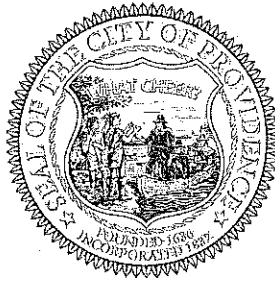


**CITY OF PROVIDENCE
RHODE ISLAND**



**CITY COUNCIL
JOURNAL OF PROCEEDINGS**

No. 22 City Council Regular Council Meeting, Thursday, June 1, 2017, 7:00 o'clock P.M.

PRESIDING

**ACTING COUNCIL PRESIDENT
SABINA MATOS**

CALL TO ORDER

**PRESENT: ACTING COUNCIL PRESIDENT MATOS, COUNCILMAN APONTE,
COUNCILWOMAN CASTILLO, COUNCILMAN CORREIA,
COUNCILWOMAN HARRIS, COUNCILMEN HASSETT, IGLIOZZI, JENNINGS,
NARDUCCI, PRINCIPE, COUNCILWOMAN RYAN,
COUNCILMEN SALVATORE, YURDIN AND ZURIER – 14.**

**ALSO PRESENT: LORI L. HAGEN, CITY CLERK, TINA L. MASTROIANNI,
FIRST DEPUTY CITY CLERK, SHERI A. PETRONIO, SECOND DEPUTY CITY
CLERK AND JEFFREY DANA, CITY SOLICITOR**

IN CITY COUNCIL

JUL 06 2017

APPROVED

[Signature] **CLERK**

ROLL CALL

INVOCATION

The Invocation is given by **COUNCILMAN BRYAN PRINCIPE**.

"Dear God, Bless this Chamber and all who may enter. Thank You for Your guidance to us all as we deliberate on the important matters that are before the city. We thank You for Your blessings to everyone across our city, state and country. Thank You so much for allowing us to serve You. In this I say Amen."

PLEDGE OF ALLEGIANCE

COUNCILWOMAN JO-ANN RYAN Leads the Members of the City Council and the Assemblage in the Pledge of Allegiance to the Flag of the United States of America.

APPOINTMENT BY THE FORMER COUNCIL PRESIDENT

Communication from Former Council President Aponte, dated May 15, 2017, Informing the City Clerk of his appointment of Councilwoman Carmen Castillo as a member of the Rules Committee.

ACTING COUNCIL PRESIDENT MATOS Receives the foregoing Communication.

| | |
|----------------|-----------------|
| RESULT: | RECEIVED |
|----------------|-----------------|

ORDINANCE(S) SECOND READING

The Following Ordinances were in City Council May 24, 2017, Read and Passed the First Time and are Severally Returned for Passage the Second Time:

COUNCILMAN NARDUCCI

An Ordinance Amending Chapter 4, "Animals and Fowl", Article II, "Dogs", to add Section 22, "Dog Breeding."

SECTION 1. The Code of Ordinances of the City of Providence, Chapter 4, Entitled, "Animals and Fowl," Article II, "Dogs," Section 22, is hereby amended as follows:

Sec. 4-22. - Dog Breeding

(a) Dog Breeding Permit

- (1) There shall exist a Dog Breeding Permit, issued by Animal Control at a cost of two hundred fifty dollars (\$250), which shall expire one (1) calendar year for the date it was issued. Permits shall be non-transferrable.
- (2) No Dog Breeding Permit shall be issued until and unless Animal Control has reviewed and inspected the premises where the dogs are being kept and found it to be in compliance with all applicable laws and suitable for the proper care and breeding of dogs.
- (3) Animal Control shall develop and maintain policies establishing the suitable conditions for proper care and breeding of dogs. Such policies shall be publicly posted on the Animal Control website.

(b) Regulation

Unless an individual has obtained a Breeding Permit from Animal Control, as described in Sub Sec. (a) of this Ordinance, it shall be unlawful to:

- (1) cause or allow any male or female dog, owned or harbored in the City, to breed;
- (2) cause or allow any male dog, aged six (6) months or older, to remain unneutered;

- (3) cause or allow any female dog, aged six (6) months or older, to remain unspayed;
- (4) keep or harbor more than three (3) dogs, aged three (3) months or older, whether or not owned by such person.

(c) Penalty

- (1) Each violation of this ordinance shall result in a penalty of one hundred dollars (\$100). Each dog breeding without a permit; each dog, aged six (6) months or older, unspayed or unneutered without a permit; and each dog, aged three (3) months or older, kept or harbored without a permit, shall count as a separate offense.
- (2) Animal Control shall have the authority to seize any and all dogs kept or harbored in violation of this ordinance.

SECTION 2. This Ordinance shall take effect upon passage.

COUNCILMEN SALVATORE, HASSETT AND YURDIN

An Ordinance in Amendment of Chapter 16 of the Code of Ordinances of the City of Providence, Entitled: "Offenses and Miscellaneous Provisions," to create Section 85, "Equal Pay Task Force".

SECTION 1: Chapter 16 of the Code of Ordinances of the City of Providence, entitled "Offenses and Miscellaneous Provisions" is hereby further amended by adding the following section.

Sec. 16-85. Equal Pay Task Force

(a) There is hereby established within the Providence Human Relations Commission, an Equal Pay Task Force, whose charge shall be to promote equal pay for equal work through activities including but not limited to studying best practices from other municipalities, collecting data from City contractors and departments, and making policy recommendations to the Mayor and the City Council.

(1) The Task Force shall consist of the following: seven (7) members: the Chair and Vice Chair of the Providence Human Relations Commission or their designees, the City Solicitor or designee, two (2) members appointed by the City Council, and two (2) members appointed by the Mayor.

(2) Members of the task force shall serve three-year terms, except that of the members first appointed:

The first members appointed by the City Council and Mayor shall serve two-year terms.

The second members appointed by the City Council and Mayor shall serve three-year terms.

(3) The Equal Pay Task Force shall serve without compensation, except for reasonable expenses incurred on task force business.

(4) The Task Force, in its first meeting, shall elect a chairperson and such other officers as it may deem necessary from among its members.

(5) The Task Force may adopt rules of procedure for the conduct of its business not inconsistent with the provisions of this Ordinance or of the Providence Home Rule Charter.

(6) The Task Force shall meet at least quarterly and shall hold special meetings upon the request of the Chairperson.

(b) *Powers and duties:* The powers and duties of the task force shall include, without limitation, the following:

(1) Analyze and recommend the best method or methods of data collection to identify the following, as they may exist among the City's contractors or subcontractors:

- a. wage disparities by gender, among individuals performing same or similar job functions;
- b. wage disparities by race, among individuals performing same or similar job functions; and
- c. wage disparities by race and gender, among individuals performing same or similar job functions.

In determining the best method or methods, the Task Force will minimize the burden on City contractors and subcontractors providing the data.

(2) Analyze and recommend criteria that will aid in the analysis of wage disparities, including but not limited to educational level achieved, years of work experience, and specialized skills.

(3) Recommend legislation, if necessary or desirable to implement its recommendations.

(4) Create and submit a finalized report of its activities, findings, and recommendations to the Providence Human Relations Commission, City Council, and Mayor, no later than December 31, 2017, and annually thereafter.

SECTION 2. This Ordinance shall take effect upon passage.

COUNCILMAN APONTE, (By Request):

An Ordinance Establishing a Tax Stabilization Agreement for 110 North Main Street, LLC located at 169 Canal Street and 110 North Main Street.

WHEREAS, 110 North Main Street, LLC ("Project Site Owner") is the owner of certain real estate located in the City of Providence at 169 Canal Street and 100-110 North Main Street. The property located at 169 Canal Street is currently a surface parking lot upon which the Owner will construct a proposed 15 story mixed use building featuring commercial and residential uses (the "Canal Street Project"). Additionally, the Project Site Owner is prepared to make a significant investment in renovating and rehabilitating the property located at 100-110 North Main Street which is an existing mixed use historic building (the "North Main Street Project:")(together the "Project Site"); and

WHEREAS, The Project Site Owner intends on making a significant investment in completing the Project Site which will enhance the tax base of the surrounding area and increasing receipts of sales and meal and beverage tax revenues through the new sales generated by potential commercial tenants; and

WHEREAS, The City of Providence envisions that the Project Site will generate both construction related jobs associated with the building of the Project and permanent jobs associated with the tenants that will occupy the Project Site within the City of Providence as well as protect, preserve and showcase the a historic building that has been central to the history of the City of Providence; and

WHEREAS, The Project Site will provide for additional quality housing opportunities for people who want to live downtown and housing opportunities to support the demand for housing in the downtown area generated by the development of the 195 corridor and other businesses downtown; and

WHEREAS, Rhode Island General Laws § 44-3-9 ("Act") authorizes, subject to certain enumerated conditions, the city council of a city for a period not to exceed twenty (20) years, to exempt and determine an amount of taxes to be paid on account of real and tangible property used for commercial and residential purposes, notwithstanding the valuation of the real estate, tangible property or the rate of tax; and

WHEREAS, This Tax Stabilization Agreement (the "Ordinance") has been determined by the City Council of the City of Providence to be fair, equitable and acceptable to the City; and

WHEREAS, It is in the best interest of the residents of the City of Providence to grant this Tax Stabilization Agreement in order to foster the rehabilitation.

Be It Ordained by the City of Providence:

Section 1. That 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) "Assessment" shall mean the value placed upon the improvements made by the Owner by the City of Providence Tax Assessor.
- (b) "Commencement Date" shall be the effective date of this Ordinance.

- (c) "Personal Property" means any and all tangible personal property including, but not limited to all fixtures, furniture, equipment, furnishings, vehicles, computer hardware and software, informational systems and other personal property.
- (d) "Project Site" means, collectively, all of the real estate and buildings and improvements thereto located at 169 Canal Street (separately "Canal Street Project") and 100-110 North Main Street, (separately "North Main Street Project") Plat 10, Lots 706 and 707 respectively in the City of Providence.
- (e) "Project Site Owner" means an entity with the right and interest in and to the Project Site, or the individual lots identified as the Canal Street Project and North Main Street Project which collectively comprise the Project Site, (or portions thereof), including successors to units and/or sub-units or lots of the Project Site.
- (f) "Project Taxable Property" means collectively, the Project Site and all Real Property Improvements and Personal Property thereon.
- (g) "Real Property Improvements" means any structures or improvements including but not limited to buildings, parking lots/structures and related improvements to be constructed and developed on the Project Site.
- (h) "Stabilized Tax Payments" shall mean the payment of taxes pursuant to the schedules of payments detailed in Section 5 below.
- (i) "Termination Date" means the 20th anniversary of the December 31 in which the Project Site is first assessed pursuant to the schedule set forth in Section 5 below.

Section 3. Grant of Tax Stabilization Agreement. The City of Providence, in accordance with the General Laws of the State of Rhode Island and the Code of Ordinances for the City of Providence, is hereby authorized to grant and does grant the schedule of Incentivized Tax Payments pursuant to Section 5.

Section 4. Term. The term of this Ordinance shall be a period commencing upon the Commencement Date and terminating on the Termination Date.

Section 5. Tax Exemption and Stabilization Plan. Tax Payments due for the first three (3) years of the Term shall remain at the 2016 assessed value and tax rate (hereinafter the "Base Assessment"). During the first three years of the Term, the Project Site Owner must substantially complete construction on the Project Site, subject to a Force Majeure Event (as defined below). In the fourth tax year after the Commencement Date, full taxes shall begin phasing in. Beginning in the fourth tax year after the Commencement Date, the assessor shall issue a bill for the Base Assessment plus a percentage of the difference between the Base Assessment then current full value assessment as follows:.

Canal Street Project

| <u>Year</u> | Percentage of Difference between Base Assessment and Current Full Value Assessment |
|-------------|--|
| Year 4 | 6% |
| Year 5 | 12% |
| Year 6 | 18% |
| Year 7 | 24% |
| Year 8 | 30% |
| Year 9 | 36% |
| Year 10 | 42% |
| Year 11 | 48% |
| Year 12 | 54% |
| Year 13 | 60% |
| Year 14 | 66% |
| Year 15 | 72% |
| Year 16 | 78% |
| Year 17 | 84% |
| Year 18 | 90% |
| Year 19 | 96% |
| Year 20 | 99% |

North Main Street Project

| <u>Year</u> | Percentage of Difference between Base Assessment and Current Full Value Assessment |
|-------------|--|
| Year 4 | 6% |
| Year 5 | 12% |
| Year 6 | 18% |
| Year 7 | 24% |
| Year 8 | 30% |
| Year 9 | 36% |
| Year 10 | 42% |
| Year 11 | 48% |
| Year 12 | 54% |
| Year 13 | 60% |
| Year 14 | 66% |
| Year 15 | 72% |
| Year 16 | 78% |
| Year 17 | 84% |
| Year 18 | 90% |
| Year 19 | 96% |
| Year 20 | 99% |

Following the conclusion of twenty full years, The Project Site Owner will be paying the full current assessment. Tax Payments in each year beginning in the fourth tax year after commencement shall be calculated by the then current valuation of the property and the current applicable real property tax rates.

Section 6. Payment of Taxes and Revenue Reporting.

(a) Stabilized Tax Payments due to the City, pursuant to the schedule listed in Section 5, 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 Stabilized Tax Payments due and owing under this Ordinance shall constitute an obligation of the Project Site Owner as it pertains to each lot of the Project Site, and the City shall be granted by the Project Site Owner, a first lien on the Project Taxable Properties, which lien shall be of the same priority and entitle the City to the same foreclosure remedies as the lien and foreclosure remedies provided under the applicable laws and ordinances with respect to real property and personal property taxes. The City agrees to provide Notice to Project Site Owner prior to exercising any foreclosure or other remedies available and the Owner of the Project Site shall have ninety (90) days to cure any alleged default under this Ordinance from the date upon which Notice of any alleged default is received from the City. Said Notice shall include, with specificity, the nature of any alleged default, and the actions which the City believes to be reasonably necessary to cure any alleged default under this Ordinance and be made pursuant to Section 10.1 of this Ordinance. Notice shall issue upon vote of the City Council upon receipt of notice of potential default. Notice shall be sent to the then current owner of the Project Site or the then current owner of the individual lot in default. Default as to either the Canal Street Project lot or the North Main Street Project lot shall not impact the non-defaulting lot.

(c) It is understood that the Stabilized Tax Payments made hereunder are deemed by the City to be tax payments, and the Project Site Owner shall be entitled to all of the rights and privileges of a taxpayer in the City, including, without limitation, the right to challenge and appeal any assessment and/or reassessment. It is further understood and agreed that the City's sole and exclusive recourse to Project Site Owner is limited to the City's first lien on the Project Taxable Properties, however, nothing herein shall be construed to limit the right of the City to foreclose or take any other judicial proceeding available at law for the collection of taxes.

(d) Stabilized Tax Payments not made by the Project Site 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 reflecting the payments pursuant to Section 5 shall not relieve Project Site Owner of its obligation to make Stabilized Tax Payments herein. If for any reason the Project Site Owner does not receive an appropriate tax bill, Project Site Owner shall have the responsibility and obligation to make reasonable inquiries to the City in order to have such a proper tax bill issued and thereafter to make payment of the same no later than the due dates provided herein. Stabilized Tax Payments shall be made by Project Site Owner directly to the City of Providence Tax Collector's Office.

(e) Any breach of the terms contained in this Section 6 as to only one of the two individual lots comprising the Project Site shall not impact the non-breaching project. By way of example, if there is a breach as to the North Main Street Project that is not cured following the appropriate notice and cure opportunity, then said breach shall not impact the terms of this Ordinance as it pertains to the Canal Street Project.

Section 7. Effect of Failure to Make Payments. The real property, tangible and personal property taxes payable to the City for the Project Site during the term of this Ordinance shall be based upon the schedules set forth in Section 5. This Ordinance is further conditioned upon Project Site Owner, whether now or in the future, remaining current on tax payments pursuant to Section 5. Failure to make said timely Stabilized Tax Payments may, at the discretion of the City of Providence following the Notice and the 90-day cure period set forth in Section 6(b) and 10.1, render this Ordinance null and void. The failure of the Project Site Owner to fail to make payments in accordance with the terms of this Tax Stabilization Agreement as to either the Canal Street Project or the North Main Street Project shall not impact the other project and shall only amount to a default as to the single project in question.

Section 8. Transfers. As long as the Project Site Owner or any successor or assignee owns or operates the Project Site, it will continue to pay Stabilized Tax Payments for the Project Site pursuant to this Ordinance.

(a) Project Site Owner or any successor or assignee, acknowledges and agrees that the Project Site will be subject to taxation pursuant to the terms of this Ordinance and thereafter subject to taxation pursuant to Rhode Island General Laws and the ordinances of the City of Providence. Project Site Owner, or any successor or assignee, agrees that the exemption and conditions under this Tax Stabilization Plan shall run with the land.

(b) In the event that a Project Site Owner transfers the Project Site in its entirety to a tax exempt entity in the first five years immediately following the expiration of this Ordinance, the Project Site Owner agrees that a percentage of the sale price will be paid to the City of Providence as follows: if the property is sold to a tax exempt entity in the first year immediately following the expiration of the Ordinance then the Project Site Owner shall pay five percent (5%) of the sale price to the City; if the property is sold to a tax exempt entity in the second year immediately following the expiration of the Ordinance then the Project Site Owner shall pay four percent (4%) of the sale price to the City; if the property is sold to a tax exempt entity in the third year immediately following the expiration of the Ordinance then the Project Site Owner shall pay three percent (3%) of the sale price to the City; if the property is sold to a tax exempt entity in the fourth year immediately following the expiration of the Ordinance then the Project Site Owner shall pay two percent (2%) of the sale price to the City; and if the property is sold to a tax exempt entity in the fifth year immediately following the expiration of the Ordinance then the Project Site Owner shall pay one percent (1%) of the sale price to the City. In the event that the Project Site Owner only transfer one of the two projects, namely either the Canal Street Project or the North Main Street Project, to a tax exempt entity within the first five years immediately following the expiration of this Ordinance, then the aforementioned payment schedule shall pertain only to the specific project being transferred and not the Project Site as a whole.

(c) The Property Owner further agrees to provide prior written notice to the City before any transfer of the Property.

Section 9. Employment and Contracts.

(a) Construction.

- i. MBE/WBE. Project Site Owner shall make a good faith effort to award to Minority Business Enterprises as defined in Rhode Island General Laws, Section 31- 14.1 ("MBE Act") no less than 10% of the dollar value of the construction costs for the Project (as determined in accordance with the rules and regulations promulgated pursuant to MBE Act). Project Site Owner shall make a good faith effort to award to Women Business Enterprises (WBE's) no less than 10% of the dollar value of the construction costs for the Project (as determined in accordance with Section 21-52 of the Code of Ordinances of the City of Providence). Project Site Owner will request the City MBE/WBE office and its Supplier Diversity Director to establish a list of qualified MBE/WBE companies in order to satisfy its MBE/WBE construction goals. In this manner, the City will assist Project Owner in meeting said goals. The process of participating with the MBE/WBE office and its Supplier Diversity Director shall begin upon passage in order to develop a designated MBE/WBE subcontractor list which will encourage MBE/WBE participation and joint ventures with other members with the construction industry.
- ii. Apprenticeship. Project Site Owner shall ensure that one hundred percent (100%) of the hours worked on the Project shall be performed by trade construction subcontractors who have or are affiliated with an apprenticeship program as defined in 29 C.F.R. § 29 et seq., unless otherwise provided below.

Project Site Owner shall make a requirement in the contracts between its Construction Manager and General Contractor and their subcontractors who have apprenticeship programs as defined in 29 C.F.R. § 29 that not less than ten percent (10%) of the total hours worked by the subcontractors' employees on the project are completed by apprentices registered in the aforementioned apprenticeship programs.

Project Site Owner shall as part of its contracts between its Construction Manager and General Contractor and their subcontractors require that the subcontractors submit to the Department of Planning and Development quarterly verification reports to ensure compliance with this section.

Project Site Owner, its Construction Manager or General Contractor or other authorized person/entity may petition the City of Providence Department of Planning and Development to adjust the apprenticeship work hour requirements to a lower percentage upon a showing that:

- a. compliance is not feasible because 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 in keeping with the timelines provided for in the Project Site Owner's development schedule; or
 - b. compliance is not feasible because it would involve a risk or danger to human health and safety or the public at large; or
 - c. compliance is not feasible because it would create a significant economic hardship; or
 - d. compliance is not feasible for any other reason which is justifiable and demonstrates good cause.
- iii. Internal Revenue Service reporting. Except as provided under Rhode Island General Laws § 28-42-8, any person performing services at the Project Site shall annually receive either a W-2 statement or an IRS Form 1099.
- iv. First Source List. Pursuant to the City of Providence First Source Ordinance, the Project Owner shall enter into a First Source Agreement covering the hiring of employees necessary to complete the proposed Project and throughout the term of this Agreement. Project Owner shall work in conjunction with the Director of First Source Providence to develop the First Source Agreement.
- iv. "Buy Providence" Initiative. Project Site Owner will use good faith 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, Project Site 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. In order to further that effort, Project Site Owner will hold seminars upon passage of this Ordinance, with the Providence MBE/WBE office, the Supplier Diversity Director, the Director of First Source Providence and the Providence Chamber of Commerce to inform the local economy of the Project Site Owner's development plans in order to maximize the opportunities for Providence businesses to work with Project Site Owner in providing on-going services, equipment and materials. To be clear, nothing in the foregoing shall be construed so as to obligate Project Site Owner to purchase construction materials from any vendor that has not provided the lowest qualified bid in connection with the provision of such materials, as reasonably determined by Project Site Owner.

(b) Permanent Employment. In conjunction with its efforts pursuant to this Section and its ongoing efforts to provide equal employment opportunity without regard to race, color, religion, natural origin, sex, age or handicap, Project Site Owner shall liaise with the City and with the Director of First Source Providence to assist in the recruitment of qualified minority, women, and handicap applicants as well as those on the First Source List for all of its employment positions.

(c) Reporting. During the construction phase of the Project, Project Site Owner shall annually report to the City Council on its progress in complying with the provisions of this Ordinance, including but not limited to, Section 11. To be clear, the terms of this Section 10 shall apply to Project Site Owner and its Real Property Improvements at the Project Site, but shall not be deemed to apply to the tenants of the Project Site and/or the businesses conducted thereon.

Section 10. Default and Notice to Cure.

The following events shall constitute an event of default hereunder:

- (A) Failure of the Project Site Owner to pay any amount due under or with respect to the tax stabilization; or
- (B) Failure of the Project Site to record this Ordinance; or
- (C) Failure of the Project Site Owner to meet any of the performance obligations set forth in this Ordinance; or
- (D) Failure of the Project Site Owner to annually report as required by Section 9 above; or
- (E) Failure of the Project Site Owner to notify the City in writing prior to the transfer of the Property; or
- (F) Transfer of the Property Site by the Project Site Owner to a tax exempt entity during the term of this Ordinance; or
- (G) Failure of the Project Site Owner to comply with Section 9 above; or
- (H) Failure of the Project Site Owner to comply with any other material obligation or promise contained within any section or subsection of this Agreement; or
- (I) Failure of the Project Site Owner to comply with all state and local law regarding building and property maintenance codes, zoning ordinances, and building and/or trade permits; or
- (J) Failure of the Project Site Owner to remain current on any and all other financial obligations due and owing to the City of Providence.

Section 10.1. Notice and Cure Period. The City shall provide written notice to the Property Owner before exercising any of its rights and remedies in the event of an alleged default under the terms of this Agreement. The Project Site Owner shall have ninety (90) days to cure any alleged default under this Agreement, provided, however, that if the curing of such default cannot be accomplished with due diligence within ninety (90) days, then the Project Site Owner shall request an additional reasonable period of time from the City to cure such default as may be necessary provided that the Project Site Owner shall have commenced to cure such default within said period, such cure shall have been diligently pursued by the Project Site Owner and the City does not reasonably deem the taxes jeopardized by such further delay, all as determined by the City in its reasonable discretion.

Section 7.2. Agreed Upon Address for Purposes of Written Notice. All notices, 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 and addressed to the following parties 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: 100 North Main, LLC
401 E. Elm Street, Suite 150
Conshohocken, PA 19428

With a copy to:
Darrow Everett, LLP
Attn: Zachary Darrow, Esq.
One Turks Head Place, Suite 1200
Providence, RI 02903

Section 11. Agreement to establish a fund to be held in Trust by the Treasurer of the City of Providence. Upon passage of the Resolution Ratifying this Ordinance, the Property Owner shall contribute to a Trust Fund established by the City, of which the Treasurer shall be the trustee. The Fund shall be identified as the "City Council Parks and Recreation Fund." The City Council shall establish regulations pertaining to the disbursement of funds.

- (a) Payment of to the Fund. The Property Owner shall make annual payments to the Fund in the amount of five (5) percent of the total estimated abated tax for the term of the Agreement, for as long as this Agreement is in full force and effect, including any extensions should they be granted. Said annual payments will be payable on the anniversary of the commencement date in each subsequent tax year.
- (b) Investment and Distribution of the Fund. The trust fund will be invested by the Board of Investment, and an annual distribution of the investment shall be used to provide funds to the Department of Parks and to the Department of Recreation for capital improvements in neighborhood parks and recreation centers. Said annual distribution shall not supplant any funds that are provided to the Department of Parks or the Department of Recreation through the operating budget. The amount of the distribution shall not exceed four (4) percent. Distributions may never exceed the earnings in the year of distribution or reduce the corpus of the funds. The first payment from the fund shall begin in the fifth year after the establishment of the Agreement.

Section 12. Resolution of Calculation Disputes. Project Site Owner and the City of Providence agree that Project Site Owner retains the right to appeal the valuation or calculation of the taxes assessed from time to time.

Section 13. Severability. If any one section of this Ordinance is found to be unenforceable, then the other provisions herein shall continue to have the same force and effect as if the unenforceable provision were not passed as part of this Ordinance.

Section 14. Applicable Law. This agreement shall be construed under the laws of the State of Rhode Island.

Section 15. Effective Date. This Ordinance shall become effective immediately upon its passage by the City Council and approval by the Mayor.

COUNCILMAN PRINCIPE Moves to Dispense with the Reading of the foregoing matters and Moves Passage of the Several Ordinances the Second Time, Seconded by COUNCILMAN CORREIA, by the following Roll Call Vote:

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| RESULT: | READ/PASSED SECOND TIME [UNANIMOUS] |
| MOVER: | Councilman Principe |
| SECONDER: | Councilman Correia |
| AYES: | Acting Council President Matos, Councilman Aponte, Councilwoman Castillo, Councilman Correia, Councilwoman Harris, Councilmen Hassett, Igliozi, Jennings, Narducci, Principe, Councilwoman Ryan, Councilmen Salvatore, Yurdin, Zurier – 14. |

The Motion for Passage the Second Time is Sustained.

PRESENTATION OF ORDINANCES

COUNCILMAN IGLIOZZI, (By Request):

An Ordinance in accordance with Chapter 21, Section 19 of the Code of Ordinances of the City of Providence, Entitled: "Capital Equipment Budget," As Amended.

ACTING COUNCIL PRESIDENT MATOS Refers the Ordinance to the Committee on Finance.

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| RESULT: | REFERRED |
| TO: | Committee on Finance |

COUNCILMAN ZURIER

An Ordinance to add Section 2-1.1, "Referral to Committee", to the Code of Ordinances.

ACTING COUNCIL PRESIDENT MATOS Refers the Ordinance to the Rules Committee.

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| RESULT: | REFERRED |
| TO: | Committee on Finance |

PRESENTATION OF RESOLUTIONS

ACTING COUNCIL PRESIDENT MATOS, (By Request):

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

| | |
|--|--------------|
| Wainwright Investment Counsel, LLC (Finance Department) | \$265,000.00 |
|--|--------------|

COUNCILMEN IGLIOZZI, CORREIA AND NARDUCCI

Resolution Requesting the Providence Public Buildings Authority to issue bonds and notes to Finance the Design, Construction, Repair, Rehabilitation, Replacement and Improvement of Infrastructure in the City's Neighborhoods, including, but not limited to, streets, sidewalks, public parks, recreation facilities, bridges, sewers, drainage and city buildings by the issuance of not more than \$45,000,000 bonds and notes.

COUNCILMAN PRINCIPE Moves to Dispense with the Reading of the foregoing matters, Seconded by COUNCILMAN CORREIA.

ACTING COUNCIL PRESIDENT MATOS Refers the Several Resolutions to the Committee on Finance.

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| RESULT: | REFERRED |
| TO: | Committee on Finance |

COUNCILMEN ZURIER AND YURDIN

Resolution Promoting Open Government through the posting of Campaign Finance Reports.

Resolution Promoting Open Government through the posting of Ethics Disclosure Statements.

COUNCILMAN PRINCIPE Moves to Dispense with the Reading of the foregoing matters, Seconded by COUNCILMAN CORREIA.

ACTING COUNCIL PRESIDENT MATOS Refers the Several Resolutions to the Committee on Finance.

| | |
|----------------|----------------------|
| RESULT: | REFERRED |
| TO: | Committee on Finance |

CONTINUED BUSINESS

The following Ordinance was in City Council April 20, 2017, Read and Passed the First Time and was Returned for Passage the Second Time April 27, 2017, at which time it was Laid on the Table until June 1, 2017.

COUNCILMAN APONTE, COUNCILWOMAN CASTILLO, COUNCILMAN JENNINGS, ACTING COUNCIL PRESIDENT MATOS AND COUNCILWOMAN HARRIS, (By Request):

An Ordinance in Amendment of Chapter 18 ½ of the Code of Ordinances of the City of Providence Entitled "Police," Adding Section 18 ½-4, "Providence Community-Police Relations Act."

SECTION 1: An ordinance amending Chapter 18 ½, "Police," of the Code of Ordinances of the City of Providence, to add a new section, Entitled: "Providence Community-Police Relations Act."

Sec. 18 ½.4 – Providence Community-Police Relations Act.

(a) Definitions.

For the purposes of this section, the following terms shall be defined as follows:

(1) *Racial and other forms of discriminatory profiling* is defined as the reliance on race, ethnicity, color, national origin, use of a foreign language, gender, gender identity and/or expression, sexual orientation, political affiliation, religion, housing status, physical or mental disability, or serious medical condition as a basis, in whole or in part, for suspecting that a person has committed or is about to commit a crime or is about to commit a crime, unless the officer's decision is based on a specific and reliable suspect description as well.

(2) *Law enforcement officer, or police officer* means any member of the Providence Police Department, duly sworn and vested with police power.

(3) *Electronic Data Collection* means a report produced from computer-aided dispatch (CAD), electronic documentation, or any other police-generated report, in accordance with RIGL 31-21.2-5(c), and shall include all the following information:

- i) The date, time and general location of the stop;
- ii) The race or ethnicity, gender, and approximate age of the individual(s) stopped; provided that the identification of these characteristics shall be based on the observation and perception of the police officer making the stop and the information shall not be requested of the person(s) stopped;
- iii) In the law enforcement officer's own words, the reasonable suspicion and/or probable cause, if such exists, giving rise to the stop;
- iv) Whether a search was executed as a result of the stop;
- v) The scope of any search conducted;
- vi) Whether the search was conducted pursuant to probable cause and/or reasonable suspicion, and what the probable cause and/or reasonable suspicion prompting the search was in the officer's own words;
- vii) Whether any contraband, including money, was seized in the course of the search, and if so, the nature of the contraband;
- viii) Whether any warning or citation was issued as a result of the stop;
- ix) Whether an arrest was made as a result of either the stop or the search;
- x) The approximate duration of the stop; and
- xi) The federal identification number of the officer.

(4) *Investigatory Activity* means any traffic stop, pedestrian stop, interview, interrogation, detention, frisk, pat-down, Terry frisk, Terry pat-down, or any search of a person or property.

(5) *Limited English Proficient Individual* means any person whose primary language is not English and/or who does not have the ability to adequately understand or communicate effectively in English.

(6) *Qualified Interpreter* means an individual who is able to interpret simultaneously and consecutively and sight translate from English into a foreign language and from said language into English, in accordance with RI General Laws §8-19-2.

(7) *Transgender* is an umbrella term that describes individuals whose gender identity is different from their assigned sex at birth.

(b) Prohibition on racial and other forms of discriminatory profiling.

When conducting any investigatory activity, law enforcement shall not rely on race, ethnicity, color, national origin, use of a foreign language, limited English proficiency, gender, gender identity and/or expression, sexual orientation, political affiliation, religion, housing status, physical or mental disability, or serious medical condition as a basis, in whole or in part, for suspecting that a person has committed or is about to commit a crime, unless the officer's decision is based on a specific and reliable suspect description that includes not just these characteristics, but other identifying characteristics or information as well.

(c) Documentation.

(1) Electronic Data Collection Report

i) An officer completing an Electronic Data Collection Report shall record the information identified in subsection (a) (3) of this ordinance.

ii) The Providence Police Department shall establish policies clearly outlining the definition of "stop" and shall require the completion of an Electronic Data Collection Report the completion of all stops. Said policies shall be public documents and shall be made available on the Police Department website. The Providence External Review Authority shall be notified of any changes to this policy and shall have the power to review and make recommendations for improving the policy.

- iii) The subject of a traffic or pedestrian stop shall be able to request and receive, at the police station, a physical copy of the report which includes all of the data elements identified in subsection (a)(3) within (72) hours of the stop.
- iv) No later than one (1) year after the passage of this ordinance, it shall be required that, at every stop, the officer shall provide the subject with information regarding the stop including a reference number to access their report, the officer's federal identification number, and the contact information for the Providence External Review Authority.

(2) Video and Audio Recording

i) The Providence Police Department shall adopt written policies regarding the use of video and/or audio recording devices such as, but not limited to, dashboard cameras, body cameras, and digital audio recorders, should the Department utilize these devices. These policies shall be public records and shall include, without limitation, the following standards:

1. Standards setting forth when the device is required to be activated and when the device must not be activated.
2. The subject of a stop shall be advised by the officer that the encounter is being recorded when practicable and consistent with ensuring officer safety and the safety of others.
3. A chain of custody record of the recordings shall be maintained.
4. Once a video/audio recording of a stop has been preserved by the Police Department for further investigation beyond the minimum retention period established by policy, the subject of said stop shall be notified by the Police Department of this action and shall be informed that they, and or their legal counsel, shall have the right to request to view and listen to the recording involving them at a reasonable time and location within ten (10) business days of the request provided that such notification does not adversely impact imminent law enforcement action.
5. The policy shall establish a minimum period of retention for such recordings of no less than sixty (60) days, and procedures to ensure that the recording equipment is in proper working order, and shall bar the destruction of any recording related to an incident that is the subject of a

pending complaint, misconduct investigation or civil or criminal proceeding. Such recordings shall be retained for a minimum of ten (10) days after the final resolution of such investigation or proceeding, including the time for any appeal;

6. The policy shall explicitly prohibit any violation of these requirements, including any attempts to disengage or tamper with the video/audio surveillance equipment or to otherwise fail to record stops as specified in the policy;

ii) While on duty and in interactions with the public, police shall be prohibited from using personal audio or video recording devices. Only devices subject to the policy outlined above shall be permitted.

iii) Police shall not interfere with, harass, demand identification from, or otherwise intimidate members of the public making video or audio recordings of police activity in any place the individual who is recording has a legal right to be present. Law enforcement officers shall not intentionally block or obstruct cameras or other recording devices. Law enforcement officers shall not damage or destroy recording devices or cameras, and deleting and/or altering recordings or photographs under any circumstances shall be prohibited. However, nothing contained within this section shall limit the ability of an officer to take appropriate action, if the actions of those recording interfere with the officer's official duties or with the safety of the officer or others.

(d) Traffic Stops

(1) Prior to asking the subject of a vehicle stop for their license, a law enforcement officer must, when practicable and consistent with ensuring officer safety or the safety of others, describe to the subject the suspected violation that prompted the stop.

(2) No operator of a motor vehicle shall be requested to provide any documentation or identification other than a driver's license or a form of identification listed in subsection (f)(7), motor vehicle registration, and/or proof of insurance when the motor vehicle has been stopped solely for a traffic violation, unless there exists reasonable suspicion and/or probable cause of criminal activity, or the operator has failed to produce a valid driver's license, or the particular type of vehicle stopped requires other types of documentation specified under Title 31 of the R.I. Gen. Laws or under Federal Law.

(3) No passenger of a motor vehicle shall be requested to provide identification or any other documentation by a law enforcement officer when the motor vehicle has been stopped solely for a traffic violation, unless there exists reasonable suspicion and/or probable cause of criminal activity.

(4) Unless there exists reasonable suspicion and/or probable cause of criminal activity, no motor vehicle stopped for a traffic violation shall be detained beyond the time needed to address the violation.

(5) When an individual is cited for driving without a valid license under §31-11-18-18.1 of the R.I. General Laws and this constitutes the only criminal charge resulting from the traffic stop, the individual may be issued a court summons but may not be arrested, provided that the individual can show identification including alternative forms of identification as described in subsection (f)(7). However, in accordance with §31-11-18.1(a) of the R.I. General Laws nothing in this section shall prohibit the arrest of an individuals cited for driving when their license to operate is suspended, revoked, or cancelled for:

- (i) operating under the influence of a narcotic drug or intoxicating liquor;
- (ii) refusing to submit to a chemical test; reckless driving;
- (iii) manslaughter from the operation of a motor vehicle or operating so as to endanger resulting in death; or
- (iv) three (3) moving violations within a one-year period.

(e) Searches

(1) Any individual requested to consent to a search by a law enforcement officer of their motor vehicle, person, or belongings shall be informed by the officer of their right to refuse consent to the search. An individual's choice not to consent to a search shall not be deemed reasonable suspicion to conduct a search.

(2) When practicable and consistent with ensuring officer safety or the safety of others, searches shall be performed by an officer of the same gender identity as the individual being searched. If an officer of the individual's gender identity is not present at the time, one will be called to the scene as soon as possible so as not to unnecessarily delay the time required to perform the search. Individuals who identify as transgender or gender

non-conforming have the right to indicate their preference to be searched by either a male or female officer. If the individual's gender request can be reasonably and expeditiously accommodated without risk to officer safety, the request should be granted. The Providence Police Department shall develop and maintain policies and protocols for how officers shall conduct searches of transgender and gender non-conforming individuals. Said policies shall be public documents, available on the Police Department website, and shall be subject to review by the Providence External Review Authority.

(f) Surveillance and Privacy

- (1) Providence Police Department shall not engage in targeted electronic surveillance to collect or retain information about the lawful activities of targeted individuals or groups without reasonable suspicion that such activities relate to criminal activity or a judicial warrant specific to the time, place, and target of such surveillance.
- (2) Police may not engage in an undercover capacity with groups in non-public places based solely on those groups' participation in First Amendment protected activities.
- (3) Police may not consider an individual's lack of proof of identification or failure to respond to a request for identifying information as probable cause or reasonable suspicion of criminal activity, unless the police have a lawful reason to require identification.
- (4) When attempting to determine the identity of a person appearing to be under eighteen (18) years of age, police or their representatives must accept any statement of that youth that they do not have any form of identification in their possession and may not repeat a request for the same form of identification once a juvenile has stated that they do not have that form of identification.
- (5) Police may not photograph individuals confirmed to be under eighteen (18) years of age or, in the event that age identification cannot be confirmed, individuals who appear to be under eighteen (18) years of age, in accordance with subsection (f)(4), except:
 - i) As part of formal booking procedures
 - ii) To document evidence of a crime;
 - iii) When there is reasonable suspicion and/or probable cause to believe that the juvenile is engaged in criminal activity;
 - iv) Pursuant to a court order;
 - v) During large scale public events;

vi) Via video or audio recording equipment used in compliance with subsection (c)(2); or

(vii) For the specific purpose of documenting injury sustained by the juvenile.

However any photographs taken of juveniles shall be destroyed within ninety (90) days, unless otherwise prohibited by law, or unless a specific investigation pertaining to the juvenile remains open or specific charges against the juvenile have been filed and a case remains pending against the juvenile.

(6) Police may not inquire about an individual's immigration status.

(7) Any valid identification issued by a foreign government including but not limited to consular identification, foreign driver's license, or passport, shall be considered acceptable identification to the same extent as identification issued by a domestic government agency.

(8) No police officer shall identify any individual as a member of a gang in any list or database maintained by any law enforcement agency, nor in any reports, memoranda or other document, unless the individual meets the criteria for inclusion on a so-called "gang list" or "gang database." No Police Department official authorized to enter information into the gang database shall identify any individual as a gang member in written notes unless the individual meet the criteria for inclusion on the so-called "gang list" or "gang database. The list of criteria used to determine inclusion on the "gang list" or "gang database" shall be public information, shall be subject to review by the Providence External Review Authority, and shall not include:

- i) Association with other people identified as gang members or any substantially equivalent factor;
- ii) Race;
- iii) Location of domicile; nor
- iv) Location of encounter.

(9) Gang list/database notification.

(i) Any individual shall have the ability to inquire whether he or she has been included on a "gang list" or "gang database." If such disclosure does not adversely impact imminent law enforcement action, the individual shall be informed if he or she is in the database by written notice no later than ten (10) business days after the inquiry is received. Additionally, the written notice shall explain the right to appeal and the process to appeal the individual's inclusion on

the “gang list” or “gang database” as prescribed in this ordinance. The fact that an individual inquired about their inclusion on the “gang list” or “gang database” shall not be considered evidence that the individual is a member or associate of a gang, nor shall it be included in the criteria for inclusion on the “gang list” or “gang database.”

(ii) Prior to adding any individual under eighteen (18) years of age to the “gang list” or “gang database,” the Providence Police Department shall provide written notice, pursuant to the aforementioned policies, of the designation and the basis for the designation by notarized letter delivered via certified mail to the person and their parent or guardian, unless such disclosure would adversely impact imminent law enforcement action. Additionally, the written notice shall explain the right to appeal and the process to appeal the individual’s inclusion on the “gang list” or “gang database” as prescribed in this ordinance.

(iii) The Police Department shall establish policies governing the handling of the requests and notifications set forth in (f)(9)(i) and (ii), and for ensuring the safety of the individuals notified. Such policies shall be public documents, available on the Police Department website, and subject to review by the Providence External Review Authority.

(10) Gang list/gang database appeals.

(i) The Police Department shall establish policies allowing for the administrative removal of individuals from the gang list or gang database in the event that an individual and the Police Department mutually agree that said individual was added to the gang list or gang database in error. Such policies shall be public documents, available on the Police Department website, and subject to review by the Providence External Review Authority.

(ii) Upon request, an individual whose name has been included on a gang list or gang database may challenge that designation through a formal appeal to the Providence External Review Authority. A hearing shall be scheduled within thirty (30) days at which the Police Department shall establish that the inclusion of the challenging individual on the gang list or gang database was consistent with the established Police Department policy. If a simple majority of the Providence External Review Authority (PERA) finds that the inclusion of the challenging

individual on the gang list or gang database was not consistent with established Police Department policy, the challenging individual shall be removed from the gang list or gang database. Such hearings shall not be open meetings and under no circumstances shall evidence or information related to on-going investigations presented at such hearings be shared with any individual beyond the members of PERA, necessary PERA staff, the appellant, and the appellant's legal counsel.

(11) In the event that an appeal is not successful, a notation will be made in the file and in any transmission of the information concerning that individual, that the person denies the allegation of gang membership or association. The appellant in an unsuccessful appeal shall not be permitted to appeal again for at least one (1) calendar year.

(12) No information related to on-going appeals or successfully contested allegations of gang membership or association shall be shared with any third party unless required by law.

(13) If an individual has no convictions within a two-year period after their name has been placed on the "gang list," and no new evidence meeting the criteria for inclusion on the "gang list" has been found, the name shall be removed and all related records destroyed. A letter confirming that the individual's name has been removed from the gang list shall be sent to the person at their last known address. However, the two-year period shall not include any time the individual spent incarcerated or serving a suspended sentence.

(14) Each year, the Providence Police Department shall produce a report providing the total number of individuals whose names are included on the "gang list," with demographic detail including age, race, ethnicity, and gender, and a total of how many of those individuals have challenged their inclusion on the "gang list."

(15) Each year, the Providence Police Department shall engage an independent auditor, selected by PERA, the City Solicitor, and the Commissioner of Public Safety, to audit the "gang list," identify any errors, and make recommendations for improving the operations and use the "gang list." A full report of the results of the audit shall be provided to the Commissioner of Public Safety, the Chief of Police, and to PERA for its review. In the auditor's report, the names of individuals on the "gang list" shall not be included and shall, instead, be replaced with unique identifying numbers. The identity of the auditor shall remain confidential.

(g) Language access for Limited English Proficient (LEP) individuals

(1) The Police Department shall maintain a language access hotline to connect police officials in the field with qualified interpreters in a timely manner. Officers who wish to question an LEP individual for any reason and are not fluent in a language spoken proficiently by that individual, shall not question that individual without the aid of the aforementioned language access hotline or without a qualified interpreter is present, except in emergency situations. Police shall not use family members, friends or bystanders as interpreters, except when the aforementioned language access hotline is unavailable or in emergency situations and/or for the purposes of explaining to an individual that they are securing an interpreter or the language access hotline.

(2) The Police Department shall establish and maintain policies for the use of the language access hotline, setting standards for determining language fluency among officers, and clearly defining emergency situations. Such policies shall be public documents, available on the Police Department website, and subject to review by the Providence External Review Authority.

(3) All custodial interrogations in police stations or substations involving LEP individuals must be recorded and such recording shall be made available to the interrogated individual and/or their attorneys. Whenever an officer equipped with a body camera conducts a custodial interrogation of an LEP individual in the field, that interrogation shall be recorded. Recordings made pursuant to this subsection shall be made available to the interrogated individuals and/or their attorneys, unless doing so would impede an ongoing investigation.

(4) Miranda Warnings, and all other vital written materials, will be available in the five

(5) Most commonly spoken languages in Providence, according to the most recent Census data. In the case of a language into which forms have not been translated and in the case of illiteracy, forms will be read to a suspect or witness in their primary language using the contracted interpretation services.

(5) At each police building with direct public access, signs shall be posted in the five (5) most commonly spoken languages in Providence, according to the most recent Census data, at each public access point or lobby stating that a language access hotline will be provided free of charge to LEP individuals.

(h) Collaboration with other law enforcement agencies

- (1) Any formal agreements addressing cooperation and mutual assistance between Providence Police and other law enforcement agencies shall be deemed public documents, subject to the Access to Public Records Act, R.I. Gen. Laws 38-2-1 et seq., and posted on the City's website unless it adversely impacts investigatory activities.
- (2) A law enforcement officer shall not detain an individual on the basis of a request from another agency or pursuant to an administrative warrant, after the individual is eligible for release from custody, unless the agency has a criminal warrant, issued by a judicial officer, for the individual, or the detention is otherwise constitutional.
- (3) Providence Police are not permitted to comply with requests by other agencies to support or assist in operations conducted solely for the purpose of enforcing federal civil immigration law, including but not limited to requests to establish traffic perimeters related solely to immigration enforcement.
- (4) Nothing in this chapter prohibits or restricts any official from sending to, or receiving from federal immigration authorities, information regarding the citizenship or immigration status, lawful or unlawful, of an individual pursuant to Sections 1373 and 1644 of Title 8 of the United States Code.
- (5) All joint activities undertaken between Providence Police Department and other law enforcement agencies not governed by formal agreements as covered in this Section shall publicly report as soon as practicable upon completion of the operation.
- (6) The Providence Police Department shall abide by the provisions of this ordinance at all times, including when working in collaboration with outside law enforcement agencies.

(i) Accountability and Enforcement:

(1) Generally

- i) When conducting a stop or search, a police officer must provide their federal identification number.
- ii) Any subject of a stop or search may ask an on-duty law enforcement officer for a business card containing the officer's federal identification number. The officer must comply with the request, when practicable and consistent with ensuring officer safety and the safety of others. Such requests shall not be deemed reasonable suspicion of criminal activity. When in uniform, Providence Police officers must wear their federal identification number on their uniform.

(2) An individual subjected to any violation of this ordinance, other than a violation of subsection (i)(5), may file a civil action for injunctive and declaratory relief, as well as compensatory damages against:

- i) Any governmental body that employs any law enforcement officer who has engaged, is engaging, or continues to engage in violations of any section of this ordinance; and
- ii) Any law enforcement officer who has engaged, is engaging, or continues to engage in knowing and willful violations of any section of this ordinance.

(3) Preservation of rights. This section shall be in addition to all rights, procedures, and remedies available under the United States Constitution, Section 1983 of Title 42 of the United States Code, the Constitution of the State of Rhode Island and all other federal law, state law, municipal law and all preexisting civil remedies, including monetary damages, created by statute, ordinance, regulation or common law.

(4) The chief of police shall prepare and make available on the city's website, as well as to the Providence External Review Authority, the City Council and the public, a quarterly report commencing with the city's fiscal year containing the following information:

- i) Compilation of the data collected pursuant to subsection (c)(1), providing at a minimum statistical descriptions of individuals stopped, results of the stop, analyzed by direct and cross-tabulation of race, ethnicity, gender, and age (as perceived by the officer initiating the stop).
- ii. Maps or other graphic representations providing approximate geographical locations of aggregate stops.

- iii. Complaints received by the Office of Professional Responsibility involving alleged violations of one or more provisions of this ordinance.
- iv. A summary of all pending civil and criminal litigation against the Providence Police Department or any of its employees, or the City of Providence, alleging violations of any provision of this ordinance.
- v. Copies of any new policies or revisions to existing policies enacted during the report period.

(5) The Providence External Review Authority, upon review of all data described in subsection (i)(5)(i), may recommend diversionary reinvestments that would, if implemented, reallocate City funding from the Police Department Budget as a whole, and from the funds specifically allocated to the office of Public Safety Commissioner, to municipal recreation, youth programming and employment opportunities.

- i) A written description of these recommendations shall be submitted to the Mayor and the City Council no later than the last day of January.
- ii) The Mayor and or the Public Safety Commissioner shall provide a written response to the recommendations no later than 20 days after receiving them.
- iii) The Finance Committee of the City Council, or any other Committee within the City Council most responsible for preparing a budget proposal to be considered by the Council as a whole, shall review and respond to the recommendations during its budget deliberations. It shall conduct a public hearing at which members of the public may present their responses to the recommendations. For any city Department potentially affected by a diversionary reinvestment, the Director or their designee must attend the public hearing described in this subsection.

(6) The Providence External Review Authority shall be authorized to review proposed labor agreements between the City of Providence and any labor union representing sworn officers employed by the City at the time tentative signed agreements are submitted to the City Council, and to make recommendations to either or both parties negotiating the labor contract.

(7) The Providence External Review Authority shall be specifically authorized to accept complaints relating to any violation of the Community Safety Act, as well as complaints about improper or inappropriate use of canines.

(j) No provision or violation of this ordinance shall be used as an independent basis to suppress evidence in a criminal proceeding.

(k) Appropriate funding shall be made available to implement the provisions of this chapter.

(l) Severability.

The provisions of this Ordinance shall be severable. If any phrase, clause, sentence or provision of this Ordinance is declared by a court of competent jurisdiction to be invalid, the validity of the remainder of the Ordinance and its applicability to any other agency, person or circumstances shall not be affected.

(m) No later than six (6) months from the Enactment of this Ordinance, the Commissioner of Public Safety and the Chairperson of PERA, shall issue to the City Council a report on the implementation of this Ordinance.

SECTION 2: This act shall take effect on January 1, 2018.

COUNCILMAN PRINCIPE Moves to Substitute the Ordinance, Seconded by COUNCILMAN HASSETT.

Read and Passed the Second Time, As Amended, On Motion of COUNCILMAN PRINCIPE, Seconded by COUNCILMAN HASSETT, by the Following Roll Call Vote:

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| RESULT: | READ/PASSED SECOND TIME [13 TO 1] |
| MOVER: | Councilman Principe |
| SECONDER: | Councilman Hassett |
| AYES: | Acting Council President Matos, Councilman Aponte, Councilwoman Castillo, Councilwoman Harris, Councilmen Hassett, Igliozzi, Jennings, Narducci, Principe, Councilwoman Ryan, Councilmen Salvatore, Yurdin and Zurier – 13. |
| NAYES: | Councilman Correia – 1. |

The Motion for Passage the Second Time is Sustained.

REPORT(S) FROM COMMITTEE(S)

COMMITTEE ON ORDINANCES COUNCILMAN TERRENCE M. HASSETT, Chairman

Transmits the Following with Recommendation the Same be Adopted, As Amended:

COUNCILMAN APONTE, (By Request):

An Ordinance in Amendment of Chapter 27 of the Code of Ordinances of the City of Providence, Entitled: "The City of Providence Zoning Ordinance", Approved November 24, 2014, As Amended, to Change Certain Text in Articles 2, 4, 5, 6, 9, 12, 13, 15, 17, 18, 19 and 20, and to Amend the Official Zoning Map.

COMMITTEE ON FINANCE COUNCILMAN JOHN J. IGLIOZZI, Chairman

Transmits the Following with Recommendation the Same be Adopted:

COUNCILMAN APONTE, (By Request):

An Ordinance Granting a Tax Exemption and Establishing a Tax Stabilization Plan for 68 Dorrance Street.

COUNCILMAN PRINCIPE Moves to Dispense with the Reading of the foregoing matters and Moves Passage of the Several Ordinances the First Time, Seconded by COUNCILMAN APONTE, by the following Roll Call Vote:

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| RESULT: | READ/PASSED FOR THE FIRST TIME [UNANIMOUS] |
| MOVER: | Councilman Principe |
| SECONDER: | Councilman Aponte |
| AYES: | Acting Council President Matos, Councilman Aponte, Councilwomen Castillo, Harris, Councilmen Hassett, Igliazzi, Jennings, Narducci, Principe, Councilwoman Ryan, Councilmen Salvatore, Yuridin and Zurier – 13. |
| ABSENT: | Councilman Correia – 1. |

The Motion for Passage the First Time is Sustained.

FROM THE CLERK'S DESK

Petitions for Compensation for Injuries and Damages, viz:

Anthony Costello
(Kenneth J. Amoriggi, Esquire)
NLC Insurance Companies
a/s/o Greenlight Properties LLC/Tina
Walker
Ben Tyler
Hailey Balletto
(John M. Verdecchia, Esquire)
Robert Fournier
Barbara Cournoyer
Amica
a/s/o Christopher Nelson
Coral D. Bishop
Janine Giordano
Wilber & Associates
a/s/o USAA/Alan J. Giraitis

Agnes T. Brady
Kimberly Grenier
Kelly Kittel
(Jimmy Burchfield, Jr., Esquire)
Bradley Maddox
Regina Hieap
Briana R. Attruia
(Robert D. Goldberg, Esquire)
Louis H. Lessard
Megan Bothelo
Verizon
Dianne Araby
Allstate
a/s/o Justin Rotkiewicz
Donna L. DiSanto

ACTING COUNCIL PRESIDENT MATOS Refers the Several Petitions to the Committee on Claims and Pending Suits.

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| RESULT: | REFERRED |
| TO: | Committee on Claims and Pending Suits |

COMMUNICATIONS AND REPORTS

Communication from Lori L. Hagen, City Clerk, dated May 19, 2017, Informing the Honorable Members of the City Council that pursuant to Section 601(b) of the Providence Home Rule Charter of 1980, Entitled: "Division of Archives and History", she is this day appointing Mr. Caleb Horton as City Archivist for a term to expire in January 2019.

Communication from Claudia J. Haugen, Chairperson, Board of Canvassers, dated May 23, 2017, submitting the official election calendar for the upcoming Special Election to fill the Third Ward vacant council seat.

Communication from Daniel E. Chaika, 68 Locust Street, Unit 8, Providence, Rhode Island 02906, submitting his resignation as a member of the Ethics Commission.

COUNCILMAN PRINCIPE Moves to Dispense with the Reading of the foregoing matters, Seconded by COUNCILWOMAN RYAN.

ACTING COUNCIL PRESIDENT MATOS Receives the Several Communications.

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| RESULT: RECEIVED |
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PRESENTATION OF RESOLUTIONS "IN CONGRATULATIONS"

ACTING COUNCIL PRESIDENT MATOS AND MEMBERS OF THE COUNCIL

Resolution Extending Congratulations.

RESOLVED, That the Members of the City Council hereby extend their Sincere
Congratulations to the following:

Tina Shepard, Director of Community Initiatives, in recognition of her Farewell Celebration from ONE Neighborhood Builders and her commitment and dedication to the Olneyville Community.

Joan Baccala, in recognition of the celebration of her retirement after many years of dedicated service to the Providence School Department.

Renee Bailey, in recognition of the celebration of her retirement after many years of dedicated service to the Providence School Department.

Virginia Bernal-Price, in recognition of the celebration of her retirement after many years of dedicated service to the Providence School Department.

Joseph Boateng, in recognition of the celebration of his retirement after many years of dedicated service to the Providence School Department.

Sharon Brown, in recognition of the celebration of her retirement after many years of dedicated service to the Providence School Department.

Kai Cameron, in recognition of the celebration of his retirement after many years of dedicated service to the Providence School Department.

Tracey Cardillo, in recognition of the celebration of her retirement after many years of dedicated service to the Providence School Department.

Janet Caretti, in recognition of the celebration of her retirement after many years of dedicated service to the Providence School Department.

Trudy Carman, in recognition of the celebration of her retirement after many years of dedicated service to the Providence School Department.

Brian Carn, in recognition of the celebration of his retirement after many years of dedicated service to the Providence School Department.

Jane Carr, in recognition of the celebration of her retirement after many years of dedicated service to the Providence School Department.

Anna Cruz-Velicer, in recognition of the celebration of her retirement after many years of dedicated service to the Providence School Department.

Susan Dean, in recognition of the celebration of her retirement after many years of dedicated service to the Providence School Department.

Susan Dillon, in recognition of the celebration of her retirement after many years of dedicated service to the Providence School Department.

Donna Duffy, in recognition of the celebration of her retirement after many years of dedicated service to the Providence School Department.

Joann DiSanto, in recognition of the celebration of her retirement after many years of dedicated service to the Providence School Department.

Ernestine Edson, in recognition of the celebration of her retirement after many years of dedicated service to the Providence School Department.

Gustavo Escajadillo, in recognition of the celebration of his retirement after many years of dedicated service to the Providence School Department.

Kathleen Mariano Fleenor, in recognition of the celebration of her retirement after many years of dedicated service to the Providence School Department.

Edgar Fuller, in recognition of the celebration of his retirement after many years of dedicated service to the Providence School Department.

Karen Gallagher, in recognition of the celebration of her retirement after many years of dedicated service to the Providence School Department.

Gail Hareld, in recognition of the celebration of her retirement after many years of dedicated service to the Providence School Department.

James Hynes, in recognition of the celebration of his retirement after many years of dedicated service to the Providence School Department.

Bassey Inyang, in recognition of the celebration of her retirement after many years of dedicated service to the Providence School Department.

David Jones, in recognition of the celebration of his retirement after many years of dedicated service to the Providence School Department.

Nehru King, in recognition of the celebration of his retirement after many years of dedicated service to the Providence School Department.

Nancy Krahe, in recognition of the celebration of her retirement after many years of dedicated service to the Providence School Department.

Robert Leblanc, in recognition of the celebration of his retirement after many years of dedicated service to the Providence School Department.

Marcia Lima, in recognition of the celebration of her retirement after many years of dedicated service to the Providence School Department.

Vickie Lowery, in recognition of the celebration of her retirement after many years of dedicated service to the Providence School Department.

Mary Mackillop, in recognition of the celebration of her retirement after many years of dedicated service to the Providence School Department.

Susan Mallozzi, in recognition of the celebration of her retirement after many years of dedicated service to the Providence School Department.

Perla McGuinness, in recognition of the celebration of her retirement after many years of dedicated service to the Providence School Department.

Betsy McNeil, in recognition of the celebration of her retirement after many years of dedicated service to the Providence School Department.

Andria Morenzi, in recognition of the celebration of her retirement after many years of dedicated service to the Providence School Department.

Karen Muir, in recognition of the celebration of her retirement after many years of dedicated service to the Providence School Department.

Linda Butera Noble, in recognition of the celebration of her retirement after many years of dedicated service to the Providence School Department.

Natividad Ortega, in recognition of the celebration of his retirement after many years of dedicated service to the Providence School Department.

Camille Pezzi, in recognition of the celebration of her retirement after many years of dedicated service to the Providence School Department.

Maureen Pinksaw, in recognition of the celebration of her retirement after many years of dedicated service to the Providence School Department.

Eve Piscione, in recognition of the celebration of her retirement after many years of dedicated service to the Providence School Department.

Kevin Raponi, in recognition of the celebration of his retirement after many years of dedicated service to the Providence School Department.

Reva Rebeiro, in recognition of the celebration of her retirement after many years of dedicated service to the Providence School Department.

Stephanie Rigney, in recognition of the celebration of her retirement after many years of dedicated service to the Providence School Department.

Noe Rodriguez, in recognition of the celebration of her retirement after many years of dedicated service to the Providence School Department.

Iona Patricia Rose, in recognition of the celebration of her retirement after many years of dedicated service to the Providence School Department.

Alissa Rossi, in recognition of the celebration of her retirement after many years of dedicated service to the Providence School Department.

Marianne Russo, in recognition of the celebration of her retirement after many years of dedicated service to the Providence School Department.

Margaret Sabo, in recognition of the celebration of her retirement after many years of dedicated service to the Providence School Department.

Winston Savice, in recognition of the celebration of his retirement after many years of dedicated service to the Providence School Department.

Naomi Schwartz, in recognition of the celebration of her retirement after many years of dedicated service to the Providence School Department.

Martha (Marty) Sprague, in recognition of the celebration of her retirement after many years of dedicated service to the Providence School Department.

Michelle St. Germaine, in recognition of the celebration of her retirement after many years of dedicated service to the Providence School Department.

Clarence Thomas, in recognition of the celebration of his retirement after many years of dedicated service to the Providence School Department.

Joanne Thomas, in recognition of the celebration of her retirement after many years of dedicated service to the Providence School Department.

David Valedofsky, in recognition of the celebration of his retirement after many years of dedicated service to the Providence School Department.

Rudolfo Vargas, in recognition of the celebration of his retirement after many years of dedicated service to the Providence School Department.

Rosa Velez, in recognition of the celebration of her retirement after many years of dedicated service to the Providence School Department.

Lyndsey Wells, in recognition of the celebration of her retirement after many years of dedicated service to the Providence School Department.

Barbara Witbeck, in recognition of the celebration of her retirement after many years of dedicated service to the Providence School Department.

David Anthony Zoglio, in recognition of the celebration of his retirement after many years of dedicated service to the Providence School Department.

Jane Murray, in recognition of the celebration of her retirement after many years of dedicated service to the Providence School Department.

Jean Pattek, in recognition of the celebration of her retirement after 24 years of dedicated service to the City of Providence.

Dan Baudouin, in recognition of the celebration of his retirement from the Providence Foundation and for his commitment and dedication to the City of Providence.

**Severally Read and Collectively Passed, on Motion of COUNCILMAN PRINCIPE,
Seconded by COUNCILWOMAN RYAN.**

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| RESULT: | READ AND PASSED [UNANIMOUS] |
| MOVER: | Councilman Principe |
| SECONDER: | Councilwoman Ryan |
| AYES: | Acting Council President Matos, Councilman Aponte, Councilwomen Castillo, Harris, Councilmen Hassett, Igliozi, Jennings, Narducci, Principe, Councilwoman Ryan, Councilmen Salvatore, Yurdin, Zurier – 13. |
| ABSENT: | Councilman Correia – 1. |

The Motion for Passage is Sustained.

PRESENTATION OF RESOLUTIONS "IN MEMORIAM"

ACTING COUNCIL PRESIDENT MATOS AND MEMBERS OF THE COUNCIL

Resolution Extending Sympathy.

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

Sincere Sympathy to the families of the following:

Jaheim Carter

Scott D. Grace

Gennaro Mastroianni

Dorothy Irene Graf

Severally Read and Collectively Passed, by a Unanimous Rising Vote, on Motion of COUNCILMAN PRINCIPE, Seconded by COUNCILWOMAN RYAN.

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| RESULT: | READ AND PASSED [UNANIMOUS] |
| MOVER: | Councilman Principe |
| SECONDER: | Councilwoman Ryan |
| AYES: | Acting Council President Matos, Councilman Aponte, Councilwomen Castillo, Harris, Councilmen Hassett, Igliozi, Jennings, Narducci, Principe, Councilwoman Ryan, Councilmen Salvatore, Yurdin, Zurier – 13. |
| ABSENT: | Councilman Correia – 1. |

The Motion for Passage is Sustained.

**MATTERS NOT APPEARING
ON THE PRINTED DOCKET**

On Motion of COUNCILMAN PRINCIPE, Seconded by COUNCILWOMAN RYAN, it is voted to Suspend Rule 16(b) of the Rules of the City Council in order to allow the introduction of the following Matters not Appearing on the Printed Docket.

PRESENTATION OF ORDINANCE

COUNCILMAN IGLIOZZI, (By Request):

An Ordinance in Amendment of Chapter 15 of the Code of Ordinances of the City of Providence, Entitled: "Motor Vehicles and Traffic," to Modify Certain Sections Regarding Article X thereof, Entitled: "Automated Red Light Enforcement".

ACTING COUNCIL PRESIDENT MATOS Refers the Ordinance to the Committee on Finance.

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| RESULT: | REFERRED |
| TO: | Committee on Finance |

PRESENTATION OF RESOLUTIONS

ACTING COUNCIL PRESIDENT MATOS

Resolution Establishing a Seven (7) Member Internal Team to coordinate the implementation of the Providence Community-Police Relations Act Ordinance.

COUNCILWOMEN RYAN, HARRIS, ACTING COUNCIL PRESIDENT MATOS

Resolution Amending the Collective Bargaining Agreement, Approved March 23, 2017, by and between the City of Providence and Lodge #3 Fraternal Order of Police, for the of July 1, 2015 through June 30, 2016 and July 1, 2016 through June 30, 2019, by adding Section 6 - "Professional Liability Insurance."

COUNCILMAN PRINCIPE Moves to Dispense with the Reading of the foregoing matters, Seconded by COUNCILWOMAN RYAN.

ACTING COUNCIL PRESIDENT MATOS Refers the Several Resolutions to the Committee on Ordinances.

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| RESULT: | REFERRED |
| TO: | Committee on Ordinances |

COUNCILWOMAN CASTILLO, ACTING COUNCIL PRESIDENT MATOS, COUNCILMAN APONTE

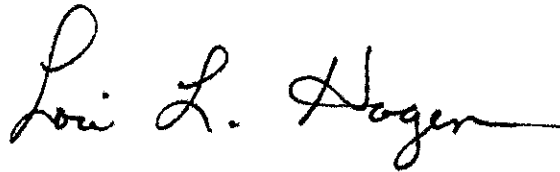
Resolution Requesting the Administration cease work on the F.C. Green Memorial Boulevard Project until a joint traffic impact study between Providence and Cranston is conducted and made available for review and comment.

ACTING COUNCIL PRESIDENT MATOS Refers the Resolution to the Committee on Public Works.

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| RESULT: | REFERRED |
| TO: | Committee on Public Works |

CONVENTION

There being no further business, on Motion of **COUNCILMAN PRINCIPE**, Seconded by **COUNCILWOMAN RYAN**, it is voted to adjourn at 7:30 o'clock P.M., to meet again **THURSDAY, JUNE 15, 2017 at 7:00 o'clock P.M.**

A handwritten signature in black ink, reading "Lori L. Hagen". The signature is fluid and cursive, with the first name "Lori" and last name "Hagen" clearly legible, and "L." as an initial.

**LORI L. HAGEN
CITY CLERK**