simple property at 922 A Franklin Street (hereinafter Subject Property), at the time of application and at the time of the hearing.
12. The Subject Property is located in the R3 zoning district as that term and district is defined by the City of Reading Zoning Ordinance, as amended, (hereinafter referred to as “Zoning Ordinance”).
13. Applicant is seeking a Conditional Use permit to convert the Subject Property into one commercial unit and three residential dwelling units, as per Zoning Ordinance sections 600-804(2)(c) 600-1203 (D), 600-1204(D), 600-1602 (D), 600-1603 (A) (3) and 600-2202. The new units are a one bedroom unit (second floor front) and a third dwelling unit, a one bedroom unit (second floor rear).
14. The Applicant’s brother represented the applicant and testified at the hearing.
15. The Applicant’s representative stated that the property was purchased in 2010 and two unpermitted units were identified during a property maintenance inspection in 2012. He stated that his brother submitted a zoning application to add two additional dwelling units.

16. The Applicant's representative did not provide any testimony on the off street parking spaces required by the zoning ordinance and he expressed the belief that the property is well maintained.
17. The zoning administrator provided a case report, in summary:
 - The property deed is recorded as 922 A Franklin Street, however, it is commonly referred to by the mailing address of 924 Franklin Street. According to the deed description, the building was used as a storeroom and warehouse. The commercial space was formerly occupied as Scholl & Son Pet Store. Since 1994, the commercial space has been utilized as a neighborhood grocery store. There are no prior permits for a residential rental use at the property. There are no housing permits prior to the Applicant's ownership.
 - The applicant purchased the subject parcel and 108 Orange Street in October 2010.
 - On December 22, 2010, the applicant submitted a City of Reading Housing Packet requesting three dwelling units and one commercial store and was placed on the Multi Family review list. The applicant has voluntarily applied for a Conditional Use Hearing.
 - The second floor of the subject property is used as two 1 bedroom units. The front unit is a total of 381 square feet; the rear unit is a total of 291 square feet. The minimum square footage for a one bedroom unit is 550 square feet; both units are below the requirement.
 - The third floor of the structure is designated as a one 2 bedroom unit with 501 square feet. The minimum square footage for a two bedroom unit is a minimum of 700 square feet. Again, the third floor dwelling unit is under the minimum square footage allowed for conversions.
 - For each dwelling unit, there shall be a minimum 1.5 off-street parking spaces per unit for a total of five parking spaces. To accommodate the required residential parking, the applicant is willing to construct a parking lot on parcel 108 Orange Street.
 - Prior to the applicant's ownership, there are no previous Property Maintenance Inspections, no housing permits, and no building or trades permits issued for the three residential units.
18. The zoning administrator and the Planning Commission recommend denying the permit.

DISCUSSION

The Applicant is seeking a Conditional Use Permit to add two (2) residential dwelling units to a property currently permitted for one commercial use and one residential rental use.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. The Subject Property at 922 A Franklin Street is located in the R3 Zoning District.
2. Hearing was held on January 5, 2015.
3. Applicant requests a Conditional Use permit to add two (2) additional rental dwelling units to the Subject Property which is currently zoned for one (1) first floor commercial use and one (1) residential rental use on the upper floors.

4. The new units are a second dwelling unit, a one (1) bedroom unit (second floor front) and a third dwelling unit, a one (1) bedroom unit (second floor rear), both are sized below the minimum requirements of the zoning ordinance.
5. The burden of proof for an application for a Conditional Use is upon the Applicant.
6. The City of Reading City Council is permitted to grant Conditional Uses, with conditions and other relief as set forth in the Zoning Ordinance of the City of Reading and Pennsylvania Municipalities Planning Code upon compliance with the requirements therefore set forth in the Zoning Ordinance.
7. The Applicant did not present testimony on the parking requirements for the additional residential units and information about the property's compliance with building or trades permits for the conversion.
7. The Applicant did not file an application for other relief from the City of Reading Zoning Hearing Board.
9. The zoning administrator and Planning Commission recommended denying the application for the conversion as the conversion of the Subject Property would create units that do not meet the square footage requirements listed in the zoning ordinance.

DECISION

After reviewing the Applicant's request in detail, City Council enters the following decision:

2. The application of Francisco Diaz, of 922 A Franklin Street, Reading, PA 19601, to add two (2) residential dwelling units to this commercial and one (1) unit residential dwelling unit multiuse property is hereby denied with the following orders:
 - e. The property shall be de-converted to one (1) dwelling unit with one first floor commercial unit no later than July 26, 2015 as permitted in 1994, as the additional units within the Subject Property do not meet the minimum square footage requirements in the zoning ordinance.
 - f. An inspection to ascertain that the de-conversion occurred will be scheduled by the property owner, property manager or the City on or before July 26, 2015.
 - g. If the de-conversion does not occur by July 26, 2015 or if the Applicant or his representative fails to allow the inspection of the property at the request of City officials, the City shall immediately exercise its right to revoke the Business Privilege License of the Applicant as per City Code §339-209 and immediately shut down all rental and business properties owned by the Applicant within the City of Reading.
 - h. The property shall meet all applicable Building, Trades and Fire Code requirements required by the City's Building and Trades Division and the Fire Department.

This is the decision of the City of Reading City Council by a vote of ___ to ___.

R E S O L U T I O N N O. _____ 2015

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

Approving the Conditional Use application submitted by Ms. Donna Lineman, 107 N. Warren St., Pottstown, PA 19464 (applicant), for the addition of two rental units to the existing one unit dwelling 231 South 4th Street with conditions and waiving the need for the applicant to apply for additional off-street parking.

Adopted by Council _____, 2015

Francis G. Acosta
President of Council

Attest:

Linda A. Kelleher CMC
City Clerk

(Council Staff)

IN RE: APPLICATION OF : BEFORE THE CITY COUNCIL
DONNA LINEMAN :
FOR A CONDITIONAL USE : OF THE CITY OF READING,
PERMIT TO ADD TWO :
ADDITIONAL DWELLING : PENNSYLVANIA
UNITS TO THE ONE UNIT :
RENTAL PROPERTY :
AT 231 SOUTH 4th ST., :
READING, BERKS COUNTY, PA :

**DECISION OF THE CITY OF READING
CITY COUNCIL ON A CONDITIONAL USE APPLICATION**

AND NOW, this 26th day of January, 2015, after a hearing held on January 6, 2015, upon the application of Ms. Donna Lineman, 107 N. Warren St., Pottstown, PA 19464 (applicant), notice of such hearing having been first sent, posted and advertised in accordance with the provisions of the Pennsylvania Municipalities Planning Code and the City of Reading Zoning Ordinance, as amended, the City of Reading City Council (hereinafter “Council”) renders the following decision:

FINDINGS OF FACT

City Council finds the following facts:

19. The applicant is Ms. Donna Lineman, 107 N. Warren St., Pottstown, PA 19464 (hereinafter Applicant).
20. Applicant is the owner of the fee simple property at 231 South 4th Street (hereinafter Subject Property), at the time of application and at the time of the hearing.
21. The Subject Property is located in the R3 zoning district as that term and district is defined by the City of Reading Zoning Ordinance, as amended, (hereinafter referred to as “Zoning Ordinance”).
22. Applicant is seeking a Conditional Use permit to add an additional two rental units to the Subject Property which is currently zoned as a single family residential rental dwelling, as per Zoning Ordinance sections 600-804(B)(3), 600-1203 (D), 600-1204(D), 600-1602 (D), 600-1603 (A) (31) (a) and 600-2202.
23. The Applicant stated that the property was purchased in 2005 as a three unit property and they applied for zoning for the additional two units in 2007. She stated that the first and second floors each have one 2 bedroom units and the third floor has a single 1 bedroom unit. City records show this property as a single family rental.

24. The Applicant did not provide any testimony on the off street parking spaces required by the zoning ordinance or the Building and Trades permits used to convert the building.
25. The zoning administrator provided a case report, in summary:
 - The property is a three story brick dwelling in the R-3 Residential Zone.
 - During the 1990's, the building was listed as vacant for rehab. From 2007 to present, the property has been inspected as three dwelling units.
 - The applicant and her husband purchased the property on September 15, 2005; the housing application was submitted on April 21, 2008, requesting three dwelling units. Since the applicant's acquisition of the property, they have paid housing fees equating to a single unit.
 - On August 18, 2008, the applicant received approval from the Administrative Hearing Officer for three dwelling units. However, due to inaction by the applicant's husband, a zoning permit was not issued. This discovery was made by the zoning office after the applicant's submission of their conditional use application.
 - The applicant met with the zoning administrator on October 19, 2014. The applicant is requesting three units. The zoning administrator granted approval for a single family dwelling. The Property Maintenance Inspections, from 2007 to present, indicate three kitchens, three bathrooms, three electrical meters and a three story fire escape in the rear of the property.
 - The applicant has only paid for a single unit housing permit between 2007 and 2010.
 - The applicant is also seeking relief from providing five parking spaces as needed per Section 600-1603(A)(31)(a).
26. The zoning administrator and the Planning Commission recommend approving the permit and the Planning Commission also recommends providing relief from the off-street parking requirement.

DISCUSSION

The Applicant is seeking a Conditional Use Permit to add two (2) additional residential dwelling units to the second and third floors of the Subject Property which is currently zoned as a single family residential rental unit.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. The Subject Property at 231 South 4th Street is located in the R3 Zoning District.
2. Hearing was held on January 6, 2015.
3. Applicant requests a Conditional Use permit to add two (2) additional rental dwelling units to the second and third floors of the Subject Property which is currently zoned as a single family residential rental unit.
4. The burden of proof for an application for a Conditional Use is upon the Applicant.
5. City of Reading City Council is permitted to grant Conditional Uses, with conditions and other relief as set forth in the Zoning Ordinance of the City of Reading and Pennsylvania Municipalities Planning Code upon compliance with the requirements therefore set forth in the Zoning Ordinance.

6. The Applicant did not present testimony on the parking requirements or the Building and Trades regulations required by the zoning ordinance.
7. The Applicant did not file an application for other relief from the City of Reading Zoning Hearing Board.
8. The Applicant is seeking relief from the off-street parking requirements.
9. The zoning administrator and Planning Commission recommended approving the application for the addition of the two new residential rental units, as only the third floor unit falls slightly below the minimum size requirements in the zoning ordinance.

DECISION

After reviewing the Applicant's request in detail, City Council enters the following decision:

3. The application of Ms. Donna Lineman, 107 N. Warren St., Pottstown, PA 19464, to add two residential dwelling units to this property is hereby approved with the following orders:
 - i. The Applicant shall schedule an inspection by the Building and Trades inspectors who shall perform an inspection to ascertain that the property meets all applicable Building, Trades and Fire Code requirements required by the City's Building and Trades Division and the Fire Department.
 - j. The Applicant shall pay the difference in housing permit fees for the years 2006 through 2010 for a total of \$580.
 - k. The Applicant shall obtain an occupancy permit.
 - l. The Applicant shall install a 4th electrical meter to provide separate electrical service for the common areas of the property.

This is the decision of the City of Reading City Council by a vote of ___ to ___.

