

CITY OF PROVIDENCE
RHODE ISLAND



CITY COUNCIL

JOURNAL OF PROCEEDINGS

No. 18 City Council Regular Meeting, Thursday, July 3, 2003, 7:30 o'clock P.M. (E.D.T.)

PRESIDING

COUNCIL PRESIDENT

JOHN J. LOMBARDI

ROLL CALL

IN CITY COUNCIL

DEC 4 2003

APPROVED:

[Signature] CLERK

Present: Council President Lombardi, Councilmen Aponte, Butler, DeLuca, Councilwoman DiRuzzo, Councilmen Igliozzi, Jackson, Luna, Mancini, Councilwoman Romano, Councilman Segal, Councilwomen Williams and Young—13.

Absent: Councilmen Allen and Hassett—2.

Also Present: Bruce D. Todesco, Deputy City Solicitor. Michael R. Clement, City Clerk, Claire E. Bestwick, First Deputy City Clerk, and Sheri A. Petronio, Assistant Clerk.

INVOCATION

The Invocation is given by COUNCILMAN
DAVID A. SEGAL.

PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA

COUNCILMAN PATRICK K. BUTLER
leads the members of the City Council and
the Assemblage in the Pledge of Allegiance
to the Flag of the United States of America.

ORDINANCES SECOND READING

The following Ordinances were in City
Council June 26, 2003, Read and Passed the
First Time and are severally returned for
Passage the Second Time:

An Ordinance Establishing a Tax Stabilization Plan and related Tax Stabilization Agreement for the GTECH Corporate Headquarters, As Amended.

Be It Ordained by the City of Providence:

Whereas, GTECH Corporation ("GTECH"), a corporation organized under the laws of the State of Delaware, and the Rhode Island Economic Development Corporation ("Corporation") a public instrumentality created

pursuant to Chapter 64 of Title 42 of the General Laws of Rhode Island, as amended (the "Act") entered into a Memorandum of Understanding dated April 9, 2003 ("Memorandum of Understanding") relating to the acquisition and leasing of certain real estate and the development and construction of an office building in the capital center district in the City of Providence (the "City"), together with all furnishings and computers, which is intended to be used as the GTECH Corporate Headquarters (the "Project"); and

Whereas, GTECH and the Rhode Island Lottery, an agency of the State of Rhode Island, entered into a Master Contract dated May 12, 2003 ("Master Contract") relating, in part, to the Project; and

Whereas, the City, the Corporation and GTECH wish to enter into a tax stabilization agreement with respect to the payment of all taxes or all payments in lieu of taxes now or hereafter levied by the City which relate to the Project substantially in the form attached hereto as Exhibit A (the "Tax Stabilization Agreement"); and

Whereas, the City has made and hereby reaffirms the following findings with respect to the Tax Stabilization Agreement:

(a) The Tax Stabilization Agreement is in the public interest as it induces GTECH to locate the Project in the City and the Project substantially increases the tax base of the City, provides significant new tax revenues to the City, creates substantial new employment opportunities for residents of the City and substantially enhances property values in the City as well as the overall economic climate of the City; and

(b) The Act provides that the City, the Corporation and GTECH may make an agreement with respect to all real and personal property taxes or payments in lieu of real and personal property taxes with respect to the Project; and

(c) The payments made pursuant to the Tax Stabilization Agreement are fair and equitable and acceptable to the City, GTECH and the Corporation.

Now, Therefore, Be It Ordained by the City Council of the City of Providence, Rhode Island, as follows:

Section 1. That the findings set forth in the preceding WHEREAS Clauses are hereby made and confirmed.

Section 2. That the execution, delivery and performance by the City of a Tax Stabilization Agreement with the Corporation and GTECH for a term ending on the twentieth anniversary of the completion of the Project, substantially in the form of the Tax Stabilization Agreement attached hereto as Exhibit A, are hereby authorized and approved subject to the following events:

(a) The Board of Directors of the Corporation adopting a resolution confirming the use of the tax exemption pursuant to the provisions of Chapter 42-64 of the R.I.G.L.; and

(b) The Tax Stabilization Agreement being executed by the Corporation and GTECH.

Section 3. This Ordinance shall take effect seven days after passage hereof.

The GTECH Building shall be strictly for the use of GTECH offices and utilized by GTECH, by whatever means they so wish, as provided by this Tax Stabilization agreement. GTECH shall not rent, lease or in any way allow another entity of any kind to use any space in the GTECH Building, for profit or not for profit except as provided by the rules and regulations of the Capital Center Commission because the Capital Center Commission does allow or actually require some retail space.

COUNCILMAN DeLUCA Moves to insert the foregoing amendment on page 13 and call it item 12-A.

There being no second, the Motion to Amend Fails.

An Ordinance Granting a Tax Exemption and Establishing a Tax Stabilization Plan for Masonic Hotel Developer, LLC on behalf of the Masonic Temple.

Be it ordained by the City of Providence:

Whereas, The City Council pursuant to the R.I. Gen. Laws section 44-3-9, as amended, has the authority to exempt real and personal property used for commercial purposes from the payment of property taxes, or to stabilize said taxes, if the granting of the exemption of stabilization plan inures to the benefit of the City by reason of the willingness of a commercial enterprise to locate in the City, by reason of physical improvements within the City which will result in long-term economic benefit, and/or by reason of the willingness of a commercial enterprise to construct new buildings or to replace, reconstruct, convert, expand, retain or remodel existing buildings, and

Whereas, The City Council, pursuant to R.I. Gen. Laws section 44-3-9, as amended, has the authority to exempt and/or stabilize said taxes for a term not to exceed twenty (20) years, and

Whereas, *Masonic Hotel Developer, LLC* (defined below as the "Project Owner") has made application under said Rhode Island General Laws and the applicable ordinances of the City of Providence, and has satisfied each condition of Ordinance Sec. 21-169, and

Whereas, There is a building located at 57 Park Street, mores specifically described as Assessor's Plat 4, Lot 174, Parcel 1 (see definition of "Project Site") 1A and 2, which is known as the "Masonic Temple" and

Whereas, The Masonic Temple is a 75-year old structure, whose construction was abandoned in 1929 and never completed, and

Whereas, The Masonic Temple is currently in a state of great disrepair having no roof, the elements having destroyed the structural system and the flooring of the building, and the facade, which has historical significance, being only salvageable through careful and extensive restoration, and

Whereas, The Masonic Temple is owned by the State of Rhode Island and is not generating and has not generated, any tax revenues for the City of Providence, and

Whereas, The Project Owner has evidenced the willingness to restore and reconstruct the Masonic Temple into a four star, 205,000 square foot, 256-room hotel featuring 13,000 square feet of meeting space, a bar, a restaurant and a fitness center (defined below as the "Project"), and

Whereas, Other entities in the recent past have proposed restoration plans for the Masonic Temple and those efforts have failed due to the extensive costs involved, and

Whereas, It is necessary to provide a tax exemption and stabilization plan to ensure the economic re-development of the Masonic Temple, and

Whereas, The Rhode Island Economic Development Corporation has undertaken an economic impact analysis which demonstrated the following:

- The resulting commercial enterprise will employ approximately 140 people with an estimated annual payroll of \$4 million, plus health insurance benefits.
- The Project will result in the creation of construction jobs with a payroll in excess of \$20 million.

- The expenditures by hotel guests in the City of Providence and the State of Rhode Island shall be in excess of \$20 million per year.

Whereas, It is in the interest of the residents of the City of Providence to grant a tax exemption and stabilization plan to induce the development, reconstruction and operation of the Project.

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) "Commencement Date" shall be upon passage of this Ordinance.

(b) "Personal Property" means any and all tangible personal property, including, but not limited to all fixtures, equipment, furnishings, vehicles and other personal property, now or hereafter located at the Project Site.

(c) "Project Owner" means the Masonic Hotel Developer, LLC or any successor hereunder which shall be deemed to be the Project Owner, developer and operator.

(d) "Project Site" means the property located at 57 Park Street and mores specifically described as Assessor's Plat 4, Lot 174, Parcel 1, 1A and 2, in the Land Evidence Records for the City of Providence. Parcel 1 is included but refers solely to a condominium unit in the subbasement of the Veteran's Memorial Auditorium which is to be deeded by the State as part of the Project to be utilized as the ballroom for the hotel.

(e) "Project Taxable Properties" means, collectively, the Project Site as proposed, the

Real Property Improvements, and the Personal Property, together constituting the Project.

(f) "Real Property Improvements" means all structures, buildings, renovations and improvements currently proposed to be located at the Project Site. Any material additional improvements excluding customary repairs and renovations, shall require a modification of this treaty.

(g) "Project" means the Project site, the Real Property Improvements, and Personal Property as identified herein.

(h) "Stabilized Assessment" means that set forth in the schedule attached hereto as Exhibit A.

(i) "Stabilized Rate" means that set forth in the schedule attached hereto as Exhibit A.

(j) "Stabilized Tax Payment" means, with respect to the Project Taxable Properties, the amounts listed in the schedule attached hereto as Exhibit A.

(k) "Termination Date" means December 31, 2025, in which Stabilized Tax Plan per the attached schedule terminates.

Section 3. Tax Stabilization. That the City, in accordance with the Laws of the State of Rhode Island and the Code of Ordinances for the City of Providence, is hereby authorized to grant the schedule for Stabilized Tax Payments as of December 31, 2005, up to and including December 31, 2025, to the Project Owner for the Project Site as provided in the above-mentioned Ordinance in accordance with the schedule attached hereto as Exhibit A.

Section 4. Term. The term of this agreement shall be for a period commencing on the date here and terminating on the termination date per the schedule attached hereto as Exhibit A.

Section 5. Transfers. As long as the Project Owner owns or operated the Project, it will continue to pay taxes in the Project Taxable Properties pursuant to this Ordinance. The Project Owner, its successors and assigns, agrees that the Project Taxable Properties will be subject to taxation beginning in 2006 pursuant to the terms of this Ordinance and then pursuant to Rhode Island law and the Ordinances of the City of Providence, upon the Termination Date. The Project Owner also agrees not to transfer the Project Site and/or Real Property Improvements to a tax exempt entity or to allow any transfer by any subsequent transferee to a tax-exempt entity during the Term set forth in Section 4. The Project Owner is also required as a condition precedent to this tax treaty to record notice of the requirement that the Project Site covered by this Ordinance be transferred only to a tax paying entity as long as this agreement is in effect, as set forth herein in the Land Evidence Records of the City of Providence. Notwithstanding anything to the contrary herein or in the tax treaty used in connection herewith, the provisions of this Section 4 shall continue to be given full force and effect until such time as the same shall be amended or terminated by majority vote of the City Council of Providence.

Section 5. Payment of Taxes. (a) The Project Owner shall make Stabilized Tax Payments to the City as prescribed in the schedule attached hereto as Exhibit A, in lieu of all other real property and personal property taxes and the City agrees to accept the Stabilized Tax Payments in lieu of such real property and personal property taxes on the Project Taxable Properties.

(b) Stabilized Tax Payments due to the City, pursuant to the terms of this agreement, 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 dated that quarterly taxes are due for all other taxpayers in the City.

(c) It is understood by the parties that Stabilized Tax Payments made hereunder are deemed by the City to be tax payments, and the Project Owner shall be entitled to all the rights and privileges of a taxpayer in the City.

(d) The liability for Stabilized Tax payments to and owing under this agreement shall constitute an obligation of the Project Owner, and the City shall be granted by the Project Owner a lien on the Project Taxable Properties, which lien shall be of the same priority and entitle the City to the same foreclosure remedy as the lien and foreclosure remedy provided under applicable laws and ordinances with respect to real and personal property taxes.

Section 6. Satisfaction of Obligations. The City agrees that so long as the Stabilized Tax Payments are made by the Project Owner in accordance with the terms of this agreement, the City shall, during the term of this agreement, accept said payments in full satisfaction of the obligations of the Project Owner as to the payment of any and all taxes and property assessments to the City which would otherwise be levied upon or with respect to the Project Taxable Properties, including future customary repairs and customary renovations of the Project and the Personal Property which may now exist or which may hereafter be placed or erected thereon or located thereat or used therein, but excluding beyond that contemplated in the definition of Project herein.

Section 7. Employment. It shall be the goal and the Project Owner shall use its best efforts to award Minority Business Enterprises as defined in Rhode Island General Laws, Section 37-14.1 ("MBE" Act") no less than 10% of the dollar value of the construction costs for Project construction (as determined in accordance with the rules and regulations promulgated pursuant

to the MBE Act). It shall be the goal of the Project Owner shall use its best efforts to award women business enterprises ("WBE") no less than 10% of the dollar value of the construction costs for the Project construction (as determined in accordance with Section 21-52 of the Code of Ordinance of the City of Providence). However, the Project Owner commits to the City of Providence to strive toward a goal of 20% MBE and 20% WBE. In order to do so, the Project Owner will look to the City of Providence MBE/WBE office to establish a list of qualified MBE and WBE companies. In addition, the Project Owner shall: (1) conduct job fairs in the City of Providence Ward No. 12, in order to maximize employment opportunities at the commercial enterprise for Providence residents living in the area most likely to immediately benefit from the resulting economic development; and (2) use its best efforts to purchase construction materials from Providence businesses.

Section 8. Basis of Calculation. The schedule listed below is based upon information provided to the Tax Assessor by the Project Owner including, but not limited to, estimated construction costs. In the event any of this information is inaccurate or proves to be erroneous, this treaty shall be modified to reflect the accurate information.

Section 9. Back Taxes. That the real property taxes payable to the City by the Project during the term of this Ordinance shall be based upon the stabilized real property tax rates set forth in Exhibit A. This treaty is further conditioned upon the Project Owner or subsequent Owner at all times owing no back taxes to the City of Providence or remaining current on a payment plan approved by the Tax Collector. Failure to make said timely payments may render this treaty null and void at the sole discretion of the City of Providence.

Section 10. Grant of Exemption. That the City, in accordance with the 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 an exemption from the assessed valuation for tax purposes as of December 31, 2005, up to and including December 31, 2025, to the Project Owner for the Project Site as provided in the above-mentioned Ordinance, in accordance with the schedule attached hereto as Exhibit A. Furthermore, the Project Taxable Properties are exempt from real and personal property taxes for the term of the Project construction and/or development which shall terminate no later than December 31, 2005, conditioned upon construction of the Project commencing on or before December 31, 2003.

Section 11. Traffic Protection and Control: The appropriate City departments shall:

- Reconfigure the traffic and parking patterns for Avenue of the Arts (Brownell Street), so that one (1) way traffic proceeds east from Park and Francis Streets and that parking and loading is restricted and reserved for Project use only along the entire frontage of Parcels 1A and 2;

- Dedicate Project parking and loading for Francis Street along the Project frontage;

- Order sidewalk and street closure of Brownell Street along Parcel 2 and 1A during Project construction; and

- Order sidewalk and parking lane closure along frontage on Francis and Brownell Streets during Project construction.

Section 12. Effective Date. This Ordinance shall take effect upon its passage.

Section 13. Applicable Law. This agreement shall be construed under the laws of the State of Rhode Island.

COUNCILMAN APONTE Moves to Dispense with the Reading of the foregoing matters and Moves Passage of the Several Ordinances the Second Time, seconded by COUNCILWOMAN WILLIAMS, by the following Roll Call Vote:

Ayes: Council President Lombardi, Councilmen Aponte, Butler, Councilwoman DiRuzzo, Councilmen Igliozi, Jackson, Luna, Mancini, Councilwoman

Romano, Councilman Segal, Councilwomen Williams and Young—12.

Nays: Councilman DeLuca—1.

Absent: Councilmen Allen and Hassett—2.

The motion for Passage of the Several Ordinances the Second Time is Sustained.

PRESENTATION OF RESOLUTIONS

COUNCIL PRESIDENT LOMBARDI, COUNCILMAN ALLEN, COUNCILMAN APONTE, COUNCILMAN BUTLER, COUNCILMAN DeLUCA, COUNCILWOMAN DIRUZZO, COUNCILMAN HASSETT, COUNCILMAN JACKSON, COUNCILMAN LUNA, COUNCILMAN MANCINI, COUNCILWOMAN ROMANO, COUNCILMAN SEGAL, COUNCILWOMAN WILLIAMS AND COUNCILWOMAN YOUNG:

Resolution Extending Sincere Best Wishes for a Happy Birthday to Councilman John J. Igliozi on July 8, 2003.

Resolved, That the Members of the Providence City Council hereby Extend Sincere Best Wishes for a Happy Birthday to Councilman John J. Igliozi on July 8, 2003.

COUNCIL PRESIDENT LOMBARDI, COUNCILMAN ALLEN, COUNCILMAN APONTE, COUNCILMAN BUTLER, COUNCILMAN DeLUCA, COUNCILWOMAN DIRUZZO, COUNCILMAN HASSETT, COUNCILMAN IGLIOZZI, COUNCILMAN LUNA, COUNCILMAN MANCINI, COUNCILWOMAN ROMANO, COUNCILMAN SEGAL, COUNCILWOMAN WILLIAMS AND COUNCILWOMAN YOUNG:

Resolution Extending Sincere Best Wishes for a Happy Birthday to Councilman Kevin Jackson on July 13, 2003.

Resolved, That the Members of the Providence City Council hereby Extend Sincere Best Wishes for a Happy Birthday to Councilman Kevin Jackson on July 13, 2003.

COUNCILMAN APONTE Moves to Dispense with the Reading of the foregoing matters and Moves Passage of the Several Resolutions, seconded by COUNCILWOMAN WILLIAMS.

The Motion for Passage is Sustained.

COUNCIL PRESIDENT LOMBARDI (By Request):

Resolution Requesting to abate the taxes on Assessor's Plat 033, Lot 0023 (14 Ring Street) in the amount of Two Thousand Eighty Five Dollars and Sixty Five Cents (\$2,085.65) and any interest accrued.

Resolution Requesting to abate the taxes on Assessor's Plat 033, Lot 0018 (61 Grove Street) in the amount of One Thousand Nine Hundred Fifty Four Dollars and Thirty One Cents (\$1,954.31) and any interest accrued.

COUNCILMAN APONTE Moves to Dispense with the Reading of the foregoing matters.

COUNCIL PRESIDENT LOMBARDI Refers the Several Resolutions to the Committee on Finance.

The motion to Refer is Sustained.

Resolution Requesting the Traffic Engineer to prohibit motor vehicle traffic along Union Street between Washington Street and Fountain Street on Friday, July 11, 2003, between the hours of 10:00 o'clock A.M. to

Monday, July 14, 2003 at 10:00 o'clock A.M., to accommodate the Annual Block Party and Fundraiser for the Providence Journal Summertime Fund.

Resolved, That the Traffic Engineer is requested to prohibit motor vehicle traffic along Union Street between Washington Street and Fountain Street on Friday, July 11, 2003, between the hours of 10:00 o'clock A.M. to Monday, July 14, 2003 at 10:00 o'clock A.M., to accommodate the Annual Block Party and Fundraiser for the Providence Journal Summertime Fund.

Resolution Requesting the Traffic Engineer to prohibit motor vehicle traffic along Union Street between Washington Street and Fountain Street on Tuesday, August 12, 2003, between the hours of 10:00 o'clock A.M. to Thursday, August 14, 2003 at 10:00 o'clock A.M., to accommodate Murphy's Deli & Bar Irish Night.

Resolved, That the Traffic Engineer is requested to prohibit motor vehicle traffic along Union Street between Washington Street and Fountain Street on Tuesday, August 12, 2003, between the hours of 10:00 o'clock A.M. to Thursday, August 14, 2003 at 10:00 o'clock A.M., to accommodate Murphy's Deli & Bar Irish Night.

Resolution Requesting the Traffic Engineer to prohibit motor vehicle traffic along Union Street between Washington Street and Fountain Street on Friday, September 19, 2003, between the hours of 10:00 o'clock A.M. to Monday, September 22, 2003 at 10:00 o'clock A.M., to accommodate the 3rd Annual German Oktoberfest Celebration.

Resolved, That the Traffic Engineer is requested to prohibit motor vehicle traffic along Union Street between Washington Street and Fountain Street on Friday, September 19, 2003, between the hours of 10:00 o'clock A.M. to Monday, September 22, 2003 at 10:00 o'clock A.M., to accommodate the 3rd Annual German Oktoberfest Celebration.

COUNCIL PRESIDENT LOMBARDI, COUNCILMAN ALLEN, COUNCILMAN APONTE, COUNCILMAN BUTLER, COUNCILMAN DeLUCA, COUNCILWOMAN DiRUZZO, COUNCILMAN HASSETT, COUNCILMAN IGLIOZZI, COUNCILMAN JACKSON, COUNCILMAN LUNA, COUNCILMAN MANCINI, COUNCILWOMAN ROMANO, COUNCILMAN SEGAL, COUNCILWOMAN WILLIAMS and COUNCILWOMAN YOUNG:

Resolution Requesting the Members of the Providence City Council to declare and establish an official Sister City Relationship between the City of Providence and the City of Kaohsiung, Taiwan.

Whereas, The Members of the City Council of Providence, Rhode Island desire to establish a Sister City Relationship between their city and the City of Kaohsiung, Taiwan; and

Whereas, The vision of an alliance with the City of Kaohsiung is to globalize partnership that will continue for many generations and foster numerous opportunities for educational, cultural, and economic exchanges; and

Whereas, The City of Kaohsiung is governed by the mayor-council structure which shares a common legislative, global, community and regional integration with the City of Providence; and

Whereas, Kaohsiung is a city of 1.5 million people, the second largest municipality in Taiwan; the largest harbor in Taiwan; the fifth largest container port in the world; rich in Chinese culture and tradition dating back 5,000 years; and

Whereas, Kaohsiung is the recreational and tourist center, also known as the "Marine Capital" and plays an important role in both the economic and industrial development in southern Taiwan; and

Whereas, The City of Kaohsiung has expressed a sincere interest to create a sister relationship with the City of Providence as part of their effort to exchange ideas and cultural activities, advance foreign language ability and encourage multi-national entrepreneurs to invest in their city; and

Now, Therefore, Be It Resolved, That the Members of the Providence City Council, Rhode Island, hereby declare and establish an official Sister City Relationship between the City of Providence and the City of Kaohsiung, and that upon passage this resolution be forwarded to the Taipei Economic and Cultural Office in Boston, Massachusetts, the principal representative office for Taiwan's government officials that bridges the New England region of the United States with the Republic of China on Taiwan.

**COUNCIL PRESIDENT LOMBARDI
RELINQUISHES THE CHAIR**

**ACTING COUNCIL PRESIDENT
PRO TEMPORE YOUNG
IN THE CHAIR**

**COUNCIL PRESIDENT LOMBARDI
RETURNS TO THE CHAIR**

PRESENTATION OF RESOLUTIONS

**COUNCILMAN APONTE Moves to
Dispense with the Reading of the forego-
ing matters and Moves Passage of the
Several Resolutions, seconded by COUN-
CILWOMAN WILLIAMS.**

The Motion for Passage is Sustained.

COUNCILMAN APONTE (By Request):

Resolution Requesting to abate the taxes on
Assessor's Plat 048, Lot 0630 (424 Prairie
Avenue) in the amount of Two Thousand Five
Hundred Eighty Seven Dollars and Eight
Cents (\$2,587.08) and any interest accrued.

Resolution Requesting to abate the taxes on
Assessor's Plat 048, Lot 0633 (438 Prairie
Avenue) in the amount of Three Thousand
One Hundred Forty Nine Dollars and Forty
Five Cents (\$3,149.45) and any interest
accrued.

**COUNCILMAN APONTE Moves to
Dispense with the Reading of the forego-
ing matters.**

**COUNCIL PRESIDENT LOMBARDI
Refers the Several Resolutions to the
Committee on Finance.**

The motion to Refer is Sustained.

COUNCIL PRESIDENT LOMBARDI, COUNCILMAN ALLEN, COUNCILMAN APONTE, COUNCILMAN BUTLER, COUNCILMAN DeLUCA, COUNCILWOMAN DIRUZZO, COUNCILMAN HASSETT, COUNCILMAN IGLIOZZI, COUNCILMAN JACKSON, COUNCILMAN LUNA, COUNCILMAN MANCINI, COUNCILWOMAN ROMANO, COUNCILMAN SEGAL, COUNCILWOMAN WILLIAMS and COUNCILWOMAN YOUNG:

Resolution Requesting the Members of the Providence City Council to declare and establish an official Sister City Relationship between the City of Providence and the City of Santo Domingo Distrito Nacional.

Whereas, The Members of the City Council of Providence, Rhode Island desire to establish a Sister City Relationship between their city and Santo Domingo Distrito Nacional, and

Whereas, Santo Domingo Distrito Nacional, a city of nearly 3 million, is the capital and economic and cultural center of the Dominican Republic, and the largest city in the Caribbean, and

Whereas, The City of Santo Domingo Distrito Nacional is honored with the distinction of being the first European settlement in the New World, established shortly after Christopher Columbus completed his historic journey in 1492, and has since been declared patrimony of humanity by the United Nations due to its rich history, architecture and cultural relevancy, and

Whereas, The City of Providence is home to more than thirty thousand Dominicans who work, study and live in our community, contributing in many ways to the cultural and economic development of our great city while maintaining significant ties to their homeland, and

Whereas, A Sister City Relationship will promote understanding between the people of both countries, facilitating and expanding upon the strong personal and economic ties that link both municipalities, and creating the opportunity for humanitarian and social exchanges in the Dominican Republic.

Now, Therefore, Be It Resolved, That His Honor the Mayor and the Members of the City Council of Providence, Rhode Island, hereby declare and establish an official Sister City Relationship between their City and the City of Santo Domingo Distrito Nacional.

COUNCILMAN HASSETT (By Request):

Resolution Requesting the Traffic Engineer to prohibit motor vehicle traffic along Smith Street between Chalkstone Avenue and Orms Street on Saturday, August 23, 2003 between the hours of 9:00 o'clock A.M. to 9:00 o'clock P.M., to accommodate the Annual "Smith Hill Jam" sponsored by the Capital City Centers.

Resolved, That the Traffic Engineer is requested to prohibit motor vehicle traffic along Smith Street between Chalkstone Avenue and Orms Street on Saturday, August 23, 2003 between the hours of 9:00 o'clock A.M. to 9:00 o'clock P.M., to accommodate the Annual "Smith Hill Jam" sponsored by the Capital City Centers.

COUNCILMAN APONTE Moves to Dispense with the Reading of the foregoing matters and Moves Passage of the Several Resolutions, seconded by COUNCILMAN WILLIAMS.

The Motion for Passage is Sustained.

COUNCILMAN LUNA (By Request):

Resolution Requesting the City Assessor to abate the lien on Assessor's Plat 49, Lot 408 (54 Laura Street), in the amount of Nine Thousand Four Hundred Forty Eight Dollars and Fifty Cents (\$9,448.50), at the request of the Elmwood Foundation.

COUNCIL PRESIDENT LOMBARDI Refers the Resolution to the Committee on Finance.

The motion to Refer is Sustained.

COUNCILMAN LUNA and COUNCILMAN APONTE (By Request):

Resolution Requesting the Traffic Engineer to designate a portion of Broad Street as the "Juan Pablo Duarte Boulevard" beginning north on Congress Avenue to south on Miller Avenue, beginning north on Massie Avenue to south on Porter Street.

COUNCIL PRESIDENT LOMBARDI Refers the Resolution to the Committee on Urban Redevelopment, Renewal and Planning.

The motion to Refer is Sustained.

COUNCILMAN SEGAL:

Resolution in Opposition to the USA Patriot Act.

COUNCIL PRESIDENT LOMBARDI Refers the Resolution to the Committee on Ordinances.

The motion to Refer is Sustained.

COUNCILMAN SEGAL, COUNCILMAN LUNA and COUNCILWOMAN WILLIAMS:

Resolution in Support of the burial of the transmission lines on Providence's Waterfront.

Whereas, The relocation of Route I-195 will cost on the order of \$450 million over the next decade; and

Whereas, Said relocation requires also that the overhead transmission lines on the Providence waterfront be moved; and

Whereas, The \$1.5 million dollars that would be required to finance the above-ground relocation of the transmission lines could be applied to their burial; and

Whereas, The burial of the wires can be financed with specialized funds, including money from RIDOT, state and city bond money, a negligible charge on electric bills, and perhaps federal appropriations, which would not otherwise be available to the city, and could not be used to address other social and economic concerns; and

Whereas, The presence of the overhead transmission lines detracts from the beauty of India Point Park and obstructs views of Narragansett Bay; and

Whereas, This water vista underscores Rhode Island's appeal to visitors which has produced a \$4.8 billion tourism industry that employs 65,000 Rhode Islanders; and

Whereas, Route 195's water view, the best from the state's interstate system, is seen by approximately 10 million travelers a year; and

Whereas, Rhode Island's official travel guide lists the Providence waterfront as the top attraction for visitors to the city; and

Whereas, A stated reason for moving Route I-195, rather than rebuilding it in place, is to encourage tourism along the waterfront; and

Whereas, The park is used by an estimated 75,000 people a year from throughout the city, state and region, representing the most diverse population of any city park; and

Whereas, The implementation of the India Point Park Master Plan will likely result in the extension of the riverwalk through the park, and many other improvements, increasing patronage thereof; and

Whereas, The new state-of-the-art playground in the park is packed with a diverse group and is located virtually in the shadow of the power lines; and

Whereas, City parks are "the primary green spaces of the majority of Americans," according to former Interior Secretary Bruce Babbitt; and

Whereas, Ten years ago the Children's Museum rejected the city's offer to relocate at India Point because of concerns about the possible adverse health effects of the electromagnetic field (EMF) produced by overhead transmission lines; and

Whereas, Narragansett Electric states that EMF levels at the new playground would be approximately 8.06 milliGauss, or double the 4 mG level at which epidemiology studies suggest "an association" between EMF and childhood leukemia, according to Narragansett Electric's summary of those studies; and

Whereas, The magnitude at ground-level of the EMF produced by the power lines would be negligible were the lines buried; and

Whereas, The burial of power lines would improve the city's attitude toward the waterfront, yielding further improvements, while allowing the wires to remain would reinforce the view of the shoreline as a backwater; and

Whereas, The people of Providence's First Ward, in which the power lines rest, are unified in their support of the burial of the wires, as are their elected representatives; and

Whereas, Burying the power lines has been supported in writing by Mayor Ciciline, the City Plan Commission, the Superintendent of the Parks Department, and 35 city and statewide organizations, including Brown, RISD, the Providence Tourism Council, the Providence Journal, and neighborhood organizations from different parts of the city such as Fox Point, College Hill, Summit, West Broadway, and South Providence; and

Whereas, The burial of the power lines would benefit the entire city, through increased tourism, economic development, and the beautification of a public greenspace frequented by residents city-wide; and

Whereas, The waterfront is the signature landscape of the Capital City of the Ocean State and a cornerstone of its economic future; and

Whereas, Other cities such as Chattanooga, TN, Annapolis, MD, Louisville, KY, and San Antonio, TX, has found that rigging their waterfronts of obtrusive power lines has reaped major economic benefits; and

Whereas, The Transportation Department's waterfront projects of building the new Route 195 bridge, a new pedestrian bridge, and a new linear park on the Washington Bridge will

significantly enhance the waterfront area, creating a continuous waterfront greenway from East Providence to Waterplace Park; and

Whereas, These waterfront improvements will create vantage points that will feature the power lines, making them far more prominent than they are now, if they are not buried; and

Whereas, If the powers lines are not buried today, they will remain a blight on Providence's cityscape for generations to come.

Now, Therefore, Be It Resolved, That the Providence City Council strongly supports efforts to bury the India Point Park transmission lines; and

Be It Further Resolved, That the Providence City Council urges the City Solicitor to join Attorney General Lynch in intervening with the Energy Facilities Siting Board and testifying in support of burying the wires at the Board's hearing; Urges Governor Carcieri to direct RIDOT Director Capaldi to contribute \$4.1 million to burying the wires and to direct Public Utilities Division Director Ahern to draw up plans for a small (on average, approx. 10 cents per month) charge on electricity bills statewide, raising \$2.5 million dollars and endorses, and urges the Mayor to endorse, the Providence Parks Department's applications for state bond funds to help pay for burial.

Read and Passed on Motion of COUNCILMAN APONTE, seconded by COUNCILWOMAN WILLIAMS.

The Motion for Passage is Sustained.

**COUNCILWOMAN WILLIAMS and
COUNCILWOMAN YOUNG (By Request):**

Resolution in Opposition of Federal Legislation
— S659 relating to "Protection of Lawful
Commerce in Arms Act".

**COUNCIL PRESIDENT LOMBARDI
Refers the Resolution to the Committee on
State Legislation.**

The motion to Refer is Sustained.

COUNCILWOMAN YOUNG (By Request):

Resolution Requesting the Chief Electrical
Inspector to cause the upgrade of street
lighting on Parkis Avenue to 27,500 lumen.

Resolved, That the Chief Electrical Inspector
is requested to cause the upgrade of street
lighting on Parkis Avenue to 27,500 lumen.

Read and Passed on Motion of COUNCILMAN APONTE, seconded by COUNCILWOMAN WILLIAMS.

The Motion for Passage is Sustained.

REPORTS FROM COMMITTEES

**COUNCILWOMAN JOSEPHINE DiRUZZO, Chairwoman
COMMITTEE ON CITY PROPERTY**

AND

**COUNCILMAN TERRENCE M. HASSETT, Chairman
COMMITTEE ON PUBLIC WORKS**

**Jointly transmit the following with
recommendation the same be Approved:**

Resolution Granting permission for an easement to install conduit for NEESCOM, a division of Narragansett Electric at various locations.

It Is Hereby Resolved, That His Honor, the Mayor, is authorized to grant a non-exclusive sub-surface easement below Dean and Carpenter Streets, along Dean Street to Broadway, to Bradford Street, and thence to West Exchange Street in the City of Providence to Parkside Utility Construction Corporation (Parkside). Said easement shall be granted specifically upon the following provisions:

1. Said easement shall be utilized only for the installation and maintenance of underground conduit to connect the Communications Building on West Exchange Street to the new Providence Public Safety Complex on Dean Street. Said easement shall not exceed the area of approximately four thousand square feet, as delineated on the accompanying map marked as Exhibit A.

2. Said easement shall be deemed to run with the land and shall operate against any successors in title and the easement or a memorandum of same shall be recorded in the

Office of Land Records for the City of Providence.

3. Any breakout necessary for installation and/or repair or replacement shall be resurfaced/rehabilitated to the approval of the Director of the Department of Public Works.

4. Any installation of utilities or utility lines shall be underground so as to preserve the public right-of-way.

5. Any installation of electrical mechanism shall be by the approval of the Department of Inspections & Standards.

6. Petitioner shall ascertain that construction results in no adverse impact on any existing utility company and shall ensure the continued integrity of those existing structures.

7. Parkside shall repave all excavated roadways in accordance with relevant ordinances, industry standards and to the reasonable satisfaction of the Director of Public Works, and Parkside, its successors and assigns, shall guarantee the fitness of said repairing and shall make, at its own cost, all necessary modifications, alterations and repairs to said repaving for a period of not fewer than five (5) years.

8. Such other terms and conditions as may be reflected in the record and minutes of the City Council Committee on Public Works and Public Property and/or as may be deemed appropriate by the Mayor or the Department of Law.

Read and Passed on motion of COUNCILMAN APONTE, seconded by COUNCILWOMAN WILLIAMS.

The Motion for Passage is Sustained.

**COUNCILWOMAN RITA M. WILLIAMS, Chairwoman
COMMITTEE ON ORDINANCES**

Transmits the following with recommendation the same be Severally Adopted, As Amended:

An Ordinance Amending Article I of Chapter 15 of the Code of Ordinances Entitled: "Motor Vehicles and Traffic". (Permits).

An Ordinance Amending Article I of Chapter 15 of the Code of Ordinances Entitled: "Motor Vehicles and Traffic". (Fines).

An Ordinance Amending Article I of Chapter 15 of the Code of Ordinances Entitled: "Motor Vehicles and Traffic". (Parking Meters).

Transmits the following with recommendation the same be Adopted:

An Ordinance in Amendment of Chapter 2002-8, Approved March 12, 2002 Entitled: "An Ordinance Amending Certain Sections of Article X of Chapter 21 of the Code of Ordinances Entitled: "Property Tax Classification for the City".

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

Ayes: Council President Lombardi, Councilmen Aponte, Butler, DeLuca, Councilwoman DiRuzzo, Councilmen Iglizzi, Jackson, Luna, Mancini, Councilwoman Romano, Councilman Segal, Councilwomen Williams and Young—13.

Nays: Councilman DeLuca, Councilwoman DiRuzzo and Councilman Luna request to be recorded as voting "NO" on "An Ordinance Amending Article I of

Chapter 15 of the Code of Ordinances Entitled: "Motor Vehicles and Traffic" (Parking Meters); Councilman DeLuca, Councilwoman DiRuzzo, Councilmen Luna and Segal request to be recorded as voting "NO" on "An Ordinance Amending Article I of Chapter 15 of the Code of Ordinances Entitled: "Motor Vehicles and Traffic" (Fines); Councilmen DeLuca and Luna request to be recorded as voting "NO" on "An Ordinance in Amendment of Chapter 2002-8, Approved March 12, 2002 Entitled: "An Ordinance Amending Certain Sections of Article X of Chapter 21 of the Code of Ordinances Entitled: "Property Tax Classification for the City".

Absent: Councilmen Allen and Hassett—2.

The motion for Passage the First Time is Sustained.

COMMUNICATION

Communication dated June 23, 2003, Informing the City Clerk that he is this day Authorizing the accounting firm of Mullen, Scorpio & Cerilli to assist the Study Commission on Tax Exempt Institutions in reviewing all relevant information associated with tax exempt property within the City of Providence

in an amount not to exceed Five Thousand Dollars (\$5,000.00).

COUNCILMAN APONTE Recives and Approves the foregoing Communication, seconded by **COUNCILWOMAN WILLIAMS**.

PERSONAL EXPRESSION

COUNCILWOMAN DIRUZZO Requests the Privilege of the floor to speak on a point of Personal Expression and states:

With regard to number twenty-seven where we have just passed An Ordinance in Amendment on the Motor Vehicles and increasing Traffic Fines and I think everyone in this room understands how I feel about this and I understand we have to increase fines, it's been a long time. However, with the list that we have here I want to express my displeasure with certain things. One, we're increasing parking in taxi stands, bus stops and tow zones and there is one more, the loading zones. Here we are fining people for parking in taxi stands when the taxi companies don't even pay us money to have that privilege to park their taxi's in our city and I'm hoping and I made this clear I think at the Ordinance Committee meetings that we need to review that. If they are going to have the privilege far greater than the people who live in this city or shop in this city or come to this city then I think that's a no-no. I think it is wrong and frankly the taxi companies are totally discourteous drivers on the streets. They don't allow people to cross the streets, they pass on the right, they speed in the city and have absolutely no consideration for people on the road. So I'm quite upset about that and here we are increasing tickets for people parking in taxi stands when we give the privilege of parking there, I can't believe it and the same goes for bus stops. If we are looking for money why don't we ask the bus company to pay permit fees or some kind of fee for having bus stops. For heaven sake you know I always support RIPTA and I think they do a fine job but I mean if most of their bus stops are on the corners where there are traffic lights and they impede the flow of traffic and they impede parking and here we are tagging people for parking in bus stops. The same goes for the tow zones and the same goes for the loading zones so as a result I voted no against this because you packaged it together and we really have to

give greater consideration to the citizens who live in the City of Providence. I have heard a lot of disconcerting comments about this ordinance when a lot of people are not coming into the city anymore and as I have been saying for five, six or ten years, every time we address this. We have to fix the parking problems in the city before we increase fines. You have a beautiful city here, it's not user friendly right now. We are asking people to come in here, spend time, go to our restaurants, shop, yet we don't encourage them to come here and have one parking space. Where are these free parking spaces, there are none people so as a result I think you are going to see fewer and fewer people coming into the city. We went through this before we bought this mall people and we are going through it again now. This is a turn around and I'm really not happy with it so those are my reasons and thank you Mr. President for the time.

COUNCILMAN LUNA Requests the Privilege of the floor to speak on a point of Personal Expression and states:

I have to agree with what you are saying and I would like to add also that there is no penalty for people to park on a Handicapped space, there is? Oh I didnt see it, I apologize for that. On item number twenty-six I would like to say that I consider this measurement as an anti-business proposition. I think that we should have looked at this more closely and there are other avenues to raise money like putting more parking meters and there are plenty of spaces to do it. You extend the hours of the parking meters and basically it is just making it harder for people to use the restaurants and to use the other spaces and I don't agree with that so I consider this particular ordinance as an anti-business proposition and that's why I voted against it.

COUNCIL PRESIDENT LOMBARDI RELINQUISHES THE CHAIR

ACTING COUNCIL PRESIDENT PRO TEMPORE YOUNG IN THE CHAIR

FROM THE CLERK'S DESK

Amendment from John J. Gelati, Acting City Assessor, No. 1G — Approved February 20, 2003.

ACTING COUNCIL PRESIDENT YOUNG Refers the Amendment to the Committee on Claims and Pending Suits.

The motion to Refer is Sustained.

Certificates from the City Collector, No. 49, Recommending the Cancellation of taxes for the years 1938 to 1958, pursuant to Section 44-7-14 of the General Laws of Rhode Island, 1956, as amended, as the same are determined to be uncollectable, in the amount of Eighty Five Thousand Two Hundred Sixty Dollars and Sixty Five Cents (\$85,260.65).

Petitions for Compensation for Injuries and Damages, viz:

Diego and Armando Antelo (Christopher E. Fay, Esquire)

AIG a/s/o Myra Scovner

Madeline Rodriguez (Christopher E. Fay, Esquire)

Elena Pisaturo

Rita E. Fish (Brian R. Cunha, Esquire)

Petition from Paul McCabe, 12 Allens Cove Road, Charlestown, RI 02813, requesting to abate the interest on Assessor's Plat 043, Lot 0023 (21 Madison Street), in a total amount of Fifteen Thousand Two Hundred Forty Seven Dollars and Six Cents (\$15,247.06).

ACTING COUNCIL PRESIDENT YOUNG Refers the Petition to the Committee on Finance.

The motion to Refer is Sustained.

Matthew Mutchelknaus (William J. Hunt, Esquire)

Anna M. Russo

Martin Soares

W. Curt LaFrance, Jr.

John Marcone (Peter P.D. Leach, Esquire & Jeffrey B. Pine, Esquire)

Martin Wolff

Michael J. Kelley (Rosina L. Hunt, Esquire)

Paulette Howard
William DeChristofaro (James V. Burchfield, Jr., Esquire)

COUNCILMAN APONTE Moves to Dispense with the Reading of the foregoing matters.

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

The motion to Refer is Sustained.

PERSONAL EXPRESSION

COUNCILMAN DeLUCA Requests the Privilege of the floor to speak on a point of Personal Expression and states:

All of us and everybody in the city is obligated to pay taxes, pay our fair share to support the city's bills. 99% of this City Council is Democrat. If you review who you Democrats gave tax breaks to as in the tax treaty's over

the last how many years you may have been around. You will find that 99 9/10 of them were millionaires and to give tax breaks to millionaires is what Republicans do and they have done it, that's a matter of fact. So perhaps I would ask you all to respectfully consider switching parties to better reflect your actions, thank you.

PRESENTATION OF CITATIONS

"In Congratulations"

COUNCIL PRESIDENT LOMBARDI and the MEMBERS of the CITY COUNCIL:

Citations Extending Congratulations.

Resolved, That the Members of the City Council extend their sincere congratulations to the following:

Amanda J. Lauro, in recognition of the celebration of her graduation from St. Mary Academy-Bay View, with honors from the Rhode Island Honors Society, Saturday, June 28, 2003.

Lic. Cesar Ceden, Dominican Republic Sports Secretary of State, for his participation in the Pan American Games, 2003.

Lic. Jorge Ramirez, Dominican Republic Sports Secretary of State, for his participation in the Pan American Games, 2003.

Vice-Admiral Victor Francisco Garcia Alecont, Director of Protocol and Torch Coordinator, for his participation in the Pan American Games, 2003.

Lic. Carlos Cochon, for his participation in the Pan American Games, 2003.

Felipe Payano, Mayor's Assistant Director of the Sports Council of the National District, for his participation in the Pan American Games, 2003.

Senor Roberto Salcedo, Honorable Mayor of Santo Domingo, Dominican Republic, for his participation in the Pan American Games, 2003.

Simeon Abad, Assistant Director of Protocol, for his participation in the Pan American Games, 2003.

Elvis Soto, Assistant Director of Protocol, for his participation in the Pan American Games, 2003.

Alexis Mendez, Dominican Republic Sports Representative in New England, for her participation in the Pan American Games, 2003.

Severally Read and Collectively Passed, on motion of COUNCILMAN APONTE, seconded by COUNCILWOMAN WILLIAMS.

The motion for Passage is Sustained.

PRESENTATION OF RESOLUTIONS

"In Memorium"

**COUNCIL PRESIDENT LOMBARDI and
the MEMBERS of the CITY COUNCIL:**

Resolutions Extending Sympathy.

Resolved, That the Members of the City Council extend their sincere sympathy to the families of the following:

Joseph A. O'Donnell, Jr.

Pauline L. Romano

Mary Civita Samatis

Mary Principe

Corinne "Katie" Grande

Domenic Cerullo

**Severally Read and Collectively Passed,
by a Unanimous Rising Vote, on motion of
COUNCILMAN APONTE, seconded by
COUNCILWOMAN WILLIAMS.**

The motion for Passage is Sustained.

MATTER NOT APPEARING ON THE PRINTED DOCKET

**On motion of COUNCILMAN APONTE,
seconded by COUNCILWOMAN WILLIAMS,
it is voted to Suspend Rule 16 of the Rules
of the City Council in order to allow the
introduction of the following matter not
appearing on the Printed Docket.**

PRESENTATION OF RESOLUTION

COUNCILMAN LUNA (By Request):

Resolution Requesting to abate the taxes on Assessor's Plat 52, Lot 205 (188 Adelaide Avenue), in the amount of Two Thousand Three Hundred Five Dollars and Seventy Eight Cents (\$2,305.78), and any interest accrued.

ACTING COUNCIL PRESIDENT
YOUNG Refers the Resolution to the
Committee on Finance.

The motion to Refer is Sustained.

ADJOURNMENT

There being no further business, on motion of COUNCILMAN APONTE, seconded by COUNCILWOMAN WILLIAMS, it is voted to adjourn at 8:30 o'clock P.M. (E.D.T.) to meet again on THURSDAY, AUGUST 7, 2003 at 7:30 o'clock P.M. (E.D.T.).

Michael R. Clement

City Clerk

