

# CITY OF PROVIDENCE RHODE ISLAND



The Credo of the Providence City Council is to be Industrious, to be Watchful and to Promote Peace. The bee, as a symbol of industry, is derived from the early colonial saying "Busy as a Bee"; the goose, as a symbol of watchfulness, is derived from the story of the goose whose cackling saved Rome; and the lamb, as a symbol of peace, is derived from the biblical use of the lamb as a symbol of peace.



IN CITY COUNCIL  
FEB 16 2023

APPROVED

*Imad Mastromarino* CLERK

# **CITY COUNCIL**

## **JOURNAL OF PROCEEDINGS**

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**No. 4 City Council Regular Council Meeting, Thursday, February 2, 2023, 6:00 o'clock P.M.**

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### **PRESIDING**

### **COUNCIL PRESIDENT**

### **RACHEL M. MILLER**

### **CALL TO ORDER**

**PRESENT: COUNCIL PRESIDENT MILLER, COUNCILOR ANDERBOIS, COUNCILWOMAN ANTHONY, COUNCILMAN ESPINAL, COUNCILWOMEN GRAVES, HARRIS, PETERSON, COUNCILORS PICHARDO, ROIAS, COUNCILWOMAN RYAN, COUNCILOR SANCHEZ, COUNCILMAN TAYLOR, COUNCILWOMAN VARGAS AND COUNCILMAN VARGAS – 14.**

**ABSENT: COUNCILMAN GONCALVES – 1.**

**ALSO PRESENT: TINA L. MASTROIANNI, CITY CLERK, SHERI A. PETRONIO, FIRST DEPUTY CITY CLERK, ANGELA J. HARRIS, FIRST DEPUTY CITY CLERK, CLAIRE E. GIRARD, CLERK LIAISON AND JEFFREY DANA, CITY SOLICITOR**

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## INVOCATION

The Invocation is given by **COUNCILWOMAN HELEN D. ANTHONY**.

"Dear Lord, we thank you for bringing us together as a council. Guide us to use our best judgement in making the right decisions for our citizens. Empower us to listen to our hearts. Use compassion and empathy and keep our most vulnerable citizens in the forefront of our minds. Help us to work collaboratively, honestly and effectively as we tackle our most difficult problems. We make a special request that you keep our homeless safe and warm during the next few days of frigid weather."

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## PLEDGE OF ALLEGIANCE

**COUNCILMAN PEDRO J. ESPINAL** Leads the Members of the City Council and the Assemblage in the Pledge of Allegiance to the Flag of the United States of America.

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## APPROVAL OF MINUTES

Journal of Proceedings No. 3 of the Regular Meeting of the City Council held January 19, 2023.

**COUNCILMAN TAYLOR** Moves to Waive the Reading of item 3 and Move Approval, Seconded by **COUNCILWOMAN HARRIS**.

<b>RESULT:</b>	<b>APPROVED (WITH VOTE) [UNANIMOUS]</b>
<b>MOVER:</b>	Councilman Taylor
<b>SECONDER:</b>	Councilwoman Harris
<b>AYES:</b>	Council President Miller, Councilor AnderBois, Councilwoman Anthony, Councilman Espinal, Councilwomen Graves, Harris, Peterson, Councilors Pichardo, Roias, Councilwoman Ryan, Councilor Sanchez, Councilman Taylor, Councilwoman Vargas and Councilman Vargas – 14.
<b>ABSENT:</b>	Councilman Goncalves – 1.

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## APPOINTMENTS BY HIS HONOR THE MAYOR

Communication from His Honor the Mayor, dated January 24, 2023, Informing the Honorable Members of the City Council that Pursuant to Section 302(b) of the Providence Home Rule Charter of 1980, as amended, Section 502.1 of the Code of Ordinances of the City of Providence, and Public Law Chapter 45-50, Sections 1 through 31 passed in 1987, he is this day re-appointing **Christopher J. Marsella** of 188 Benefit Street, Providence, Rhode Island 02906, as a member of the **Downcity Design Review Committee** for a term to expire on January 31, 2026.

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Communication from His Honor the Mayor, dated January 24, 2023, Informing the Honorable Members of the City Council that Pursuant to Section 302(b) and 815 of the Providence Home Rule Charter of 1980, as amended and Public Law Chapter 45-50, Sections 1 through 31 passed in 1987, he is this day re-appointing **John Winkleman, Jr.** of 355 Blackstone Boulevard, Providence, Rhode Island 02906, as a member of the **Board of Investment Commissioners** for a term to expire on January 1, 2026.

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Communication from His Honor the Mayor, dated January 24, 2023, Informing the Honorable Members of the City Council that Pursuant to Section 302(b) and 815 of the Home Rule Charter of 1980, as amended and Public Law Chapter 45-50, Sections 1 through 31 passed in 1987, he is this day re-appointing **David Hirsch** of 123 Pratt Street, Providence, Rhode Island 02906, as a member of the **Board of Investment Commissions** for a term to expire on January 31, 2026.

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Communication from His Honor the Mayor, dated January 23, 2023, Informing the Honorable Members of the City Council that Pursuant to Section 302(b) of the Providence Home Rule Charter of 1980, as amended and Section 42-63.1-11 of the Rhode Island General Laws, he is this day appointing **Joe Wilson, Jr.**, Director of Art, Culture and Tourism for the City of Providence, to the **Greater Providence-Warwick Convention and Visitors Bureau** for a term to expire on June 30, 2023.

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Communication from His Honor the Mayor, dated January 26, 2023, Informing the Honorable Members of the City Council that Pursuant to Sections 302(b) and 701(b) of the Providence Home Rule Charter of 1980, as amended and Public Law Chapter 45-50, Sections 1 through 31 passed in 1987, he is this day re-appointing **Kenneth Wong** of 133 Brown Street, Providence, Rhode Island 02906, as a member of the **School Board Nominating Committee** for a term to expire on January 1, 2026.

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### **APPOINTMENT BY THE COUNCIL PRESIDENT**

Communication from Council President Rachel M. Miller, dated January 27, 2023, Informing the City Clerk of her appointment of **Marylee Dixon**, Deputy Chief of Staff, Providence City Council Office to the **Providence Emergency Management Advisory Council**.

**COUNCILMAN TAYLOR Moves to Waive the Reading of items 4 through 9, Seconded by COUNCILWOMAN HARRIS.**

**COUNCIL PRESIDENT MILLER Receives items 4 through 9.**

<b>RESULT:      RECEIVED</b>
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## ORDINANCE SECOND READING

**The Following Ordinance was in City Council December 15, 2022, Read and Passed the First Time, As Amended and referred Back to the Committee on Finance and is being returned for Passage the Second Time, As Amended.**

### **FORMER COUNCIL PRESIDENT IGLIOZZI, (By Request):**

An Ordinance Establishing a Tax Exemption Agreement for ProvPort, Inc.

WHEREAS, PROVPORT, INC., a non-profit corporation established under the laws of the State of Rhode Island ("ProvPort") is the owner of certain real property located in the City of Providence (the "City") detailed in Schedule A attached hereto;

WHEREAS, ProvPort has proposed and committed to replace, reconstruct, expand, retain, remodel, and modernize its existing footprint in the City to create long-term economic benefit to the City and State of Rhode Island (the "Project");

WHEREAS, The City envisions that the Project will generate jobs within the City, protect, preserve, and showcase the increasing level of industrial business in the City and increase the City's tax base by virtue of the creation of the Project;

WHEREAS, Pursuant to Rhode Island General Laws § 44-3-9, municipalities in the State of Rhode Island (the "State") are authorized to enter into tax exemption agreements for a term not to exceed twenty (20) years;

WHEREAS, ProvPort has enjoyed the benefit of a twenty (20) year tax exemption on that certain real property located in the City detailed on Schedule A;

WHEREAS, The current tax exemption expires by its terms on September 30, 2024;

WHEREAS, The City intends to introduce at the January 2023 session of the General Assembly legislation which would authorize the City, acting by and through its City Council to determine, by Ordinance or Resolution, an amount of taxes to be paid each year on account of real or personal property owned by ProvPort, Inc. and located in the City, notwithstanding the valuation of the property or the rate of tax, for an additional period not to exceed thirty (30) years (the "2024 Tax Exemption Agreement");

WHEREAS, The 2024 Tax Exemption Agreement has been determined by the City Council to be fair, equitable, and acceptable to the City; and

WHEREAS, It is in the best interest of the residents of the City to grant the 2024 Tax Exemption Agreement in order to receive the benefits of ProvPort, Inc. industrial operations in Providence.

NOW THEREFORE, In consideration of the mutual agreements and promises set forth herein and other good and lawful consideration the receipt of which is hereby acknowledged, the parties agree as follows:

Section 1. The findings set forth in the preceding recitals are hereby made and confirmed.

Section 2. Definitions. The following terms shall have the meanings set forth herein:

- (a) “Agency” means the Providence Redevelopment Agency, a body corporate and politic and an instrumentality and agency of the City.
- (b) “Assessment” shall mean the value placed upon the real property by the City of Providence Tax Assessor.
- (c) “Authorized City Representatives” shall mean the City Solicitor and the City Director of the Department of Planning and Development and may include any person or persons designated by the Mayor and authorized to act on behalf of the City with regard to certain matters, evidence by a written certificate signed by the Mayor and delivered to the Trustee, the Agency Board and the Authorized ProvPort Representative.
- (d) “Authorized ProvPort Representative” shall mean the Chairperson of ProvPort or any other person or persons designated by the President or Board of Directors of ProvPort and authorized to act on behalf of ProvPort by a written certificate signed by the Chairperson of ProvPort or by a certified resolution adopted by the Board of Directors of ProvPort and delivered to the Trustee.
- (e) “Commencement Date” shall mean the day after the State legislation described in the seventh WHEREAS paragraph above becomes effective.
- (f) “Community Benefits” shall mean benefits including but not limited to, racial and environmental justice, economic and environmental impact, labor, job training, port/neighborhood relations, parks, and recreation infrastructure as provided in the Master Plan.
- (g) “Community Benefits Reserve Account” shall mean the fund so designated and created in accordance with the Master Plan and held in a custodial account established by the City’s Finance Department.
- (h) “Facilities” shall mean the real property constituting the Property, and the improvements thereon.
- (i) “Facilities Lease” shall mean the Facilities Lease, dated as of May 1, 2003, between the Agency and ProvPort, as originally executed or as it is from time to time supplemented, modified or amended.
- (j) “Facilities Sublease” shall mean the Facilities Sublease, dated as of May 1, 2003, between the Agency and ProvPort, as originally executed or as it is from time to time supplemented, modified or amended.
- (k) “Fossil Fuel Infrastructure” shall mean all infrastructure used to generate, extract, receive, manufacture, store, treat, utilize, process, transport, deliver, or dispose of any kind of fossil fuel and waste products thereof, including but not limited to any plant, structure, equipment, real or personal property, mixed real and personal property, well, pipe, pipeline or other transmission line, tank, truck, train, railway, roadway, waterway or other transportation system.

- (l) “In-lieu Payments” shall mean the payments pursuant to the Tax Exemption Plan under Section 4 below, including the revenue sharing payments, the payments to the Community Benefits Reserve Account and the payment to the Sustainability Projects Reserve Account.
- (m) “Manager” shall mean the manager or operator of the Facilities pursuant to a management contract between the Manager and ProvPort.
- (n) “Master Plan” shall mean the master plan prepared jointly by the City Department of Planning and Development and ProvPort with respect to the Facilities and addressing ProvPort’s operations, Community Benefits and Sustainability Projects, as the same may be amended from time to time. The Master Plan shall provide that the councilpersons from wards 10 and 11 are consulted regarding Community Benefits and Sustainability Projects in their wards. Prior to completion of the Master Plan, ProvPort and the Department of Planning and Development shall first conduct a minimum of four community meetings throughout those communities immediately impacted by the Port of Providence located within Wards 10 and 11 in order to solicit public comment regarding the proposed Master Plan. Following the completion of the four or more community meetings, there shall also be a Public Hearing conducted in the Council Chambers before the Providence City Council in order to provide a detailed presentation on the proposed Master Plan and to solicit any final public comments.
- (o) “Property” shall mean certain real property owned or controlled by Property Owner now or hereafter, together with any and all buildings, structures, and/or improvements detailed on Schedule A as it may be amended from time to time in accordance with Section 8(b) hereof and any tangible personal property owned by the Property Owner located thereon, but the term “Property” shall not include any Tenant Property as defined in Section 4 (b).
- (p) “Property Owner” shall mean ProvPort, Inc. and its Manager or their successors and assigns.
- (q) “Port of Providence” shall mean and shall be bounded as described on that certain Survey attached as Exhibit 1.
- (r) “Revenues” shall mean all gross income and revenue received or receivable by the Agency or ProvPort from the ownership and/or operation of the Facilities, determined in accordance with generally accepted accounting principles, including all rates, fees, charges, and including all other income and revenue howsoever derived by the Agency or the ProvPort from the ownership and/or operation of the Facilities or arising from the Facilities, and also including all income from the deposit or investment of any money in the Revenue Fund established under the Trust Agreement described in Section 9, and all other amounts required to be deposited in the Revenue Fund under such Trust Agreement, the Facilities Lease or the Facilities Sublease, but excluding any grants, donations and contributions made to the Agency or ProvPort respecting the Property and its ownership and/or operation, and excluding insurance proceeds and proceeds of title insurance received by the Agency or ProvPort from the ownership and/or operation of the Property and all payments made by the bond insurer pursuant to the bond insurance policy, all as described in the Trust Agreement described in Section 9.



- (s) “Sustainability Projects” shall mean environmental sustainability projects, as provided in the Master Plan including, but not limited to, air quality testing, environmental remediation, or projects to advance climate adaptation and mitigation infrastructure.
- (t) “Sustainability Projects Reserve Account” shall mean the fund so designated in accordance with the Master Plan and held in a custodial account established by the City’s Finance Department.
- (u) “Tax(es)” shall mean the real and tangible personal property taxes assessed, levied and collected on the Property under Rhode Island General Laws §§ 44-3-1 and 44-5-11.8.
- (v) “Term” shall mean the period commencing on the Commencement Date and terminating on the date on which on the earlier of (i) thirty (30) years from the Commencement Date, or (ii) the date on which no Agency Certificates of Participation in the Lease Agreement (defined in Section 9) remain outstanding.
- (w) “2023 Certificates” shall mean the Providence Redevelopment Agency certificates (Port of Providence Lease) to be issued in one or more series pursuant to the Trust Agreement described in Section 9 hereof.

Section 3. Grant of Tax Exemption. The City, subject to the General Assembly’s grant of authority, does hereby grant a tax exemption in favor of the Property Owner with respect to the Property as described herein for the Term set forth herein.

Section 4. Tax Exemption Plan. The In-lieu Payments due to the City shall be as follows:

- (a) *Property.* The In-lieu Payments for the Property Owner’s property shall be as detailed in the Tax Exemption Plan under Schedule B.
- (b) *Other Real and Tangible Property.* Any other real estate or tangible personal property not owned by the Property Owner but located within the boundaries of the Port of Providence shall not be subject to this Ordinance and shall be subject to generally applicable Tax(es).

Section 5. Payment of In-Lieu Payments and Waiver of Appeals Rights.

- (a) It is understood that the In-lieu Payments made hereunder are deemed by the City to be Tax payments. In-lieu Payments due to the City, pursuant to Section 4, may be made in either a lump sum during the first quarter of the applicable tax year or in equal quarterly installments. If the quarterly payments are to be made, they shall be due on the same dates that quarterly Taxes are due for all other taxpayers in the City.
- (b) The liability for the In-lieu Payments due and owing under this Ordinance shall constitute an obligation of the Property Owner.
- (c) During the Tax exemption term as defined in Section 4, the Property Owner agrees to waive and forever forgo any and all of its Tax appeal rights and privileges, including but not limited to those under Rhode Island General Laws § 44-5-26 and -27, as it pertains to the In-lieu Payments due and owing pursuant to this Ordinance. Nothing herein shall be construed to limit the right of the Property Owner to pursue its rights and remedies under the terms of this Ordinance.

- (d) In-lieu Payments not made by the Property Owner as they become due shall be subject to any and all penalties allowed under Rhode Island General Laws. Failure to receive a Tax bill or statement of an In-lieu Payment due does not excuse the nonpayment of the In-lieu Payment nor affect its validity or any action or proceeding for the collection of the In-lieu Payment under this Ordinance or otherwise. If for any reason the Property Owner does not receive an appropriate Tax bill or statement of In-lieu Payment due, the Property Owner shall have the responsibility and obligation to make reasonable inquiries to the City in order to have such a tax bill Tax bill or statement of In-lieu Payment issued and thereafter to make payment of the same no later than the due dates provided herein. In-lieu Payments shall be made by the Property Owner directly to the City of Providence Tax Collector's Office.
- (e) The Property Owner shall cause this Ordinance to be recorded at its expense in the City's official public land evidence records. This recording shall be construed to provide a complete additional alternative method under contract law for the securitization of payments due and owing under this exemption and shall be regarded as supplemental and additional to rights and remedies herein and powers conferred by other State and local laws.
- (f) This Ordinance is further conditioned upon the Property Owner, whether now or in the future, remaining current on In-lieu Payments pursuant to Section 4 and remaining current on other Taxes that are not subject to this Ordinance. Failure to make said timely In-lieu Payments may, at the discretion of the City Solicitor, following the Notice and the 30-day cure period set forth in Section 11, render this Ordinance automatically terminated and ProvPort shall be reassessed any unpaid Taxes, penalties and interest which remain unpaid as if this Ordinance had never been passed. This remedy is in addition to all other remedies herein and conferred by State and local law.

Section 6. Additional Employment and Construction Requirements.

- (a) *MBE/WBE.* During the term as defined in Section 4, the Property Owner shall comply with any and all requirements under Chapter 21, Article II, Section 52 of the Providence Code of Ordinances as it pertains to Minority and Women Business Enterprises.
- (b) *Apprenticeship.* The Property Owner shall ensure that one hundred (100) percent of the hours worked on the Project shall be performed by all trade construction contractors and subcontractors who have or are affiliated with an apprenticeship program as defined in 29 C.F.R. § 29 et seq. for craft employed. Additionally, the Property Owner shall ensure that all bidding documents for the work to be performed on any tenant projects includes express and conspicuous language evidencing the requirement found in this sub-section.

As part of its contract with the construction manager and/or general contractor, the Property Owner shall require that not less than ten (10) percent of the total hours worked by the contractors' and subcontractors' employees on the Project are completed by apprentices registered in the aforementioned apprenticeship programs. Failure to comply with or meet the requirements of this subsection shall be a material violation of the owner's obligations under this chapter.

The Property Owner, its prime contractor, or any other person/entity authorized by the Property Owner, may petition the City of Providence's Director of Planning and Development, or his/her designee to adjust the requirements found in this subsection to a lower percentage upon a showing that:

Accompanying the petition mentioned in this sub-section, the petitioning entity must provide contemporary evidence of the efforts taken to comply with this section, including but not limited to the bidding and responsive documents for the scopes of work for which the petitioning entity is seeking an exemption.

- (A) A trade or field does not have an apprenticeship program or cannot produce members from its program capable of performing the scope of work within the contract; or
- (B) The size and scope of the work will not allow for the contractor to comply with apprenticeship ratio requirements for the craft affected; or
- (C) For any other non-economic justifiable reason that demonstrates good cause.

Accompanying the petition mentioned in this sub-section, the petitioning entity must provide contemporary evidence of the efforts taken to comply with this section, including but not limited to the bidding and responsive documents for the scopes of work for which the petitioning entity is seeking an exemption.

- (c) *Internal Revenue Service reporting.* Except as provided under R.I. Gen. Laws § 28-42-8, any person performing services at the Property shall annually receive either a W-2 statement or an IRS Form 1099.
- (d) *First Source List.* During the term as described in Section 4, the Property Owner shall enter into a First Source Agreement with the Director of First Source Providence in accordance with Chapter 21, Article III1/2 of the Providence Code of Ordinances, including an amount equal to at least one (1%) percent of the total amount of In-Lieu Payments and Taxes which are not subject to this Ordinance to be directed to the first source trust fund, per Section 21-95.
- (e) *"Buy Providence" Initiative.* During the term as described in Section 4, the Property Owner shall use best efforts to ensure that construction materials are purchased from economically competitive and qualified vendors located in the City of Providence. In furtherance of this effort, the Property Owner will work with the City to develop a list of Providence vendors and subcontractors in order to create a preferred vendor list of qualified and economically competitive vendors for the construction of the Project. Furthermore, once the Property Owner constructs the development, the Property Owner will use good faith efforts to conduct ongoing business with and provide preference to economically competitive and qualified Providence businesses.

- (f) *Equal Employment.* During the term as described in Section 4, the Property Owner shall work with the City's Office of Human Resources, Division of Equal Employment Opportunity to ensure the City's goals to prohibit discrimination against qualified individuals based on their status as protected veterans or individuals with disabilities, and prohibit discrimination against all individuals based on their race, color, religion, sex, sexual orientation, gender identity or national origin are met. Moreover, the Property Owner will take affirmative action to employ and advance in employment individuals without regard to race, color, religion, sex, sexual orientation, gender identity, national origin, protected veteran status or disability.
- (g) *Project Compliance.* This Ordinance shall in no way confer that the underlying Project (construction or rehabilitation) is either compliant with the Providence Zoning Ordinance or has received the necessary approvals from any board or commission, including (but not limited to) the Historic District Commission, the Downtown Design Review Committee, the Capital Center Commission, the City Plan Commission, the Zoning Board of Review, or the I-195 Redevelopment Commission (as applicable).
- (h) *City of Providence Parks and Recreation Trust Fund.* The Property Owner shall make annual payments to the Fund in the amount of \$3,000. Said annual payments will be payable within thirty (30) days of receipt of an invoice for the same from the Office of the Tax Assessor. If, for any reason, this Ordinance is retroactively revoked, payments to the fund shall remain and will not be forfeited.
- (i) *Payment of Area Standard Wages.* All construction workers shall be paid in accordance with the wages and benefits required by R.I.G.L. § 37-13-1 et seq., and all contractors and subcontractors shall file certified payrolls on a monthly basis to the Department of Planning with the same information required by R.I.G.L. §37-13-1 et seq. Not paying any worker in accordance with this section shall constitute a material violation of this Ordinance and/or a material breach of the developer's agreement with the City and the City or City Council shall have the discretion to initiate the Default Notice and Cure provisions outlined in Section 11 of this Ordinance.
- (j) *Monitoring Fee.* Within thirty (30) days of receiving a statement from the Tax Assessor, the Property Owner shall remit a monitoring/compliance fee to the City in the amount of 0.01 percent of the total Project costs as presented in the Property Owner's application for each respective Tax year during the term of this exemption.
- (k) *Fossil Fuel Infrastructure.* There will be no increase in Fossil Fuel Infrastructure except as may be necessary and appropriate for the purpose of making improvements to already existing infrastructure to incorporate enhanced environmental and safety standards into their operations; or to support new infrastructure to facilitate the delivery of more environmentally friendly fuels to port operations.

- (l) *Additional Remedies for Non-compliance with Section 6.* In the event that there shall be a failure to comply with this Section 6, the Department of Planning and Development shall, following the aforementioned Notice and cure period for defaults hereunder, have standing to seek enforcement of this provision of this Ordinance in the Rhode Island Superior Court. The Department shall also have the ability to impose a fine of \$500.00 per day for each day of non-compliance with this section beyond the expiration of the aforementioned Notice and cure period. This remedy is in addition to any and all other remedies herein or conferred by other State and local laws.

#### Section 7. Transfers.

- (a) In-lieu Payments under the Tax Exemption Plan as outlined in Section 4 shall be an obligation of the Property Owner during the Term, without regard to any transfer of real property as identified in Schedule A.
- (b) The Property Owner must provide prior written notice to the City before any transfer to another party or entity of real property detailed in Schedule A so that the City may make a determination, in its sole discretion, as to whether or not this exemption will continue. The Property Owner shall also provide prior written notice to the City Council and the Agency regarding any proposed additions to the real property detailed in Schedule A. Such real property will be included as part of this Tax Exemption Agreement, so long it is used for the Project, as defined in the second WHEREAS paragraph herein.
- (c) If any real property described in Schedule A is sold to an entity exempt in whole or part from paying Taxes on real or tangible property located within the City, the City, at the recommendation of the City Solicitor, may terminate this Ordinance at its discretion, following the Notice and the 30-day cure period set forth in Section 11. Unless otherwise agreed to by the City, ProvPort shall be reassessed any unpaid Taxes, penalties and interest which remain unpaid as if this Ordinance had never been passed. This remedy is in addition to any and all other remedies herein or conferred by State or local laws.

#### Section 8. Annual Progress Report.

- (a) *Reporting Generally.* The Property Owner shall provide quarterly reports to the City Council, or the Council's designee, on its progress in complying with the provisions of this exemption.
- (b) *Leases.* The Property Owner shall further provide the City Council with a complete list of all active leases for all tenants leasing property from ProvPort. ProvPort shall further provide notice to the City Council for any new leases that are executed by ProvPort for use of ProvPort property during the life of this exemption.

All new leases and lease renewals shall contain the following requirements:

- i. Compliance with all Federal, State, and local environmental laws;
- ii. Proactive reporting of environmental law violations to both ProvPort and the City Council;
- ii. Tenants must maintain and provide to the Providence Emergency Management Agency and the Providence Fire Department up to date lists of all chemicals stored at their property on an annual basis; and

- iv. Tenants must comply with all requests from the Providence Emergency Management Agency for participation in local emergency management planning and training.

(c) If the Property Owner does not timely submit such reports, the City Council shall, following the aforementioned Notice and cure period for defaults hereunder, have standing to seek enforcement of this provision of this Ordinance in the Rhode Island Superior Court. The City Council shall also have the ability to impose a fine of \$500.00 per day for each day of non-compliance with this section beyond the expiration of the aforementioned Notice and cure period. This remedy is in addition to any and all other remedies herein or conferred by other State and local laws.

Section 9. Default. The following events shall constitute an event of default:

- (a) Failure of the Property Owner to pay any amount due under or with respect to the In-lieu Payments in accordance with Section 4 above;
- (b) Failure of the Property Owner to comply with any other agreement, obligation or promise contained within any section or subsection of this Ordinance; or
- (c) Reference is hereby made to that certain Facilities Lease Agreement dated as of May 1, 2003, by and between the Property Owner and the Providence Redevelopment Agency as heretofore amended, and as may be amended prior to and during the term set forth in Section 4 of this Ordinance (the "Lease Agreement"), and the Amended and Restated Trust Agreement by and among the Property Owner, The Bank of New York Mellon Trust Company, N.A., as bond trustee, the Providence Redevelopment Agency and the City to be dated the date of its execution, as it may be amended, supplemented or restated from time to time relating to the real property described in Schedule A (the "Trust Agreement"). It is the parties' intention that this Ordinance, the Lease Agreement (to which the City is a third-party beneficiary) and the Trust Agreement be cross-defaulted and that the Property Owner's default of any of covenant, agreement or requirement of this Ordinance, the Lease Agreement or the Trust Agreement result in the automatic default of the others, subject to any applicable notice and cure period(s).

Section 10. Retroactive Revocation for Default.

In the event of a default under this Ordinance which remains uncured after the notice and cure period set forth in Section 11, then this Ordinance shall be automatically terminated and ProvPort shall be reassessed any unpaid Taxes, penalties and interest which remain unpaid as if this Ordinance had never been passed.

Section 11. Notice and Cure Period.

- (a) The City shall provide written notice to the Property Owner before exercising any of its rights and remedies described herein. The Property Owner shall have thirty (30) days to cure any alleged default under this Ordinance.
- (b) The Property Owner may petition the City Council in writing for additional time beyond the thirty (30) day cure period in Section 11(a).

- (c) Notices, reporting, requests, consents, approvals, and any other communication which may be or are required to be served or given (including changes of address for purposes of notice) shall be in writing and shall be sent registered or certified mail, or by nationally recognized overnight courier (such as Federal Express or UPS) and addressed to the following agreed upon parties' addresses set forth below:

If to: City of Providence  
Office of the City Clerk  
25 Dorrance St.  
Providence, RI 02903  
\*Accompanied by 9 copies

If to: ProvPort, Inc.  
35 Terminal Road  
Providence, Rhode Island 02905  
Attn: William Brody, Esq.

Section 12. Rights and Remedies.

- (a) *Collection of In-Lieu Payments and Taxes.* At any time during the Term, the City may pursue any and all rights and remedies arising under any State or local law, including but not limited to Rhode Island General Laws, Chapters 7-9 of Title 44, and/or arising under this exemption to collect In-lieu Payments due and owing in accordance with the Tax Exemption Plan and/or to collect any retroactive Taxes.
- (b) *City's Lien Remedies and Rights.* Nothing herein contained shall restrict or limit the City's rights and/or remedies with respect to its first priority lien for Taxes as provided under Title 44 of the General Laws. Rather, this exemption shall be construed to provide a complete additional alternative method under contract law for the collection of Taxes, and shall be regarded as supplemental and in addition to any other remedy herein and conferred by other State and local laws.
- (c) *Waiver.* Failure or delay on the part of the City to exercise any rights or remedies, powers or privileges at any time under this exemption or under any State or local law shall not constitute a waiver thereof, nor shall a single or partial exercise thereof preclude any other or further exercise thereof or the exercise of any other right, remedy, power or privilege thereunder.
- (d) All rights and remedies provided for herein under any section of subsection of this Ordinance are restated here and are in addition to any remedies conferred by other State and local laws.

Section 13. *Severability*. The sections of this Ordinance are severable, and if any of its sections or subsections shall be held unenforceable by any court of competent jurisdiction, the decision of the court shall not affect or impair any of the remaining sections or subsections.

Section 14. *Applicable Law*. This Ordinance shall be construed under the laws of the State, the City of Providence Home Rule Charter, and the City of Providence Code of Ordinances, as amended.

Section 15. *Modifications Amendments and/or Extensions*. This Ordinance shall not be modified, amended, extended or altered in any way by oral representations made before or after the execution and passage of this Ordinance by the Providence City Council. Any and all modifications, amendments, extensions or alterations must be in the form of an Ordinance duly adopted by the Providence City Council.

Section 16. *Entire Agreement*. This Ordinance and all schedules, attachments, addenda, and/or exhibits attached hereto shall represent the entire agreement between City and the Property Owner and may not be amended or modified except as provided in this Ordinance.

Section 17. *Effective Date*. This Ordinance shall become effective immediately upon its passage by the City Council and approval by the Mayor and the date of such approval shall be referred to as the "Effective Date."



## SCHEDULE A

### 2022 ProvPort Real Estate Lot list

<u>AP/Lot</u>	<u>Owner</u>		<u>Description</u>	<u>SF</u>
56/271	ProvPort	TENANT	LEHIGH CEMENT (Cement Silo location)	70,000
56/288	City PRA	ProvPort lease	South expansion land--Lease between City PRA/ProvPort	632,237
56/322	ProvPort	bldg/shop area	Purchased from AER Realty (American Aerial and Equip) services as mechanic area	49,530
56/339	ProvPort	TENANT	NEW ENGLAND PETROLEUM TERMINALS- SOUTH TERMINAL (former CITGO Site)	355,509
56/348	ProvPort	TENANT	NEW ENGLAND PETROLEUM TERMINALS- NORTH TERMINAL (former SunOil Site)	228,866
56/349	ProvPort	Dock/Bldg	Berth C & North Berth 1 with admin bldg	224,750
56/350	ProvPort	Dock/Common	Berth 1 and adjacent apron to Terminal RD	183,182
56/351	ProvPort	TENANT	MCINNIS CEMENT	115,916
56/352	ProvPort	Common/TENANT	lay down area behind MTB + WA Mills-McInnis partial lease area	479,113
56/353	ProvPort	TENANT	SCHNITZER NE STEEL (formerly Metals Recycling)	423,131
56/354	ProvPort	TENANT	LEHIGH CEMENT (Cement Dome location)	158,799
56/355	ProvPort	Dock/Common	Berths 2&3&4 / adj dock apron	304,101
56/356	ProvPort	TENANT	Sea-3 Providence/Blackline formerly Enterprise, TEPPCO, Petrolane	429,215
56/357	ProvPort	Dock/Common	North berth 5 and adj apron to Ace	76,619
56/358	ProvPort	Dock/Common	former location of the "Ace warehouse" ( demolished 2019-20)	175,671
56/359	ProvPort	Common	Common area	40,520
56/360	ProvPort	TENANT	UNIVAR USA (formerly Vopak, George Mann Co)	342,202
56/361	ProvPort	Dock/Common	South Berth 5 & Berth 6 and apron	109,768
56/362	ProvPort	Common	North former scrap bin	31,721
56/363	ProvPort	Common	South former scrap bin	26,285
56/364	ProvPort	TENANT	Tenant Occupied	487,674
56/365	ProvPort	TENANT	MORTON SALT	108,732
56/367	Commerce RI	ProvPort lease	Former lots 343 & 344	309,711
56/366	Commerce RI	ProvPort Lease	Former NBC Property - pending final closure with Commerce RI	42,846
56/329	Commerce RI	ProvPort lease	Former NBC Property - pending final closure with Commerce RI	11,053
56/371	Johnson & Wales	ProvPort lease	ProvPort lease partial property	318,400
56/292	Johnson & Wales	ProvPort lease	ProvPort lease partial property	245,700

## SCHEDULE B

**The Property Owner, on behalf of itself, and on behalf of its successors, descendants, subsequent purchasers, and assigns, in exchange for the benefits of the Tax exemption offered by the Providence City Council, explicitly agree to abide by and be bound by the terms of that exemption provided for in this Ordinance. Without limiting the foregoing, this includes the waiver of the rights to appeal Taxes as stated in Section 5(c).**

### TAX EXEMPTION PLAN

The In-Lieu Payment shall be the sum of the Revenue Sharing Payment plus annual payments of 1% of Revenues (with a minimum payment of \$120,000) due to the Community Benefits Reserve Account (the “Community Benefits Percentage”) and of 1% of Revenues (with a minimum payment of \$120,000) due to the Sustainability Projects Reserve Account (the “Sustainability Projects Percentage”). Any payments required by Section 6 of the Tax Exemption Agreement to which this Schedule is attached shall be in addition to the In-Lieu Payment.

#### Revenue Sharing Payment

7% of Revenues (with a minimum payment of \$500,000)

For the avoidance of doubt, in no event shall the Revenue Sharing Payment be less than \$500,000, irrespective of the amount of Revenues.

#### Policies

The Revenue Sharing Payment, the Community Benefits Percentage and the sustainability Projects Percentage would apply to Revenues.

Payments to the Sustainability Projects Reserve Account shall be distributed by the City of Providence’s Office of Sustainability in consultation with the Sustainability Commission for Sustainability Projects.

Payments to the Community Benefits Reserve Account shall be distributed accordingly:

- On an annual basis, \$25,000 shall be distributed to Ward 10 for Community Benefits, at the direction of the Ward 10 Councilperson.
- The remainder shall be distributed by the City of Providence’s Board of Park Commissioners for Community Benefits projects for those communities immediately impacted by the Port of Providence located within Wards 10 and 11.

Payments to the Neighborhood Improvement Fund shall be terminated as of the Commencement Date.

Beginning with the budget for fiscal year 2024, the In-lieu Payments to the City would be budgeted within ProvPort's Annual Budget. The annual amount budgeted would be based on projected year-end total Revenues.

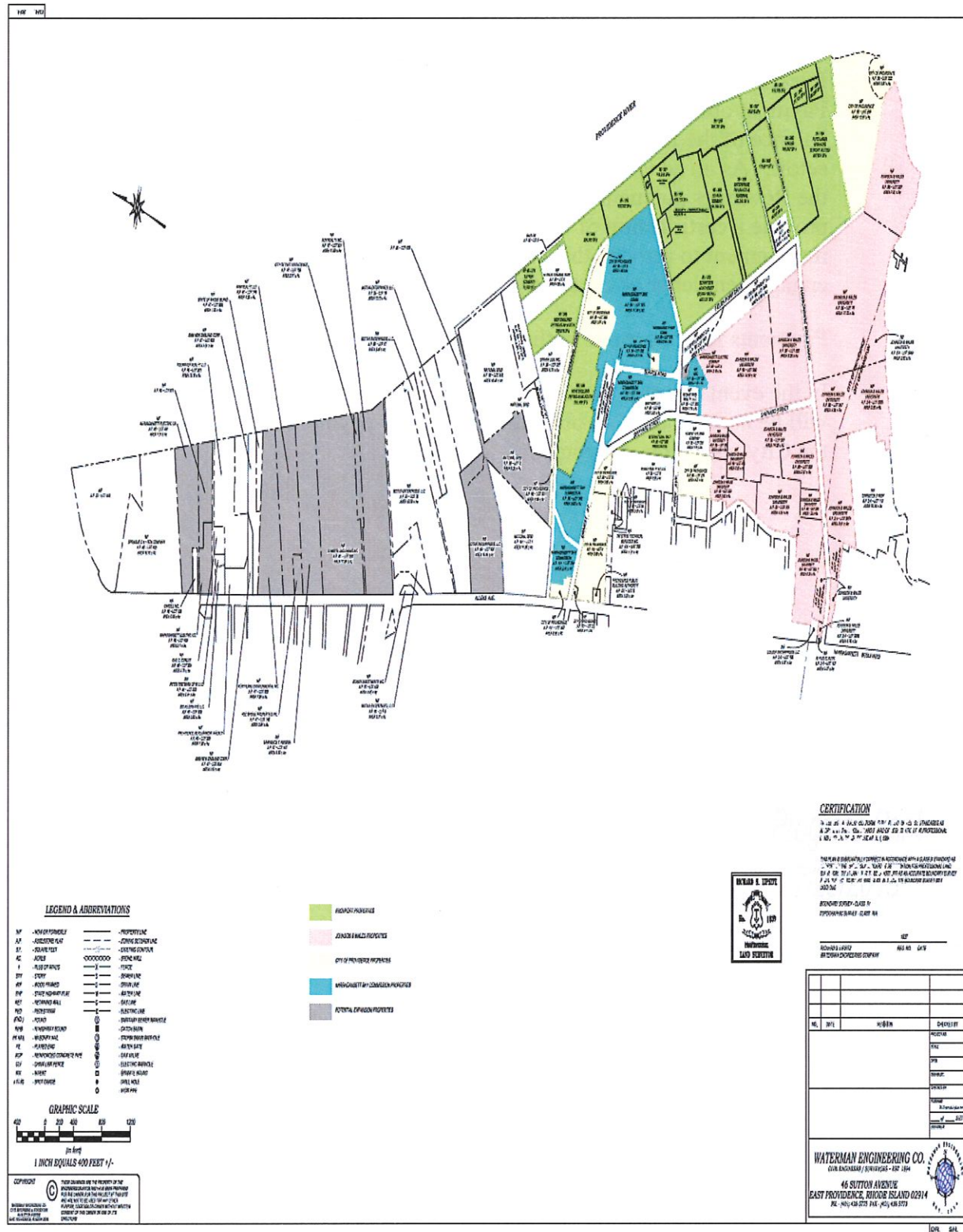
In connection with the ProvPort annual independent financial audit, the In-Lieu Payment obligation to the City will be reconciled, and the City will be paid the balance of the In-Lieu Payment based on total Revenues without diminution or setoff. (As an addendum to the annual financial statement, the auditor shall state the Revenues pursuant to the Trust Agreement described in Section 9 hereof and provide a certification of the amount required to be paid to the City. The requirement to provide this certification shall be included in the auditor's engagement letter or contract.)

Payments shall be made within ninety (90) days of the end of each Fiscal Year.

In the event that this Tax Exemption Agreement is not approved by the City, there will be no accrual of an obligation to pay, or payment of, any In-lieu Payment to the City under this Agreement.

## EXHIBIT 1

### SURVEY



**COUNCILMAN TAYLOR Moves to Waive the Reading of item 10, Seconded by COUNCILWOMAN HARRIS.**

**COUNCILMAN TAYLOR Moves to Amend item 10 Section 6(k) by striking the original text and replacing it with the current text. "There will be no increase in Fossil Fuel Infrastructure except as may be necessary and appropriate for the purpose of making improvements to already existing infrastructure to incorporate enhanced environmental and safety standards into their operations; or to support new infrastructure to facilitate the delivery of more environmentally friendly fuels to port operations.", Seconded by COUNCILWOMAN HARRIS.**

**COUNCILMAN TAYLOR Moves to Pass for the Second Time on a Roll Call Vote, As Amended, Seconded by COUNCILWOMAN HARRIS, by the following Roll Call Vote:**

<b>RESULT:</b>	<b>READ/PASSED SECOND TIME, AS AMENDED [UNANIMOUS]</b>
<b>MOVER:</b>	Councilman Taylor
<b>SECONDER:</b>	Councilwoman Harris
<b>AYES:</b>	Council President Miller, Councilor AnderBois, Councilwoman Anthony, Councilman Espinal, Councilwomen Graves, Harris, Peterson, Councilors Pichardo, Roias, Councilwoman Ryan, Councilor Sanchez, Councilman Taylor, Councilwoman Vargas and Councilman Vargas – 14.
<b>ABSENT:</b>	Councilman Goncalves – 1.

**The Motion for Passage the Second Time, As Amended is Sustained.**

## **PRESENTATION OF RESOLUTIONS**

**COUNCIL PRESIDENT MILLER, (By Request):**

Resolution Authorizing Approval of the following Contract Award by the Board of Contract and Supply, in accordance with Section 21-26(b)(1) of the Code of Ordinances.

CDM Smith Inc. (Water Supply Board)	\$9,195,000.00
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**COUNCILMAN TAYLOR Moves to Waive the Reading of item 11, Seconded by COUNCILWOMAN HARRIS.**

**COUNCIL PRESIDENT MILLER Refers item 11 to the Committee on Finance.**

<b>RESULT:</b>	<b>REFERRED</b>
<b>TO:</b>	Committee on Finance

**COUNCILOR ANDERBOIS, COUNCIL PRESIDENT MILLER,  
COUNCILWOMEN ANTHONY, GRAVES, HARRIS, PETERSON,  
COUNCILORS PICHARDO, ROIAS, SANCHEZ, COUNCILMAN TAYLOR,  
COUNCILWOMAN VARGAS AND COUNCILMAN VARGAS**

Resolution Establishing a Special Committee on Environment and Resiliency.

**WHEREAS**, Municipalities across the world have joined forces to halve the emissions of their member cities within a decade, while improving equity, building resilience, and creating the conditions for everyone, everywhere to thrive; and

**WHEREAS**, When climate change is not addressed, economic and environmental disruptions will increase, including more severe storms, longer, hotter heat waves, worsening flood and drought cycles, growing invasive species and insect problems, accelerated species extinction rates, rising seas, wildfires, and an increase in environmental migrations; and

**WHEREAS**, The Providence City Council is committed to reducing greenhouse gas emissions and mitigating climate change effects to protect our community's long-term health.

**NOW, THEREFORE, BE IT RESOLVED**, That the Providence City Council does hereby establish a Special Committee on Environment and Resiliency, the purpose of which shall be to provide legislative recommendations to the City Council in all matters relating to the environmental and sustainability goals of the City of Providence.

**BE IT FURTHER RESOLVED**, That the Special Committee on Environment and Resiliency shall consist of no more than 6 members. Members may include:

- 5 Council Members to be appointed by the Council President
- The Director of the Department of Sustainability or his designee shall serve as a non-voting ex-officio member

**COUNCILOR ANDERBOIS, COUNCILMAN GONCALVES, COUNCIL PRESIDENT MILLER, COUNCILWOMAN ANTHONY, COUNCILMAN ESPINAL, COUNCILWOMEN GRAVES, HARRIS, PETERSON, COUNCILORS PICHARDO, ROIAS, SANCHEZ, COUNCILWOMAN VARGAS AND COUNCILMAN VARGAS**

Resolution Recognizing the week of February 1, 2023 to February 7, 2023 as National Gun Violence Survivors Week.

**WHEREAS**, Every year, more than 40,000 Americans are killed with guns and approximately 76,000 more are shot and wounded; and

**WHEREAS**, From 2011 to 2020, the rate of gun deaths has increased by 73% in Rhode Island compared to a 33% increase nationwide; and

**WHEREAS**, By early February, more Americans are killed with guns than are killed in our peer countries in an entire calendar year; and

**WHEREAS**, A gun violence survivor is anyone who has personally experienced gun violence whether you have witnessed an act of gun violence, been threatened or wounded with a gun, or had someone you know and cared for wounded or killed; and

**WHEREAS**, Forms of gun violence can include, but are not limited to gun suicides, gun homicides, domestic violence involving a gun, shootings by law enforcement, and unintentional shootings; and

**WHEREAS**, 59 percent of American adults, including 71 percent of Black and 60 percent of Latinx Americans, or someone they care for has experienced gun violence in their lifetime, demonstrating the reach and impact gun violence has in communities across America; and

**WHEREAS**, Firearms are the leading cause of death for children and teens; and

**WHEREAS**, People in America in cities across the nation are working to end the senseless violence by advocating for commonsense gun safety legislation; and

**WHEREAS**, By commemorating National Gun Violence Survivors Week from February 1 to February 7, cities across America will raise awareness about gun violence and honor the lives stolen by gun violence; and

**WHEREAS**, The Providence City Council renews its commitment to reduce gun violence and pledges to do all in its power to keep firearms out of the hands of those who are a danger to themselves or others and encourages responsible gun ownership to help keep our communities safe.

**NOW, THEREFORE BE IT RESOLVED**, that the Providence City Council hereby commemorates February 1 to February 7, 2023, in honor of National Gun Violence Survivors Week. We encourage all residents to support our communities' efforts to prevent the tragic effects of gun violence and to honor and value human lives.

**BE IT FURTHER RESOLVED**, That upon passage, copies of this resolution be transmitted to the Honorable Mayor of Providence and the Rhode Island Chapter of Moms Demand Action.

**COUNCILMAN ESPINAL, COUNCIL PRESIDENT MILLER, COUNCILOR  
ANDERBOIS, COUNCILWOMAN ANTHONY, COUNCILMAN GONCALVES,  
COUNCILWOMEN GRAVES, HARRIS, PETERSON, COUNCILORS  
PICHARDO, ROIAS, COUNCILWOMAN RYAN, COUNCILOR SANCHEZ,  
COUNCILMAN TAYLOR, COUNCILWOMAN VARGAS AND COUNCILMAN  
VARGAS**

Resolution Condemning the actions of the Memphis Police Officers responsible for the  
Tyre Nichol's Death.

**WHEREAS**, On January 7, 2023, five police officers from the Memphis Police  
Department severely beat 29-year-old Tyre Nichols, a Black man, during a traffic stop, resulting  
in his death three days later in the hospital; and

**WHEREAS**, Tyre Nichols had no prior criminal record and was known to be an amazing  
father to his 4-year-old son and an aspiring photographer; and

**WHEREAS**, Tyre Nichols was loved by his community and is described to be gentle,  
kind, and joyful. He loved skating and was originally from the Bay Area in California; and

**WHEREAS**, The Memphis Police officers participated in a pure act of violence and have  
displayed a horrendous abuse of the power given to them by those they were supposed to serve;  
and

**WHEREAS**, Furthermore, it has been reported that other police officers were present at  
the scene during the beating of Mr. Nichols and nobody intervened when Nichols pleaded for his  
life.; and

**WHEREAS**, The callous disregard for Mr. Nichols' life and the refusal to intervene in  
such a blatant act of evil is appalling and reprehensible behavior that cannot stand in our society;  
and

**WHEREAS**, Police officers are tasked with protecting and serving the civilians of their  
jurisdiction. What the whole world witnessed in Memphis on January 7th was a disgusting act of  
men who completely ignored the oaths they took as law enforcement officers.

**NOW, THEREFORE, BE IT RESOLVED**, That the Providence City Council hereby  
condemns the actions of the officers involved in the death of Tyre Nichols as there is no place in  
a civilized society for anyone to exercise these heinous types of violence or to stand idly by  
when such clear acts of evil are being committed.

**BE IT FURTHER RESOLVED**, That upon passage copies of this resolution be  
transmitted to the Honorable Mayor of Providence.



**COUNCILMAN ESPINAL, COUNCIL PRESIDENT MILLER,  
COUNCILWOMEN GRAVES, HARRIS, COUNCILOR PICHARDO,  
COUNCILMEN TAYLOR AND VARGAS**

Resolution Regarding the Bus Boarding Islands along Broad Street.

**WHEREAS**, The City of Providence implemented bus boarding islands to improve boarding and alighting for RIPTA riders; and

**WHEREAS**, The islands were intended to provide more space for people waiting for buses however their implementation has created public safety concerns for pedestrians and motor vehicles.

**NOW, THEREFORE, BE IT RESOLVED**, That the Providence City Council hereby calls upon the Traffic Engineer to review all bus boarding islands along Broad Street.

**BE IT FURTHER RESOLVED**, That upon passage, copies of this resolution be transmitted to the Honorable Mayor of Providence, the Director of the Department of Public Works, and the Traffic Engineer.

**COUNCILMAN TAYLOR Moves to Waive the Reading of items 12 through 15, Seconded by COUNCILWOMAN HARRIS.**

**COUNCILMAN TAYLOR Moves to Pass on a Voice Vote, Seconded by COUNCILWOMAN HARRIS.**

<b>RESULT:</b>	<b>PASSED [UNANIMOUS]</b>
<b>MOVER:</b>	Councilman Taylor
<b>SECONDER:</b>	Councilwoman Harris
<b>AYES:</b>	Council President Miller, Councilor AnderBois, Councilwoman Anthony, Councilman Espinal, Councilwomen Graves, Harris, Peterson, Councilors Pichardo, Roias, Councilwoman Ryan, Councilor Sanchez, Councilman Taylor, Councilwoman Vargas and Councilman Vargas – 14.
<b>ABSENT:</b>	Councilman Goncalves – 1.

**The Motion for Passage is Sustained.**

## **COUNCILMAN ESPINAL**

Resolution Endorsing and Urging Passage by the General Assembly of House Bill 2023 H-5141, An Act Relating to Education - Federal Aid.

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Resolution Endorsing and Urging Passage by the General Assembly of House Bill 2023 H-5142, An Act Relating to Health and Safety - High Heat Waste Facility Act of 2023.

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Resolution Endorsing and Urging Passage by the General Assembly of Senate Bill 2023 S-0002, An Act Relating to Health and Safety - Lead Poisoning Prevention Act.

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<b>RESULT:</b>	<b>REFERRED</b>
<b>TO:</b>	Special Committee on State Legislative Affairs

**COUNCILWOMAN GRAVES, COUNCIL PRESIDENT MILLER, COUNCILOR ANDERBOIS, COUNCILWOMAN ANTHONY, COUNCILMEN ESPINAL, GONCALVES, COUNCILWOMEN HARRIS, PETERSON, COUNCILORS PICHARDO, ROIAS, COUNCILWOMAN RYAN, COUNCILOR SANCHEZ, COUNCILMAN TAYLOR, COUNCILWOMAN VARGAS AND COUNCILMAN VARGAS**

Resolution Establishing the "Cesar Chavez Memorial Way" Ceremonial Designation along Raymond Street located in Ward 12.

**COUNCILMAN TAYLOR Moves to Waive the Reading of items 16 through 19, Seconded by COUNCILWOMAN HARRIS.**

**COUNCIL PRESIDENT MILLER Refers items 16 through 18 to the Special Committee on State Legislative Affairs and item 19 to the Committee on Urban Redevelopment, Renewal and Planning.**

<b>RESULT:</b>	<b>REFERRED</b>
<b>TO:</b>	Committee on Urban Redevelopment, Renewal and Planning

## **REPORT(S) FROM COMMITTEE**

### **COMMITTEE ON FINANCE COUNCILWOMAN HELEN D. ANTHONY, Chairwoman**

**Transmits the Following with Recommendation the Same be Severally  
Approved:**

**COUNCIL PRESIDENT MILLER, (By Request):**

Resolution Authorizing Approval of the following Contract Award by the Board of  
Contract and Supply, in accordance with Section 21-26(b) (1) of the Code of Ordinances.

Agostini Construction, Inc	\$32,603,700.00
(Department of Public Property)	

**RESOLVED**, That the Members of the Providence City Council hereby  
Authorize Approval of the following Contract Award by the Board of Contract and Supply, in  
accordance with Section 21-26(b) (1) of the Code of Ordinances.

Agostini Construction, Inc	\$32,603,700.00
(Department of Public Property)	

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Resolution Authorizing Approval of the following Contract Award by the Board of  
Contract and Supply, in accordance with Section 21-26 (b) (1) of the Code of  
Ordinances.

Shawmut Design & Construction	\$11,187,125.00
(Department of Public Property)	

**RESOLVED**, That the Members of the Providence City Council hereby  
Authorize Approval of the following Contract Award by the Board of Contract and Supply, in  
accordance with Section 21-26 (b) (1) of the Code of Ordinances.

Shawmut Design & Construction	\$11,187,125.00
(Department of Public Property)	

Resolution Authorizing Approval of the following Contract Award by the Board of Contract and Supply, in accordance with Section 21-26 (b) (1) of the Code of Ordinances.

R. Zoppo Corporation  
(Department of Public Works)

\$1,543,770.00

**RESOLVED**, That the Members of the Providence City Council hereby Authorize Approval of the following Contract Award by the Board of Contract and Supply, in accordance with Section 21-26 (b) (1) of the Code of Ordinances.

R. Zoppo Corporation  
(Department of Public Works)

\$1,543,770.00

**COUNCILMAN TAYLOR Moves to Waive the Reading of items 20 through 22 and Pass on a Voice Vote and Refer Back to the Board of Contract and Supply, Seconded by COUNCILWOMAN HARRIS.**

<b>RESULT:</b>	<b>PASSED [UNANIMOUS]</b>
<b>MOVER:</b>	Councilman Taylor
<b>SECONDER:</b>	Councilwoman Harris
<b>AYES:</b>	Council President Miller, Councilor AnderBois, Councilwoman Anthony, Councilman Espinal, Councilwomen Graves, Harris, Peterson, Councilors Pichardo, Roias, Councilwoman Ryan, Councilor Sanchez, Councilman Taylor, Councilwoman Vargas and Councilman Vargas – 14.
<b>ABSENT:</b>	Councilman Goncalves – 1.

**The Motion for Passage is Sustained.**

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**Transmits the Following with Recommendation the Same be Severally Received and Approved:**

Communication from His Honor the Mayor, dated January 3, 2023, informing the Honorable Members of the City Council that pursuant to Sections 302(b) and 1006 of the Providence Home Rule Charter of 1980, as amended, he is this day appointing **Jonathan R. Martin** of 99 Mary Street, Newport, Rhode Island, 02840, to the position of Director of the **Department of Public Property**, and respectfully submits the same for your approval.

Communication from His Honor the Mayor, dated January 6, 2023, informing the Honorable Members of the City Council that pursuant to Sections 302(b) and 1009 of the Providence Home Rule Charter of 1980, as amended and Public Law, Chapter 45-50, Sections 1 through 31 passed in 1987, he is this day re-appointing **Marcus Mitchell** of 135 Abbott Street, Providence, Rhode Island, 02906, as the first-alternate member of the **Zoning Board of Review** for a term to expire on January 31, 2028, and respectfully submits the same for your approval.

<b>RESULT:</b>	<b>RECEIVED AND APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Councilman Taylor
<b>SECONDER:</b>	Councilwoman Harris
<b>AYES:</b>	Council President Miller, Councilor AnderBois, Councilwoman Anthony, Councilman Espinal, Councilwomen Graves, Harris, Peterson, Councilors Pichardo, Roias, Councilwoman Ryan, Councilor Sanchez, Councilman Taylor, Councilwoman Vargas and Councilman Vargas – 14.
<b>ABSENT:</b>	Councilman Goncalves – 1.

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Communication from His Honor the Mayor, dated January 10, 2023, informing the Honorable Members of the City Council that pursuant to Sections 302(b) and 1009 of the Providence Home Rule Charter of 1980, as amended and Public Law, Chapter 45-50, Sections 1 through 31 passed in 1987, he is this day appointing **Brendan F. Ryan, Esquire** of 105 Arbor Drive, Providence, Rhode Island, 02908, to the **Zoning Board of Review** for a term to expire on January 31, 2028, and respectfully submits the same for your approval. (Mr. Ryan is replacing Mr. Scott Wolf whose term has expired).

<b>RESULT:</b>	<b>RECEIVED AND APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Councilman Taylor
<b>SECONDER:</b>	Councilwoman Harris
<b>AYES:</b>	Council President Miller, Councilor AnderBois, Councilwoman Anthony, Councilman Espinal, Councilwomen Harris, Peterson, Councilors Pichardo, Sanchez, Councilman Taylor, Councilwoman Vargas and Councilman Vargas – 11.
<b>NAYS:</b>	Councilwoman Graves – 1.
<b>RECUSE:</b>	Councilwoman Ryan – 1.
<b>ABSTAIN:</b>	Councilor Roias – 1.
<b>ABSENT:</b>	Councilman Goncalves – 1.

Communication from His Honor the Mayor, dated January 12, 2023, informing the Honorable Members of the City Council that pursuant to Sections 302(b) and 1102 of the Providence Home Rule Charter of 1980, as amended and Public Law, Chapter 45-50, Sections 1 through 31 passed in 1987, he is this day re-appointing **Dylan B. Conley, Esquire** of 85 Dexter Street, Providence, Rhode Island, 02909, as a member of the **Board of Licenses**, for a term to expire on January 17, 2026, and respectfully submits the same for your approval.

<b>RESULT:</b>	<b>RECEIVED AND APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Councilman Taylor
<b>SECONDER:</b>	Councilwoman Harris
<b>AYES:</b>	Council President Miller, Councilor AnderBois, Councilwoman Anthony, Councilman Espinal, Councilwomen Harris, Peterson, Councilors Pichardo, Roias, Sanchez, Councilman Taylor, Councilwoman Vargas and Councilman Vargas – 12.
<b>NAYS:</b>	Councilwoman Graves – 1.
<b>ABSENT:</b>	Councilman Goncalves and Councilwoman Ryan – 2.

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Communication from His Honor the Mayor, dated January 13, 2023, informing the Honorable Members of the City Council that pursuant to Sections 302(b) and 1002 of the Providence Home Rule Charter of 1980, as amended and Public Law, Chapter 45-50, Sections 1 through 31 passed in 1987, he is this day appointing **Patricia A. Coyne-Fague** of 36 Jeffrey Drive, North Scituate, Rhode Island, 02857, to the position of Director of the **Department of Public Works**, and respectfully submits the same for your approval.

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Communication from His Honor the Mayor, dated January 13, 2023, informing the Honorable Members of the City Council that pursuant to Sections 302(b) and 1011 of the Providence Home Rule Charter of 1980, as amended and Public Law, Chapter 45-50, Sections 1 through 31 passed in 1987, he is this day re-appointing **Steve Wilkinson** of 18 Napsah Road, Warwick, Rhode Island, 02818, as a mechanical engineer member of the **Building Board of Review**, for a term to expire on January 31, 2028, and respectfully submits the same for your approval.

**COUNCILMAN TAYLOR Moves to Waive the Reading of items 23 through 28 and Receive and Approve, Seconded by COUNCILWOMAN HARRIS.**

<b>RESULT:</b>	<b>RECEIVED AND APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Councilman Taylor
<b>SECONDER:</b>	Councilwoman Harris
<b>AYES:</b>	Council President Miller, Councilor AnderBois, Councilwoman Anthony, Councilman Espinal, Councilwomen Graves, Harris, Peterson, Councilors Pichardo, Roias, Sanchez, Councilman Taylor, Councilwoman Vargas and Councilman Vargas – 13.
<b>ABSENT:</b>	Councilman Goncalves and Councilwoman Ryan – 2.

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### FROM THE CLERK'S DESK

Petition from Nicholas J. Goodier, Mancini Carter, PC, 56 Pine Street, Third Floor, The Hanley Building, Providence Rhode Island 02903, requesting to abandon a portion of Reynolds Avenue.

<b>RESULT:</b>	<b>REFERRED</b>
<b>TO:</b>	Committee on Public Works

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### COMMUNICATIONS AND REPORTS

Communication from Joseph T. Callei, 144 Swift Street, Providence, Rhode Island 02904, submitting his resignation from the Retirement Board of the Employees' Retirement System.

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Communication from Tina L. Mastroianni, City Clerk. dated January 17, 2023, of all monies received, transmitted to and credited by the City Collector for fiscal quarter of October 1, 2022 to and including December 31, 2022, in a total amount of Two Thousand Seven Hundred Ninety Dollars and Thirty Cents (\$2,790.30).

<b>RESULT:</b>	<b>RECEIVED</b>
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**COUNCILMAN TAYLOR Moves to Waive the Reading of items 29 through 31, Seconded by COUNCILWOMAN HARRIS.**

**COUNCIL PRESIDENT MILLER Refers item number 29 to the Committee on Public Works and 30 and 31 Receive.**

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### **PERSONAL EXPRESSION**

**COUNCILMAN TAYLOR Requests the privilege of the floor to speak on a Point of Personal Expression and states:**

"On behalf of the City Council, I would like to wish a departing staff member well as she finishes her service with us for a new opportunity. Abigail Appel has served the council for four years working her way up, first as an intern and later onto the communications staff after graduating from the University of Rhode Island. Abigail has been a resourceful press secretary for the past year and excelled at creating the council's newsletter, graphic designs and other invaluable work which I can attest for. She will be missed, she does great work for Halloween cards and Easter eggs. She puts all the little things in when she passes it out to the people. So, thank you for that you will be missed. I have a citation here that reads " Be it hereby known to all the Providence City Council hereby offers its sincerest congratulations to Abigail Appel, in recognition of the celebration of your new venture. We wish you the best of luck and you will be greatly missed. Signed on this 2<sup>nd</sup> day of February by the Full City Council."

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### **PRESENTATION OF RESOLUTIONS "IN CONGRATULATIONS"**

**COUNCIL PRESIDENT MILLER AND MEMBERS OF THE CITY COUNCIL**

RESOLVED, That the Members of the City Council hereby extend their

Sincere Congratulations to the following:

Leslie Urizar, Rhode Island College, Social Worker in recognition of your outstanding achievement.

Jose Angel Baez, University of Rhode Island, Doctor of Pharmacy, Magna Cum Laude in recognition of your outstanding achievement.

Juan Urizar, Providence Career & Technical Academy, (PCTA) in recognition of your hard earned success and for your effort and dedication to achieve your goals.



Emmanuel Reyes, University High School, in recognition of your hard earned success and for your effort and dedication to achieve your goals.

Gilbert Reyes, Fairfield Warde, in recognition of your hard earned success and for your effort and dedication to achieve your goals.

Gabriel Lopez, Central High School, in recognition of your hard earned success and for your effort and dedication to achieve your goals.

Steven Xavier Nova, East Providence High School, in recognition of your hard earned success and for your effort and dedication to achieve your goals.

Nathalie Abréu Delgado, Saint Patrick Academy, in recognition of your hard earned success and for your effort and dedication to achieve your goals.

The Honorable Chief Judge Frank Caprio, in recognition of the celebration of your retirement after 38 years of dedicated service to the City of Providence!

Lieutenant Joseph R. Dufault, Providence Police Department, in recognition of the celebration of your promotion to Captain.

Sergeant Brian J. Muldoon, Providence Police Department, in recognition of the celebration of your promotion to Lieutenant.

Detective Sergeant Charles D. Vieira, Providence Police Department, in recognition of the celebration of your promotion to Lieutenant.

Detective David Harrington, Providence Police Department, in recognition of the celebration of your promotion to Sergeant.

Patrolman James W. Cryan, Providence Police Department, in recognition of the celebration of your promotion to Sergeant.

Patrolman Jason T. Dalton, Providence Police Department, in recognition of the celebration of your promotion to Sergeant.

Detective Tracie Miller-Dygon, Providence Police Department, in recognition of the celebration of your promotion to Sergeant.

Patrolman Leonel (Leo) A. Pichs III, Providence Police Department, in recognition of the celebration of your promotion to Detective.

Patrolman Eric Silva, Providence Police Department, in recognition of the celebration of your promotion to Detective.

Patrolman Matthew D. Mulligan, Providence Police Department, in recognition of the celebration of your promotion to Detective of the Youth Service Bureau.

Firefighter Matthew Labonte, Car 56, in recognition of the celebration of your retirement after 22 years of dedicated service to the City of Providence.

Assistant Chief Kevin Dolan, Providence Fire Department, in recognition of the celebration of your retirement after 35 years of dedicated service to the City of Providence.

David Taylor, in recognition of the celebration of your 29<sup>th</sup> Birthday.

Colonel Hugh T. Clements, Jr. Chief of Police, Providence Police Department, in recognition of the celebration of your retirement after 37 years of dedicated service to the City of Providence.

**COUNCILMAN TAYLOR Moves to Waive the Reading of item 32 and Pass on a Voice Vote, Seconded by COUNCILWOMAN HARRIS.**

<b>RESULT:</b>	<b>PASSED [UNANIMOUS]</b>
<b>MOVER:</b>	Councilman Taylor
<b>SECONDER:</b>	Councilwoman Harris
<b>AYES:</b>	Council President Miller, Councilor AnderBois, Councilwoman Anthony, Councilman Espinal, Councilwomen Graves, Harris, Peterson, Councilors Pichardo, Roias, Councilwoman Ryan, Councilor Sanchez, Councilman Taylor, Councilwoman Vargas and Councilman Vargas – 14.
<b>ABSENT:</b>	Councilman Goncalves – 1.

**The Motion for Passage is Sustained.**

## CONVENTION

There being no further business, on Motion of **COUNCILMAN TAYLOR**, Seconded by **COUNCILWOMAN HARRIS**, it is voted to adjourn in memory of Former Superintendent of Schools Joseph A. Almagno at 6:44 o'clock P.M., to meet again **THURSDAY, FEBRUARY 16, 2023 at 6:00 o'clock P.M.**

A handwritten signature in black ink that reads "Tina L. Mastroianni". The signature is written in a cursive, flowing style.

**TINA L. MASTROIANNI**  
**CITY CLERK**

**This meeting was recorded and the video may be viewed on demand via the internet. Please visit the City Clerk web site or contact us directly for details.**

**The City of Providence is committed to providing individuals with disabilities an equal opportunity to participate and benefit from the City's programs, activities and services. If you have a disability and require accommodations in order to fully participate in this activity, contact Leonela Felix, Esq., Ethics Education and ADA Coordinator at 401-680-5333 or [LFelix@ProvidenceRI.gov](mailto:LFelix@ProvidenceRI.gov). Providing at least 72 hours' notice will help to ensure availability.**

