

CITY OF PROVIDENCE RHODE ISLAND



CITY COUNCIL JOURNAL OF PROCEEDINGS

No. 3 City Council Special Meeting, Tuesday, January 29, 2013, 5:30 o'clock P.M. (E.S.T.)

PRESIDING


**COUNCIL PRESIDENT
MICHAEL A. SOLOMON**

ROLL CALL

**PRESENT: COUNCIL PRESIDENT SOLOMON,
COUNCILMEN APONTE, CORREIA, IGLIOZZI, JACKSON,
JENNINGS, COUNCILWOMAN MATOS, COUNCILMEN
NARDUCCI, PRINCIPE, SALVATORE, SANCHEZ, YURDIN
and ZURIER – 13.**

**ABSENT: COUNCILWOMAN CASTILLO AND
COUNCILMAN HASSETT – 2.**

**ALSO PRESENT: Anna M. Stetson, City Clerk, Sheri A.
Petronio, Assistant Clerk and Jeffrey Padwa, City Solicitor.**

IN CITY COUNCIL
MAY 16 2013
APPROVED:

CLERK

INVOCATION

The Invocation is given by **COUNCILMAN NICHOLAS J. NARDUCCI, JR.**

"I would just like to take a moment to welcome all of our colleagues from the State House, both representatives and senators, my Council colleagues, our union members, our union leaders, our Police Department, our Fire Department and the rest of our friends here tonight. I would also like to welcome Governor Chafee into our chambers. With that, I just want to be brief and say that I think it's time we take a step back and remember the ones that are out there in the cold winter nights whether they're sleeping over heating drains, under trees or on park benches and think of what we can be doing for them that we're not doing for the homeless, the more unfortunate. So, with that I would just ask for a moment of silence for deep thoughts and maybe we can all realize how lucky we are some times as bad as our situations can be that they're pretty good compared to others. Again, I would like to thank the Lord. In the name of the Father, the Son and the Holy Spirit, Amen."

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

COUNCILMAN WILBUR W. JENNINGS, JR. Leads the Members of the City Council and the Assemblage in the Pledge of Allegiance to the Flag of the United States of America.

NATIONAL ANTHEM

KRYSTAL S. MORALES, 2ND GRADER, GEORGE J. WEST ELEMENTARY SCHOOL.

CALL FOR SPECIAL MEETING

COMMUNICATION FROM

COUNCIL PRESIDENT MICHAEL A. SOLOMON

Request filed with the City Clerk January 25, 2013, Requesting a Special Meeting of the City Council to be Called on the 29th day of January at 5:30 o'clock P.M., in the City Council Chamber, Third Floor, City Hall.

Anna M. Stetson
City Clerk
City Hall
Providence, RI 02903

Dear Ms. Stetson:

In accordance with the Provisions of Section 406 of the Providence Home Rule Charter of 1980 and Rule 3 of the Rules of the City Council, I am, this day, calling a Special Meeting of the City Council to be held on Tuesday, January 29, 2013 at 5:30 o'clock P.M., in the City Council Chamber, Third Floor, City Hall, for the purpose of acting upon the following:

STATE OF THE CITY ADDRESS PRESENTED BY MAYOR ANGEL TAVERAS.

Respectfully,



Council President Michael A. Solomon

Received.

WARRANT FOR SPECIAL MEETING

Warrant of the City Clerk to the City Sergeant with Return Certification that he has notified each Member of the City Council of the Special Meeting Called for the 29th day of January, 2013 at 5:30 o'clock P.M., in the City Council Chamber, Third Floor, City Hall.

DAVID TASSONI, CITY SERGEANT:

WHEREAS, Council President Michael A. Solomon, pursuant to Section 406 of the Providence Home Rule Charter of 1980 and Rule 3 of the Rules of the City Council, requested the City Clerk, in writing, to Call a Special Meeting of the City Council to be held on Tuesday, January 29, 2013 at 5:30 o'clock P.M., in the City Council Chamber, Third Floor, City Hall for the purpose of Enacting the following:

STATE OF THE CITY ADDRESS PRESENTED BY MAYOR ANGEL TAVERAS.

You are therefore, hereby commanded and required to summon each Member of the City Council to that Special Meeting, as Called.

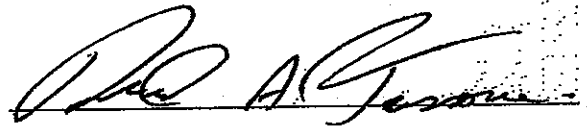
HEREOF, Fail Not, and make a true return of this Warrant, with your doings thereon.

Given under my Hand and the Official Seal of the City of Providence, State of Rhode Island and Providence Plantations this 25th day of January, 2013, A.D.


Anna M. Stetson
City Clerk

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS**THE CITY OF PROVIDENCE, Sc.****JANUARY 25, 2013**

I, **David Tassoni**, City Sergeant do hereby certify that I have notified each Member of the Special City Council Meeting to be held on Tuesday, January 29, 2013 at 5:30 o'clock P.M., in the Chamber of the City Council, Third Floor, City Hall, Providence, in accordance with the subject warrant by delivering to each member a copy thereof.



1-25-13

Date

Received.

AT EASE

COUNCILMAN YURDIN Moves to stand at ease, seconded by **COUNCILMAN NARDUCCI**.

COUNCIL PRESIDENT SOLOMON Declares the Council to stand at ease at 5:45 o'clock P.M. (E.S.T), to Reconvene at the call of the Chair and appoints **DAVID TASSONI**, **CITY SERGEANT**, **COUNCILMAN APONTE** and **COUNCILMAN JACKSON** to escort **HIS HONOR THE MAYOR ANGEL TAVERAS** to the Chamber of the City Council.

STATE OF THE CITY ADDRESS**PRESENTED BY****MAYOR ANGEL TAVERAS**

Mayor Angel Taveras 2013 State of the City Address
Providence Is Recovering
Tuesday, January 29, 2013 (as prepared for delivery)

Governor, Mr. President, honorable members of the Providence City Council, distinguished guests, and my fellow residents of our great Capital City-

One year ago I stood before you in this Chamber with an urgent message for our City and the entire State of Rhode Island. Providence was in peril. Despite many difficult decisions and painful sacrifices made to pull Providence back from the brink, we were still \$22 million short of closing of a \$110 million structural deficit.

Crucial steps necessary to navigate our City safely through our Category 5 fiscal hurricane had not yet come to pass. We still needed to reform our unsustainable pensions. And we needed Providence's large, tax-exempt institutions to contribute more.

As I stood before you on February 13, 2012, Providence was running out of cash, and running out of time. In the months that followed, there were some who said Providence could not avoid filing for bankruptcy.

BACK FROM THE BRINK

Today it is my privilege to deliver a much more hopeful report on the State of our City: Providence is recovering.

Through collaborative efforts and shared sacrifice, we have all but eliminated our City's \$110 million structural deficit, and we expect to end this year with a balanced budget. Working together, we have accomplished what few believed possible.

We were determined to address the root causes of Providence's fiscal emergency and prepared to act unilaterally if necessary. And we knew our City would never achieve a lasting recovery without addressing our unsustainable and spiraling pension costs.

In April, following months of actuarial analysis and public testimony, this City Council unanimously approved a pension reform ordinance that put Providence's pension system on a sustainable path.

We recognized that passing the ordinance would likely lead to a high-stakes lawsuit with no real winners - because a decision in favor of the status quo would push our City over the brink. However, faced with the challenge of negotiating pension changes with more than 2,000 retirees who were not represented by a single entity, we saw no alternative.

Fortunately, Superior Court Judge Sarah Taft-Carter ordered all parties into mediation, and an unlikely path to pension reform presented itself. Negotiations continued with our unions and our retirees, as we all committed to addressing Providence's challenges collaboratively and in a way that pulls us together instead of tearing us apart.

Last month, Providence's police officers - who serve and protect our City every single day and have not had a raise in six years - joined with Providence's firefighters and retirees in agreeing to a landmark reform of our City's pension system.

The agreement caps pensions, eliminates 5 and 6% compounded COLAs that were strangling our system, suspends all other cost of living raises and moves retirees over 65 into Medicare. It saves our pension system from eventual, inevitable insolvency, and reduces Providence's unfunded liability by an estimated \$200 million.

We owe deep thanks to our City workers from Laborers Local 1033, who were the first to agree to contract concessions to help our City, and then stepped up again to negotiate on pension reform. Thank you to Donald Iannazzi, Ron Coia, Vicki Virgilio and Local 1033.

Thank you to Providence's firefighters and to Paul Doughty, Phil Fiore and Local 799. Thank you to the Providence Police, and to Taft Manzotti, Clarence Gough and FOP Lodge 3. Thank you to Providence's teachers and to Steve Smith and the Providence Teachers Union.

We extend a very special thank you to our retirees, who served our City honorably and have been called upon to accept pension changes in their golden years to help save our City. And let us not forget Providence's homeowners and business owners for the sacrifices they have made.

I say it again. Providence is recovering.

Following our dire warnings a year ago that we would fall into the dark hole of insolvency without help from every stakeholder in our City, all of our major tax-exempt institutions joined us in pulling Providence back from the brink.

In a demonstration of leadership for which I will be forever grateful, Johnson & Wales University was the first to heed our call - committing to at least triple their contribution to Providence.

Brown University, a world-renowned institution and an engine of our City's economy, stepped forward with a commitment of \$31.5 million over 11 years.

The Rhode Island School of Design, recently named the best design school in the world, committed to more than double its annual contribution to our City.

And Providence College agreed to contribute an additional \$3.84 million in the coming decade.

For the first time in Providence's history, our three major health care institutions - Lifespan, Care New England and CharterCARE - agreed to contribute a combined \$1.15 million a year in addition to the millions of dollars in uncompensated care they already provide.

Collectively, Providence's major tax-exempt institutions have committed more than \$48 million in new contributions to our City over the next 11 years.

Thank you to Johnson & Wales, Brown, RISD, and Providence College. Thank you to Lifespan, Care New England and CharterCARE. On behalf of the residents of Providence and all of Rhode Island, thank you.

The General Assembly was critical in helping the City reach new agreements with our tax-exempt institutions. We owe a debt of gratitude to our legislative leaders, without whom Providence's recovery would not have been possible. Thank you to House Speaker Gordon Fox, Senate President Teresa Paiva Weed, Majority Leader Dominick Ruggerio, Majority Whip Maryellen Goodwin, Representative John Carnevale and the entire Providence delegation, along with legislators from across Rhode Island for believing in Providence and helping our Capital City.

And thank you, Governor Chafee, for advocating for cities and towns and for your commitment to Providence.

As a City and State we have demonstrated that even when the stakes are at their highest and the path forward is beset with obstacles, reasonable people can get things done when they are committed to working together. There's nothing we cannot accomplish when we are united.

ECONOMIC DEVELOPMENT

Today I ask you to keep standing with me as we continue moving Providence forward, from peril to recovery and boldly into a future of new opportunities and the promise of greater prosperity.

We have survived the worst of our fiscal storm, but we must remain vigilant. Just weeks ago, Moody's Investor Service said several years of year-end deficits have left our City "with little room for error in the event of future operating pressures."

Providence's reserve funds have been depleted, and we must manage our City's finances responsibly and transparently, and work to replenish our reserves and restore our credit ratings in the coming months and years.

At the same time, we must act with all urgency to build our City's economy, improve public education and public safety, and make our City healthier and more sustainable. We must address the devastating impacts of our nation's foreclosure crisis and the worst economic recession since the Great Depression.

As with the national recovery, Providence's recovery is slow. But we are headed in the right direction and there are clear signs of hope on the horizon. Though Providence's unemployment rate is still unacceptably high, today we have the most Providence residents working since June of 2008. Four years after the burst of the housing bubble, foreclosure filings are finally going down in our City.

Next month, we will release a comprehensive plan to accelerate Providence's positive momentum. I will have much more to say about economic development at that time, but there are a few strategies I will highlight here.

We must have a focused and coordinated approach to building on our assets. Our City is home to first-class research hospitals and universities and a developing Knowledge District. We have one of the largest industrial deep-water ports in the Northeast. We have one of most vibrant artistic communities in America. Small businesses act as anchors in every neighborhood of our City. Our young and diverse workforce is eager for training and opportunity.

We are already seeing signs of economic recovery. Projects representing tens of millions of dollars are underway in the heart of our Capital City, including the revival of the historic Arcade - America's first indoor mall - into a mixed-use development of retail shops and micro-lofts; a project transforming the former Providence Gas buildings into residences; Johnson & Wales University's construction of a new parking garage and physician assistant building; and the creation of six new retail shops on the ground floor of the Biltmore Garage on Washington Street.

Last Wednesday, I attended events to celebrate the opening of Andy, Jr.'s, an Italian restaurant in the heart of Providence's historic Federal Hill; Ellie's, a Parisian-style bakery that recently opened its doors at the Biltmore Garage; Ameriprise Financial's new offices downtown; Citizens Bank's grant to help revitalize our City's Olneyville neighborhood; and a topping-off ceremony for Brown University's new, state-of-the-art environmental research and teaching facility.

Providence is recovering.

EDUCATION

Plans to grow our economy can never be divorced from efforts to improve our schools, and we are working to provide every child in Providence with a first-class education.

There is much work to be done. Only 46 percent of Providence's fourth graders were reading on grade level last year. We have set an ambitious goal to have 70 percent of our students reading on grade level at the end of third grade in 2015. The ability to read on grade level is one of the greatest predictors of a student's future success. Up to third grade, children are learning to read. After third grade, they are reading to learn.

This fall, we launched Providence Reads - an initiative in partnership with more than a dozen businesses and organizations to increase grade-level reading, promote school readiness, improve school attendance and support summer learning in Providence.

GTECH and Walgreens are the lead sponsors of Providence Reads. Today, 160 volunteers are serving as mentors and helping students learn to read in Providence's schools. GTECH Senior Vice President Bob Vincent, Walgreens' Jane Foley and Todd Halliwell and other representatives from GTECH and Walgreens are here with us this evening. I ask you to please stand for a moment so we can thank you for your commitment to our City and our children.

Tonight, I invite all of you to join us in our effort to ensure that every child in Providence reads proficiently by the end of third grade. Any of you who are interested in becoming a Providence Reads volunteer should please contact the Mayor's Office.

It takes an entire community to transform public education. We are working closely with the Providence Children and Youth Cabinet, a diverse team of 130 community leaders helping to guide the future of education in our City. In October, the Children and Youth Cabinet released its 'Educate Providence: Action for Change' report, which provides baseline data and 11 indicators to measure our progress in educating children from cradle to career.

Our innovative idea to set low-income children on a path toward lifelong achievement by increasing the number of words they hear by their fourth birthday has been selected from more than 300 submissions across the country as a finalist in Bloomberg Philanthropies' Mayors Challenge. Bloomberg Philanthropies has also awarded our City a grant to launch Leyendo, an initiative to teach reading to students whose first language is not English.

Our public education efforts were also recognized last year with numerous awards and recognitions: the White House Office of Faith Based Initiatives, the National Civic League, America's Promise Alliance and the Annie E. Casey Foundation.

We are working to transform Providence into the best urban school district in America.

PUBLIC SAFETY

Public safety is a top priority for me as Mayor. One crime is too much crime, and the job of keeping our City safe never ends. Along with so many other cities across our nation, Providence has experienced far too much gun violence.

Most other categories of crime in our City went down last year or remain among the lowest they've been in many years. The Providence metropolitan region is ranked the No. 6 most peaceful area in the country by the Institute for Economics and Peace, using an index that measures homicides, violent crime, incarceration, the number of police and the availability of small arms.

We must credit the Providence Police, who put their lives at risk every day and who serve and protect our City with dedication and professionalism. To help our brave men and women on the front lines, this year we will use federal funds to conduct a Police Academy and hire a diverse class of up to 18 more officers. We are also conducting a Firefighter Academy and will hire up to 50 new firefighters, which will save the City up to \$1 million annually by bringing down overtime costs.

We are working to improve public safety in direct partnership with our City's residents and community leaders. Since last summer, we have been working with faith leaders to coordinate efforts in ex-offender re-entry programs and explore the creation of a Boston-style Ten Point Coalition in Providence.

We have more than tripled the number of Neighborhood Crime Watch groups in Providence to 15. And I am assisting a fundraising effort to support the Nonviolence Institute's work to prevent violence and bring peace to our streets.

The availability of summer jobs and recreational activities plays an important role in our public safety efforts. Last summer, the Providence Department of Parks and Recreation provided jobs to more than 700 teens in partnership with Workforce Solution and the Rhode Island Department of Labor and Training, and increased its sports and recreation programs across the City. We also worked with Project Night Vision and PASA to help them expand their summer programs.

Finally, I am committed to passing reasonable, common-sense gun control legislation this year that puts Rhode Island in line with our neighboring Massachusetts and Connecticut. I have reached out to every Mayor and municipal leader in Rhode Island to work together on this issue. As the leaders of our state's cities and towns, we will be most effective if we coordinate our local efforts and speak with one voice at the State House and in Washington, D.C.

CITY SERVICES

One of the most important things the City of Providence can do to help grow our local economy is to deliver the core functions of City government with excellence. Often, City employees - our neighbors, friends and family members - go above and beyond to render extraordinary service. I recently learned of one example that I would like to share with you.

On the Friday before Christmas, Joe Elliott and Bill Newell - inspectors in the Office of Inspections and Standards - learned that an elderly woman in our City was living without heat. Inspecting the property, they found out that the problem wasn't just a lack of oil or an unpaid gas bill, but that the woman's home required significant mechanical work that would cost thousands of dollars.

Mr. Elliott and Mr. Newell thought that without some kind of intervention, the City might need to condemn this woman's house and relocate her in order to prevent her from suffering. So they worked around the clock Friday, and kept working when they were off duty on Saturday and Sunday to make sure this resident's heating problem was fixed.

They coordinated with National Grid and with contractors who volunteered their time and expertise to have the heating problem fixed at no charge. They weren't being paid, and they weren't even asked to do it. They did it because it was the right thing to do for this woman and for our City.

Mr. Elliott and Mr. Newell are here with us tonight, and I'd like to ask them to stand for a moment so we can thank them for their service to our City.

These two gentlemen are not the exception. Our City employees do great work every day, and they are doing more with less. Today, the number of people who work for the City is at its lowest level in more than 10 years.

Good city services matter - along with running an open, accountable and transparent government. A couple of weeks ago, the Open Providence Commission - a panel of city employees, Providence residents and good-government experts chaired by Common Cause Rhode Island Executive Director John Marion - released their report on how our City government can better serve its residents. My administration will work with the City Council to implement their recommendations in the coming months to continue moving Providence forward.

More than a year ago, when we stepped in to save ProCAP from closing its doors due to flagrant mismanagement, I described the agency as an important part of Providence's human services safety net that deserved to be put on a path to recovery. Today, I'm very gratified that ProCAP has accomplished its reorganization and is once again providing vital services to our community under new management. Thank you, President Solomon, for your commitment to save ProCAP.

HOUSING AND INFRASTRUCTURE

One needs only to drive a few blocks to see the pressing need to address the continuing impacts of the foreclosure crisis in our neighborhoods. Together with the City Council, we have worked to implement new measures to protect our neighborhoods from the blight of abandoned and neglected properties.

Using these new tools, our Nuisance Task Force is successfully dealing with properties responsible for creating danger and fear on residential streets that children and hardworking families call home.

There is much work to be done to improve Providence's roads, and that is why we put a \$40 million roads bond on the ballot last year. The roads bond was overwhelmingly approved by voters in November, with 89.5% voting yes. That is a mandate, and we are moving forward to begin repaving more 62 miles of roadway in the coming months and years.

We will continue to remake our infrastructure for the 21st century with Phase III of the Downtown Providence Circulator Project, which will install decorative street lights and restore two-way travel to more streets, improving travel in the heart of our City.

And we worked in 2012 with Governor Chafee and our Congressional delegation to bring cargo cranes to the Port of Providence. That infrastructure investment will be a vital piece of the puzzle as we work to turn Providence's working waterfront into a hub of our state's economy.

Providence is recovering.

HEALTHY, SUSTAINABLE CITY

Together with our environmental community, we are taking bold steps to transform Providence into one of the greenest cities in the nation. The "Big Green Can" recycling program that we launched in the fall has already dramatically increased Providence's recycling rate from 15% to 25% - a 67% improvement. As a result, we expect to save \$250,000 this year.

This spring, our Lots of Hope initiative will begin converting vacant lots into urban gardens maintained by residents. We are also moving forward to implement a citywide biking plan and a pilot plan for composting across our City.

And, mark your calendars now, we are working to coordinate what we hope will be the largest volunteer, citywide cleanup that Providence has ever mobilized on Saturday, April 20. Please contact Our Office of Sustainability if you would like to participate in our citizens' effort to give Providence a spring cleaning worthy of Earth Day.

Last month, we won an important court victory against Big Tobacco when a judge ruled against the industry's attempt to block Providence's new ordinances that ban the sale of flavored tobacco products and store discounts aimed at children.

Thank you, Council President Solomon, Majority Leader Yurdin and members of this honorable City Council, for championing these ordinances that protect our children from the harmful effects of tobacco and the deceitful tactics of the tobacco industry. Thank you to City Solicitor Jeff Padwa, for your team's strong legal defense of these important measures. We hope our success inspires other communities to follow our lead and take a stand against Big Tobacco.

Our Office of Healthy Communities is not just protecting children and families from the harmful effects of tobacco. It is also promoting farmers markets across our City and pursuing policy initiatives to make healthy, affordable food available in every neighborhood of Providence. Healthy students make good students, and healthy residents make for a stronger City.

ARTS AND CULTURE

We are successfully attracting large conventions and events to Providence such as X-Factor, Netroots Nation, Alpha Kappa Alpha, and the Dunkin' Donuts AHL All-Star Classic that brought thousands of visitors into downtown Providence this weekend. Last summer, Providence's hotel occupancy rate reached its highest level since 2004.

At the same time, the economic activity generated by our thriving arts and culture community is having a big impact on our economy. WaterFire has established Providence as a global city, and in September I was excited to join with WaterFire's creator Barnaby Evans in bringing our signature event to Rome for the first large-scale lighting in Europe.

In the coming year, we will work with our partners at the Providence Warwick Convention & Visitors Bureau to promote our wonderful museums, restaurants, theaters and zoo. We will do a better job marketing our signature brands like WaterFire and the excellent First Works Festival that transformed Kennedy Plaza in September into an artistic and musical party the likes of which we have not experienced before in our City.

Thank you Senator Whitehouse and the rest of our Congressional delegation for securing the National Endowment for the Arts 'Our Town' grant that funded the FirstWorks festival. This grant is also supporting a planning effort to reconfigure Greater Kennedy Plaza - it is an exciting project that you will hear more about in the coming months.

Just last week, Rocco Landesman - who recently retired as the NEA's chairman - wrote that "some of the most rewarding places I visited during my term were places that are very engaged in the arts, that have a great arts infrastructure and commitment to the arts. Providence, Rhode Island, would probably be at the top of the list."

Our city has so much to offer and it is the reason that creative, entrepreneurial and visionary people see the promise in Providence.

PROVIDENCE'S RECOVERY

Almost two years ago, in my May 2011 budget address, I expressed my belief that together we would make history, saying: "As we move forward, let it be said of us that we came together and rose to the occasion. Let it be said that we set aside politics for the greater good. Let it be written that while others went into receivership, we solved our problems. Let it be written that while some looked to Providence's fiscal crisis and saw nothing but darkness and foreboding, we seized this opportunity to show that hard work and shared sacrifice brought about Providence's finest hour."

Governor, Mr. President, honorable members of the City Council, distinguished guests, and my fellow residents of our great Capital City - we *have* made history. And the nation is taking notice.

The pension protection ordinance that this Council approved has been cited by the Wall Street Journal. Moody's called our pension reform agreement, "a precedent other struggling Rhode Island cities and towns can follow." And Governing magazine recently wrote that Providence "has become a leader among the many state and local governments that have acted recently to make their retirement systems more sustainable."

Make no mistake; we expect to face challenges in the months ahead. But every day, I am reminded that Providence is truly the beating heart of our state.

Despite the crisis that has battered our Capital City these past two years, our colleges and universities continue to attract talented and entrepreneurial people from every corner of the world. The caliber of our restaurants, theaters and hotels has earned Providence a national reputation as the Creative Capital.

The state of our City is getting stronger. Providence is recovering.

Tonight, I ask you to envision a Providence in which jobs are plentiful on a path of grassy land leading through the heart of our City where a highway once stood; a City where crime is low, our schools teach with excellence and our diverse neighborhoods share an exceptionally high quality of life; a City known across our nation for its strong infrastructure and efficient public transit, its network of urban farms and its commitment to sustainable and healthy living.

We have laid the foundation to make this a reality. The promise of a new era of vitality and prosperity in our Capital City is within our reach.

On behalf of everyone who has worked so hard and sacrificed so much for the City we love, it is my pleasure to extend a heartfelt invitation to our neighbors throughout Rhode Island and across New England and our nation-

We invite you to be part of Providence's comeback story.



Angel Taveras


Mayor of Providence

RECONVENTION

COUNCILMAN YURDIN Reconvenes the City Council at 7:20 o'clock P.M. (E.S.T.), seconded by COUNCILMAN JENNINGS.

ADJOURNMENT

There being no further business, on Motion of COUNCILMAN YURDIN, seconded by COUNCILMAN JENNINGS, it is voted to adjourn at 7:21 o'clock P.M. (E.S.T.), to meet again WEDNESDAY, FEBRUARY 13, 2013 at 7:00 o'clock P.M. (E.S.T.)



Anna M. Stetson
City Clerk

CITY OF PROVIDENCE RHODE ISLAND



CITY COUNCIL JOURNAL OF PROCEEDINGS

No. 4 City Council Regular Meeting, Wednesday, February 13, 2013, 7:00 o'clock P.M. (E.S.T.)

PRESIDING

**COUNCIL PRESIDENT
MICHAEL A. SOLOMON**

ROLL CALL

**PRESENT: COUNCIL PRESIDENT SOLOMON,
COUNCILMEN APONTE, CORREIA, HASSETT, IGLIOZZI,
JACKSON, JENNINGS, COUNCILWOMAN MATOS,
COUNCILMEN PRINCIPE, SALVATORE, SANCHEZ,
YURDIN and ZURIER – 13.**

**ABSENT: COUNCILWOMAN CASTILLO and
COUNCILMAN NARDUCCI – 2.**

**ALSO PRESENT: Anna M. Stetson, City Clerk, Lori L. Hagen,
Second Deputy City Clerk, Sheri A. Petronio, Assistant Clerk and
Jeffrey Padwa, City Solicitor.**

**IN CITY COUNCIL
MAY 16 2013**

APPROVED:

[Signature] **CLERK**

INVOCATION

The Invocation is given by **COUNCILMAN JACKSON**.

"Lord watch over this City Council tonight as we deliberate for the needs and concerns of the citizens of Providence and also pray that everybody's electricity comes back from the enormous storm that hit the State of Rhode Island. Amen."

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

COUNCILMAN MICHAEL J. CORREIA Leads the Members of the City Council and the Assemblage in the Pledge of Allegiance to the Flag of the United States of America.

APPOINTMENTS BY HIS HONOR THE MAYOR

Communication dated January 17, 2013, Informing the Honorable Members of the City Council that pursuant to Sections 302(b) and 1013 of the Providence Home Rule Charter of 1980, as amended and Public Law, Chapter 45-50, Sections 1 through 31 passed in 1987, he is this day appointing Victor Capellan of 125 Carr Street, Providence, Rhode Island 02905, as a General Citizenry category member of the City Plan Commission for a term to end January 31, 2018, and respectfully submits the same for your approval. (Mr. Capellan will fill the vacancy left by Andrew Cortes who has resigned)

Communication dated January 16, 2013, Informing the Honorable Members of the City Council that pursuant to Sections 302(b) and 1102 of the Providence Home Rule Charter of 1980, as amended and Public Law, Chapter 45-50, Sections 1 through 31 passed in 1987, he is this day appointing Juan M. Pichardo of 229 Atlantic Avenue, Providence, Rhode Island 02907, as a member of the Board of Licenses for a term ending on January 31, 2016, and respectfully submits the same for your approval. (Mr. Pichardo will replace Arys Batista who has resigned)

Communication dated January 16, 2013, Informing the Honorable Members of the City Council that pursuant to Sections 302(b) and 1103 of the Providence Home Rule Charter of 1980, as amended and Public Law, Chapter 45-50, Sections 1 through 31 passed in 1987, he is this day re-appointing Cesar A. Teo of 44 Parnell Street, Providence, Rhode Island 02909, as a member of the Human Relations Commission for a term to end January 31, 2016, and respectfully submits the same for your approval.

Communication dated February 4, 2013, Informing the Honorable Members of the City Council that pursuant to Sections 302(b) and 1001 of the Providence Home Rule Charter of 1980, as amended and Public Law, Chapter 45-50, Sections 1 through 31 passed in 1987, he is this day appointing Ruben Flores-Marzan of 255 Promenade Street, Apartment 517, Providence, Rhode Island 02908, as Director of Planning and Development for the City of Providence, and respectfully submits the same for your approval.

COUNCILMAN YURDIN Moves to Dispense with the reading of the foregoing matters, seconded by **COUNCILMAN JENNINGS**.

COUNCIL PRESIDENT SOLOMON Refers the Several Communications to the Special Committee on Ways and Means.

PRESENTATION OF ORDINANCES

COUNCILMAN CORREIA:

An Ordinance Amending Chapter 3, "Advertising," Section 3-6, "Penalties."

COUNCILMAN YURDIN:

An Ordinance in Amendment of Chapter 14, "Licenses," of the Code of Ordinances of the City of Providence, Article X, "Shows and Amusements."

COUNCILMAN YURDIN Moves to Dispense with the reading of the foregoing matters, seconded by COUNCILMAN JENNINGS.

COUNCIL PRESIDENT SOLOMON Refers the Several Ordinances to the Committee on Ordinances.

COUNCILMAN ZURIER:

An Ordinance Reforming property tax exemptions to encourage compliance with state law concerning automobile registration.

COUNCIL PRESIDENT SOLOMON Refers the Ordinance to the Special Committee on Ways and Means.

PRESENTATION OF RESOLUTIONS

COUNCIL PRESIDENT SOLOMON (By Request):

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

Providence After School Alliance	\$300,000.00
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Resolution Authorizing Approval of the following sole source contract award by the Board of Contract and Supply, in accordance with Section 21-26 of the Code of Ordinances.

Providence After School Alliance	\$15,000.00
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Resolution Authorizing Approval of the following sole source contract award by the Board of Contract and Supply, in accordance with Section 21-26 of the Code of Ordinances.

Providence After School Alliance	\$7,500.00
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Resolution Authorizing Approval of the following sole source contract award by the Board of Contract and Supply, in accordance with Section 21-26 of the Code of Ordinances.

Providence After School Alliance	\$315,549.00
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COUNCILMAN YURDIN Moves to Dispense with the reading of the foregoing matters, seconded by COUNCILMAN JENNINGS.

COUNCIL PRESIDENT SOLOMON Refers the Several Resolutions to the Special Committee on Education.

COUNCIL PRESIDENT SOLOMON:

Resolution Authorizing the transfer of certain real estate sale proceeds from Account Fund 656 (Real Estate Sales Account), to the city's General Fund Account.

COUNCIL PRESIDENT SOLOMON Refers the Resolution to the Special Committee on Ways and Means.

COUNCILWOMAN CASTILLO:

Resolution Requesting the Tax Assessor to apply the Homestead Exemption to the property located on Assessor's Plat 53, Lot 392 (64 Atlantic Avenue), for the year 2012.

COUNCIL PRESIDENT SOLOMON Refers the Resolution to the Special Committee on Ways and Means.

COUNCILMAN CORREIA:

Resolution Requesting the Director of Inspection and Standards to secure the property located at 56 Parnell Street.

RESOVLED, That the Director of Inspection and Standards is requested to secure the property located at 56 Parnell Street.

Resolution Requesting the Director of Inspection and Standards to secure the property located at 105 Unit Street.

RESOVLED, That the Director of Inspection and Standards is requested to secure the property located at 105 Unit Street.

Resolution Requesting the Acting Director of Public Works to cause the Clean and Lien of the property located at 59 Parnell Street.

RESOLVED, That the Acting Director of Public Works is requested to cause the Clean and Lien of the property located at 59 Parnell Street.

Resolution Requesting the Acting Director of Public Works to cause the removal of the basketball stand from the sidewalk located at 22 Wisdom Avenue.

RESOLVED, That the Acting Director of Public Works is requested to cause the removal of the basketball stand from the sidewalk located at 22 Wisdom Avenue.

Resolution Requesting the Acting Director of Public Works to cause the removal of the basketball stand from the sidewalk located at 51 Rushmore Avenue.

RESOLVED, That the Acting Director of Public Works is requested to cause the removal of the basketball stand from the sidewalk located at 51 Rushmore Avenue.

Resolution Requesting the Acting Director of Public Works to cause the repair of the street located in the area of 158 Rushmore Avenue.

RESOLVED, That the Acting Director of Public Works is requested to cause the repair of the street located in the area of 158 Rushmore Avenue.

Resolution Requesting the Traffic Engineer to cause the replacement of the faded "No Parking School Days" Signs located at 145 Beaufort Street (George J. West Elementary School).

RESOLVED, That the Traffic Engineer is requested to cause the replacement of the faded "No Parking School Days" Signs located at 145 Beaufort Street (George J. West Elementary School).

Resolution Requesting the Traffic Engineer to cause the replacement of the faded "No Parking Anytime" Sign located at 72 Wealth Avenue.

RESOLVED, That the Traffic Engineer is requested to cause the replacement of the faded "No Parking Anytime" Sign located at 72 Wealth Avenue.

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

The Motion for Passage of the Several Resolutions is Sustained.

Resolution Requesting the Committee on Ordinances to amend the Abandoned Vehicle Ordinance to allow an owner occupied homeowner to keep one unregistered vehicle on property.

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

COUNCILMAN HASSETT:

Resolution Extending Sincere Congratulations to Steven John Mercurio, Jr. and Kattia Albuja Herrera upon their marriage on January 13, 2013.

RESOLVED, That the Members of the Providence City Council hereby Extend Sincere Congratulations to Steven John Mercurio, Jr. and Kattia Albuja Herrera upon the special ceremony in creating their marriage on January 13, 2013. On behalf of the Providence City Council an the citizens of our city, We share this very special time with you and present our best wishes for your future as husband and wife.

Read and Passed, on Motion of COUNCILMAN YURDIN, seconded by COUNCILMAN JENNINGS.

The Motion for Passage is Sustained.

COUNCILMAN HASSETT, COUNCIL PRESIDENT SOLOMON, COUNCILMAN APONTE, COUNCILWOMAN CASTILLO, COUNCILMEN CORREIA, IGLIOZZI, JACKSON, JENNINGS, COUNCILWOMAN MATOS, COUNCILMEN NARDUCCI, PRINCIPE, SALVATORE, SANCHEZ, YURDIN and ZURIER:

Resolution Extending Sincere Congratulations to Murphy's Deli & Bar located at 100 Fountain Street, in our capital City of Providence, for its outstanding great food and service to thousands every year since 1929.

RESOLVED, That the Providence City Council hereby extends Sincere Congratulations and thanks to Murphy's Deli & Bar located at 100 Fountain Street in our downtown of our capital City of Providence for it's outstanding great food and service to thousands every year since 1929;

RESOLVED, That through the years Murphy's Deli & Bar has endured the Great Depression and over 84 later continues the practice of greatness in a famous business ever since, without interruption. Founded by the late Joseph Murphy, Murphy's opened during the beginning of the Great Depression and has continued on to this day.

NOW, THEREFORE, BE IT RESOLVED, That in recognition of this great achievement, the Providence City Council extends it's sincere best wishes to everyone who has made such a lasting and traditional Irish establishment continue on with great food and service for so many of our friends and neighbors in Rhode Island.

BE IT FURTHER RESOLVED, That as Murphy's continues to welcome us and serve us so well, we offer our deep thanks and best wishes to everyone at Murphy's Deli & Bar.

Read and Passed, on Motion of COUNCILMAN YURDIN, seconded by COUNCILMAN JENNINGS.

The Motion for Passage is Sustained.

COUNCILMAN IGLIOZZI:

Resolution Authorizing His Honor the Mayor to execute a lease agreement for the Oliver Hazard Perry School, with Achievement First Rhode Island for an initial term of twenty years at an annual rental of \$1.00 and with any other such terms and conditions as may be imposed by the Committee on City Property, the City Council, His Honor the Mayor, and the City Solicitor.

COUNCIL PRESIDENT SOLOMON Refers the Resolution to the Committee on City Property.

PERSONAL EXPRESSION

COUNCILMAN APONTE Request the privilege of the floor to speak on a Point of Personal Expression and states:

"I wanted to take a moment to wish the Councilwoman from the 15th Ward a very Happy Birthday. She has a effort in her commitment to her community and to her public service. She is here on a night where she should be home with her family. So, I wanted to take a moment and acknowledge that and wish here a Happy Birthday."

COUNCILMEN IGLIOZZI, APONTE, COUNCILWOMAN CASTILLO, COUNCILMEN CORREIA, HASSETT, JACKSON, JENNINGS, NARDUCCI, PRINCIPE, SANCHEZ, COUNCIL PRESIDENT SOLOMON, COUNCILWOMAN MATOS, COUNCILMEN SALVATORE, YURDIN and ZURIER:

Resolution Urging the United States Congress to pass Immigration Reform Legislation.

WHEREAS, The President of the United States during his Inaugural Address, and in several speeches in recent weeks, has highlighted immigration reform as one of the top policy imperatives for the country, calling for "common-sense comprehensive immigration reform"; and

WHEREAS, The President has called upon the members of Congress to act in the coming months to submit a bipartisan immigration reform bill that will create a pathway to citizenship for documented and undocumented immigrants living in the United States; and

WHEREAS, The United States of America is a nation made up of immigrants from all parts of the world, who come here to pursue freedom, opportunity, and well-being for themselves and their families; and

WHEREAS, Immigration law and the need to restructure immigration policy has been at the center of much debate, division, and uncertainty for many years; and

WHEREAS, Many lawmakers and members of the public recognize the need for comprehensive, fair immigration reform to move forward, for the benefit of the entire nation, without further delay.

NOW, THEREFORE, BE IT RESOLVED, That the City Council of the City of Providence does hereby urge the United States Congress to work together across partisan lines to adopt reasonable and responsible immigration reform legislation that will help create a path toward citizenship for those immigrants living here without citizen status.

BE IT FURTHER RESOLVED, That upon passage, a certified copy of this resolution be sent to President Barack H. Obama, and the Rhode Island Congressional Delegation, including Senator Jack Reed, Senator Sheldon Whitehouse, Representative David N. Cicilline, and Representative James R. Langevin.

COUNCILMAN PRINCIPE Moves to Amend the Resolution, second paragraph to add "documented and" undocumented immigrants living in the United States, seconded by COUNCILMAN HASSETT.

COUNCILMAN YURDIN Moves Passages of the Resolution, As Amended, seconded by COUNCILMAN IGLIOZZI.

COUNCILMAN IGLIOZZI:

Resolution Requesting the Chief Electrical Inspector to cause the inspection of Legion Memorial Drive for the purpose of requesting National Grid to install four light poles/lights from pole number 4 westward on Legion Memorial Drive.

COUNCIL PRESIDENT SOLOMON Refers the Resolution to the Committee on Public Works.

COUNCILMAN JACKSON:

Resolution Requesting the Tax Assessor to apply the Homestead Exemption to the property located on Assessor's Plat 93, Lot 12 (98 Lorimer Avenue), for the year 2012.

COUNCIL PRESIDENT SOLOMON Refers the Resolution to the Special Committee on Ways and Means.

COUNCILMAN NARDUCCI:

Resolution Requesting Terminal Road be re-named "Adoption Way."

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

COUNCILMAN NARDUCCI and COUNCILMAN YURDIN:

Resolution Urging the General Assembly to approve an amendment to state law to prohibit admittance of patrons under 21 at Class N Licensed Establishments.

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

COUNCILMAN YURDIN, COUNCIL PRESIDENT SOLOMON, COUNCILMAN APONTE, COUNCILWOMAN CASTILLO, COUNCILMEN CORREIA, HASSETT, IGLIOZZI, JACKSON, JENNINGS, COUNCILWOMAN MATOS, COUNCILMEN NARDUCCI, PRINCIPE, SALVATORE, SANCHEZ and ZURIER:

Resolution Endorsing and Urging Passage by the General Assembly of House Bill 2013 – H 5072 – An Act Relating to Elections – Conduct of Elections. (Master Lever)

WHEREAS, In 1939, the State of Rhode Island adopted R.I.G.L. 17-19-15, which requires that voting equipment in general election contests be programmed to permit voters to vote for all candidates of a particular party with a single mark; and

WHEREAS, While it was once common, Rhode Island is the only New England state that continues to employ the so-called "master lever" in its elections and is one of only 15 states where it is still used; and

WHEREAS, According to a study conducted in 2012 for the American Journal of Political Science, ballots employing a master lever cause voter confusion and result in a greater voter error than conventional ballots; and

WHEREAS, In April 2009, the Rhode Island Board of Elections was presented with evidence that R.I.G.L. 17-19-15 causes significant problems in instances where both partisan and non-partisan elections are present on the same ballot; and

WHEREAS, Numerous good government organizations, including Common Cause, have called for the removal of the master lever from Rhode Island's ballot; and

WHEREAS, According to John Marion, the Executive Director of Common Cause RI, "[O]ur ballot design is stuck in the 19th century with the outdated and confusing master lever. It's time for it to go"; and

WHEREAS, Officials across the political spectrum have declared their support for eliminating the master, including Secretary of State Ralph Mollis (Democrat), Warwick Mayor Scott Avedisian (Republican), and Governor Lincoln Chafee (Independent); and

WHEREAS, House Bill 5072 would eliminate the master lever option.

NOW, THEREFORE BE IT RESOLVED, That the Providence City Council does hereby urge the Rhode Island General Assembly to pass House Bill 5072.

BE IT FURTHER RESOLVED, That, upon passage, copies of this resolution be sent to the sponsors of House Bill 5072 and the entire Providence General Assembly delegation.

Read and Passed, on Motion of COUNCILMAN YURDIN, seconded by COUNCILMAN JENNINGS.

COUNCILMAN APONTE and COUNCILMAN SANCHEZ Request to be recorded as voting "NO"

The Motion for Passage is Sustained.

COUNCILMAN YURDIN and COUNCILMAN NARDUCCI

Resolution Urging the General Assembly to approve legislation to improve regulation on sales of alcohol by the bottle for consumption on the premises.

Resolution Urging the General Assembly to approve legislation to broaden penalties for liquor license violations.

COUNCILMAN YURDIN Moves to Dispense with the reading of the foregoing matters, seconded by COUNCILMAN JENNINGS.

COUNCIL PRESIDENT SOLOMON Refers the Several Resolutions to the Committee on Ordinances.

COUNCILMAN ZURIER and COUNCILMAN PRINCIPE:

Resolution Requesting consideration of an audit of the city's roll of tax-exempt property and a review of selected tax-exempt properties as part of the current revaluation.

WHEREAS, The City of Providence continues to face a difficult combination of budgetary pressures and high tax rates for certain categories, including commercial real estate, inventory and motor vehicles; and

WHEREAS, An expansion of the base of taxable property would allow the City to address these issues without pitting one class of taxpayers against another; and

WHEREAS, The City of East Providence recently conducted an audit of its inventory of its tax-exempt properties, only to discover that 35 accounts with a total appraised value of more than \$27 million were classified as exempt even though they were taxable, and

WHEREAS, The City of East Providence estimates that its audit will generate additional municipal revenue of more than \$500,000 annually without increasing tax rates, and

WHEREAS, After declaring formerly exempt properties to be taxable, the City of East Providence faced challenges from those property owners concerning the valuation of the property, and

WHEREAS, The City of East Providence had not undertaken a rigorous review of the valuation of these properties because they were considered exempt at the time the most recent revaluation occurred, and

WHEREAS, The City of Providence is currently undertaking a revaluation of its real property for tax purposes,

NOW, THEREFORE BE IT RESOLVED, That

1. The Providence City Council requests that the Tax Assessor conduct an audit of the City's tax-exempt properties to confirm their eligibility for an exemption;
2. The Providence City Council agrees to provide any necessary and reasonable additional resources to the Tax Assessor to conduct an audit of tax-exempt properties;
3. The Providence City Council expresses its support for the Tax Assessor to expand the scope of the current revaluation of the City's property to include selected tax-exempt properties in the Tax Assessor's discretion, focusing on properties that may be appropriate candidates for such an audit; and
4. The Providence City Council expresses its general support for the strict application of the existing State laws on tax exemptions so that ordinary taxpayers do not subsidize the taxes owed by property owners who do not qualify under State law or prior actions by the Providence City Council.

Read and Passed, on Motion of COUNCILMAN YURDIN, seconded by COUNCILMAN JENNINGS.

The Motion for Passage is Sustained.

REPORTS FROM COMMITTEES

COMMITTEE ON PUBLIC WORKS COUNCILMAN TERRENCE M. HASSETT, Chairman

Transmits the Following with Recommendation the Same be Severally Approved:

Resolution Granting a permanent underground easement below a portion of Thayer Street.

IT IS HEREBY RESOLVED, That His Honor, the Mayor, is authorized to grant a nonexclusive sub-surface easement for Thayer Street in the City of Providence to Brown University ("Brown"). Said easement shall be granted specifically upon the following provisions:

1. Said easement under Thayer Street shall not exceed two hundred thirty (230) square feet, plus or minus, and indicated on accompanying map marked "Providence, R.L Department of Public Works - Engineering Office, Street Line Section Plan No. 064828 dated August 8, 2011" (Exhibit A). Said easement shall be utilized only for the installation, maintenance, repair and/or replacement of utilities, including without limiting the generality of the foregoing, electric, telephone, cable television, data transmission, fiber optic, gas, high temperature hot water, chilled water, and fuel oil piping, and similar utility lines.

The easement shall not exceed the shaded area bounded by a line with points (A-B-C-DA) as shown on Exhibit A.
2. The above referenced area, as shown on Exhibit A, is hereinafter referred to as the "Premises". Said easement shall be deemed to run with the land and shall be binding on and for the benefit of 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. Said easement shall be subject to a right of reverter/right of reversion in the event that the easement is no longer utilized for a period often (10) years for the aforementioned purposes.
4. As consideration for this Easement, Brown shall tender the sum of three thousand, four hundred fifty dollars (\$3,450.00) in legal tender of the United States of America.
5. Any breakout necessary for installation and/or repair or replacement shall be resurfaced or rehabilitated in accordance with relevant ordinances and industry standards and to the reasonable satisfaction of the Director of the Department of Public Works.
6. The installation of utilities or utility lines shall be underground so as to preserve the public right-of-way. Brown and its successors and assigns may enter upon said Premises, to dig or excavate the soil in said Premises, to clear the Premises of vegetation and any natural or manmade structures for both access and safety purposes and to do any other acts which are necessary to carry out the purposes for which said Easement is given and to provide for the effective use thereof.
7. Any installation of electrical mechanisms shall be subject to the approval of the Director of the Department of Inspections & Standards.

23-109. Indemnity of city against claims arising out of electrical installation.

Every person erecting, maintaining or using electric wires or poles, fixture or structures, for the support or conducting of the same shall indemnify and save harmless the city, its officers, agents and servants, from and against all lawful claims and demands for injuries to persons or property occasioned by the existence of such poles, wires, fixtures or structures or the transmission of electric current by means thereof or by the digging up, opening or keeping open of any street, highway, traveled way, public place or part thereof, which shall be or has been opened for the purpose of installing, constructing or repairing any underground conduit, duct, structure, appliance or appurtenance by or for such person, or by any failure of such person to restore and keep in sound and safe condition for the required time any ground opened or dug up in the prosecution of any of its work in any street, way or place. The city, city council, or the officers, agents or servants of the city, exercising the rights, powers or permission, and subject to the restrictions, respectively given and reserved herein shall not be held liable by such person or corporation on account thereof, or by reason of any injury or damage caused thereby.

and Brown, for itself and its successors, agrees to comply with the same.

13. In addition to Paragraph 12 above, in the event that the City of Providence or its designee shall, for any public purpose, require the extinguishment of the easement granted herein and upon the reasonable notification hereinbefore mentioned, Brown shall remove said improvements to the easement areas, provided, however, that because Brown has paid consideration for said Easement, Brown shall be entitled to just compensation for any such taking for public purposes.
14. The easement shall be executed, delivered and accepted upon the express terms, covenants and conditions contained herein, which terms, covenants and conditions shall be binding upon and insure to the benefit of the parties hereto and their successors, heirs, legal representatives, and assigns. The easement is intended to be governed by and construed in accordance with the laws of the State of Rhode Island. The easement may not be amended or modified except pursuant to a written instrument signed by all parties thereto.
15. Such other terms and conditions as may be reflected in the record and minutes of the City Council Committee on Public Works and/or as may be deemed appropriate by the Mayor or the Department of Law.
8. 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.
9. Brown shall execute an indemnification and hold-harmless agreement with the City of Providence. Said agreement shall be approved by the Department of Law of the City of Providence.
10. Brown shall supply the City of Providence with an insurance policy naming said City of Providence, its agents, officers, servants and employees as additional-named insureds in a sum not less than one hundred thousand dollars (\$100,000.00) which policy shall be approved by the Department of Law of the City of Providence.
11. Brown shall not lay, construct or affix to the realty any temporary or permanent structure other than that described earlier herein.
12. Brown recognizes the applicability of Sections 23-107, 23-108 and 23-109 of the Code of Ordinances which read as follows:

23-107. Public work of city to take precedence over installations.

No right of any person to maintain, use or operate any poles, wires, cables, conduits, ducts, pipes, manholes, handholes, or other appliances or appurtenances in any street or other traveled way in the city, shall be in preference or hindrance of public work in the city, and should any of the same in any way interfere with the construction, alteration or repair of any public work in any such street or way, whether done by the city directly or by any contractor for the city, such person shall at his own expense protect, alter or move any of the same so interfering to some other location in such street or way, or discontinue the use and operation thereof for the time being, as directed by the director of public works, without the city being liable for any damages suffered by such person thereby. The City shall notify such person a reasonable time in advance of any public work, which will interfere with any of the same or the use or operation thereof.

In case such person shall fail to comply with any such direction of said director, the city may protect, alter or move the same, and recover the cost thereof from such person.

23-108. Precedence of wires, apparatus of city signal service.

The wires, poles, posts, structures and supports of the telephone, fire alarm and police signal service maintained by the city shall at all times take precedence and right-of-way as to all other wires, poles, posts, structures and supports maintained or erected in the city; and no lineman or other person, either in erecting wires, poles, posts, structures or supports in any way whatsoever shall interfere with, or disturb, disarrange or change any wires maintained by the city, or any appurtenance thereof; and in every instance of removal of any of said wires, poles, posts, structures or supports for the accommodation of any other corporation or party, or to place the same beyond danger from the electric current of any other corporation or party, the expense incident to said removal shall be paid immediately by such other corporation or party.

Resolution Requesting the Traffic Engineer to cause Pleasant Valley Parkway from Rosebank Avenue to Fallon Avenue to be established as a "One-Way."

RESOLVED, That the Traffic Engineer is requested to cause Pleasant Valley Parkway from Rosebank Avenue to Fallon Avenue to be established as "One-Way."

Resolution Requesting the Traffic Engineer to cause the installation of a "Valet Parking" Sign in front of Via Roma Banquet and Catering located at 308 Atwells Avenue (on the America Street side).

RESOLVED, That the Traffic Engineer is requested to cause the installation of a "Valet Parking" Sign in front of Via Roma Banquet and Catering located at 308 Atwells Avenue (on the America Street side).

Resolution Requesting the Traffic Engineer to cause the installation of a "Valet Parking" Sign in front of Trattoria Roma Restaurant located at 310 Atwells Avenue.

RESOLVED, That the Traffic Engineer is requested to cause the installation of a "Valet Parking" Sign in front of Trattoria Roma Restaurant located at 310 Atwells Avenue.

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

The Motion for Passage of the Several Resolutions is Sustained.

Communication from Nate D. Urso, Deputy City Engineer, Department of Public Works, submitting the Construction and Maintenance Agreement 1R Highway Safety Improvements to Sunset Avenue.

COUNCILMAN YURDIN Moves to Receive and Approve the foregoing Communication, seconded by COUNCILMAN JENNINGS.

COUNCILMAN IGLIOZZI Abstains from voting on the foregoing matter.

Communication from Nate D. Urso, Deputy City Engineer, dated October 16, 2012, submitting the Construction and Maintenance Agreement for Atwells Avenue Safety Improvements.

COUNCILMAN YURDIN Moves to Receive and Approve the foregoing Communication, seconded by COUNCILMAN JENNINGS.

COUNCILMAN IGLIOZZI Abstains from voting on the foregoing matter.

**COMMITTEE ON URBAN REDEVELOPMENT,
RENEWAL AND PLANNING
COUNCILMAN NICHOLAS J. NARDUCCI, JR., Chairman**

Transmits the Following with Recommendation the Same Be Approved, As Amended:

Resolution Requesting that 15 LaSalle Square be re-named "One Hasbro Place."

RESOLVED, That 15 LaSalle Square be re-named "One Hasbro Place."

COUNCILMAN IGLIOZZI Abstains from voting on the foregoing matter.

Transmits the Following with Recommendation the Same Be Severally Approved:

Resolution Requesting that "One Cookson Place" be re-named to "One Weybosset Hill."

RESOLVED, that "One Cookson Place" be re-named to "One Weybosset Hill."

Resolution Requesting that "Chafee Street" be re-named "YouthBuild Way."

RESOLVED, That "Chafee Street" be re-named "YouthBuild Way."

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

The Motion for Passage of the Several Resolutions is Sustained.

**SPECIAL COMMITTEE ON WAYS AND MEANS
COUNCILMAN DAVID SALVATORE, Chairman**

Transmits the Following with Recommendation the Same Be Adopted:

An Ordinance Relating to Article IV, Chapter 17, Section 17-189(5) of the Code of Ordinances. (Disability Waiver Request) (Mary Day)

Read and Passed the First Time, on Motion of COUNCILMAN YURDIN, seconded by COUNCILMAN JENNINGS, by the Following Roll Call Vote:

AYES: COUNCIL PRESIDENT SOLOMON, COUNCILMEN APONTE, HASSETT, IGLIOZZI, JACKSON, JENNINGS, PRINCIPE, SALVATORE, SANCHEZ and ZURIER – 10.

NAYES: COUNCILMAN YURDIN – 1.

ABSENT: COUNCILWOMAN CASTILLO, COUNCILMAN CORREIA, COUNCILWOMAN MATOS and COUNCILMAN NARDUCCI – 4.

The Motion for Passage the First Time, is Sustained.

Transmits the Following with Recommendation the Same Be Approved:

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

Susan L. Hawksley

\$133,120.00

RESOLVED, That the Members of the Providence City Council hereby Authorize Approval of the following sole source contract award by the Board of Contract and Supply, in accordance with Section 21-26 of the Code of Ordinances.

Susan L. Hawksley

\$133,120.00

Read and Passed, on Motion of COUNCILMAN YURDIN, seconded by COUNCILMAN JENNINGS.

The Motion for Passage is Sustained.

COUNCILMEN IGLIOZZI, JACKSON, PRINCIPE and SANCHEZ Request to be recorded as voting "NO"

Transmits the Following with Recommendation the Same Be Denied:

An Ordinance Relating to Article IV, Chapter 17, Section 17-189(5) of the Code of Ordinances. (Disability Waiver Request)(Kemly Cortes)

COUNCILMAN YURDIN Moves to Deny the foregoing Ordinance, seconded by COUNCILMAN JENNINGS, by the Following Roll Call Vote:

AYES: COUNCIL PRESIDENT SOLOMON, COUNCILMEN APONTE, JENNINGS, SALVATORE, YURDIN and ZURIER – 6.

NAYES: COUNCILMEN HASSETT, IGLIOZZI, JACKSON, PRINCIPE and SANCHEZ – 5.

ABSENT: COUNCILWOMAN CASTILLO, COUNCILMAN CORREIA, COUNCILWOMAN MATOS and COUNCILMAN NARDUCCI – 4.

The Motion to Deny is Sustained.

COMMUNICATIONS AND REPORTS

Communication dated January 17, 2013, from Councilman Terrence M. Hassett, Councilman Michael J. Correia, Councilman John J. Igliazzi, Councilman Davian Sanchez, Councilman Kevin Jackson, Councilman Bryan Principe, Councilwoman Carmen Castillo and Councilman Luis A. Aponte, in accordance with Rule 21 of the Rules of the Providence City Council Entitled: "Discharge of Committee", the committee on Finance hereby discharges the following ordinances:

An Ordinance Relating to Article IV, Chapter 17, Section 17-189(5) of the Code of Ordinances. (Disability Waiver Request) (Barbara Cook)

An Ordinance Relating to Article IV, Chapter 17, Section 17-189(5) of the Code of Ordinances. (Disability Waiver Request) (Mary Day)

An Ordinance Relating to Article IV, Chapter 17, Section 17-189(5) of the Code of Ordinances. (Disability Waiver Request) (Steven DeConte)

An Ordinance Relating to Article IV, Chapter 17, Section 17-189(5) of the Code of Ordinances. (Disability Waiver Request)(Kemly Cortes)

An Ordinance Relating to Article IV, Chapter 17, Section 17-189(5) of the Code of Ordinances. (Disability Waiver Request)(Ana I. Acosta)

COUNCILMAN YURDIN Moves to Postpone Indefinitely the foregoing Communication, seconded by COUNCILMAN JENNINGS, by the following Roll Call Vote:

AYES: COUNCIL PRESIDENT SOLOMON, COUNCILMEN SALVATORE, YURDIN and ZURIER – 4.

NAYES: COUNCILMEN APONTE, HASSETT, IGLIOZZI, JACKSON, JENNINGS and PRINCIPE – 6.

NOT VOTING: COUNCILMAN SANCHEZ – 1.

ABSENT: COUNCILWOMAN CASTILLO, COUNCILMAN CORREIA, COUNCILWOMAN MATOS and COUNCILMAN NARDUCCI – 4.

The Motion to Postpone Indefinitely Fails.

COUNCILMAN IGLIOZZI Moves to Amend the Communication for the “Discharge of Committee” to Approve the Disability Waiver Request of Steve DeConte, seconded by COUNCILMAN JACKSON.

COUNCILMAN IGLIOZZI Moves Passage of the foregoing Disability Waiver Request, seconded by COUNCILMAN JACKSON, As Amended, by the Following Roll Call Vote:

AYES: COUNCILMEN APONTE, HASSETT, IGLIOZZI, JACKSON, PRINCIPE and SANCHEZ – 7.

NAYES: COUNCIL PRESIDENT SOLOMON, COUNCILMAN SALVATORE, YURDIN and ZURIER – 4.

ABSENT: COUNCILWOMAN CASTILLO, COUNCILMAN CORREIA, COUNCILWOMAN MATOS and COUNCILMAN NARDUCCI – 4.

The Motion for Passage, As Amended, is Sustained.

Communication from Councilman Terrence M. Hassett, dated November 19, 2012, submitting his resignation as a member of the Special Committee on Education.

COUNCIL PRESIDENT SOLOMON Receives the foregoing Communication.

Communication from John E. Martinelli, Esquire, Judge of the Probate Court, dated January 24, 2013, submitting the annual report of the operation of the City of Providence Probate Court for the fiscal year commencing July 1, 2011 through June 30, 2012.

COUNCIL PRESIDENT SOLOMON Receives the foregoing Communication.

Purchase and Sales Agreement between the City of Providence and Allen's Park, LLC.

COUNCIL PRESIDENT SOLOMON Refers the Purchase and Sales Agreement to the Committee on City Property.

FROM THE CLERK'S DESK

Petitions for Compensation for Injuries and Damages, viz:

Asterios Zisiades
Jeisel Arciliares
Dilania Inoa, Rosa Ramirez and
Jean Inoa
(Michael F. Campopiano, Esquire)
Alfred Curnow
(Mark A. Fay, Esquire)
Roisin O'Mara, Ph.D.
(Adam J. Resmini, Esquire)
Craig/is, Ltd.
a/s/o NGM Insurance/Aniel &
Vivianne Hertilien
Felipe Rodriguez
Nationwide Insurance
a/s/o Adeline Giuliano
Karen Davidson
MetLife a/s/o Lorraine Ferri
Judge Howard I. Lipsey
Guina Vinas
Jeana Halstead
Christopher Ramos, Jr.
(Cautry L. Gomes, Esquire)
Douglas Fellow
Thomas F. Conte
Grasso's Auto Sales

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

PRESENTATION OF RESOLUTIONS "IN CONGRATULATIONS"

COUNCIL PRESIDENT SOLOMON and MEMBERS OF THE CITY COUNCIL:

Resolution Extending Congratulations.

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

Andino Merola, Jr., in recognition of the celebration of the Grand Opening of Andy Jr.'s Italian Restaurant at 301 Atwells Avenue in Historic Federal Hill.

Lt. Jared Salinaro, in recognition of the celebration of his retirement from the K-9 Unit of the North Smithfield Police Department, and with great appreciation for his participation in the Sixth Ward Police and Community Activities.

Local 1329 of the I.L.A. (International Longshoremen's Association), in recognition of the celebration of the 80th Anniversary of the Founding of Local 1329, the First Labor Union in New England organized predominately by Cape Verdeans.

Anna Logan, in recognition of the celebration of her 100th Birthday.

Murphy's Deli & Bar, in recognition of their outstanding Great Food and Service to Thousands of Rhode Islanders, every year since 1929, with sincere warm wishes to Joseph Murphy, the founder of Murphy's, for undertaking a masterful accomplishment we can all enjoy to this day.

Steven John Mercurio, Jr. and Kattia Albuja Herrera, in recognition of the celebration of their Marriage on January 13, 2013.

Severally Read and Collectively Passed, on Motion of COUNCILMAN YURDIN, seconded by COUNCILMAN JENNINGS.

The Motion for Passage is Sustained.

**PRESENTATION OF RESOLUTIONS
"IN MEMORIAM"**

COUNCIL PRESIDENT SOLOMON and MEMBERS OF THE CITY COUNCIL:

Resolution Extending Sympathy.

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

*Anna Macera
The Honorable Morphis A. Jamiel
Beverly A. Elkerton
Gilda M. Lomazzo*

Severally Read and Collectively Passed, by a Unanimous Rising Vote, on Motion of COUNCILMAN YURDIN, seconded by COUNCILMAN JENNINGS.

The Motion for Passage is Sustained.

ADJOURNMENT

There being no further business, on Motion of COUNCILMAN YURDIN, seconded by COUNCILMAN JENNINGS, it is voted to adjourn at 8:20 o'clock P.M. (E.S.T.), to meet again **THURSDAY, FEBRUARY 21, 2013 at 7:00 o'clock P.M. (E.S.T.)**



Anna M. Stetson
City Clerk

**CITY OF PROVIDENCE
RHODE ISLAND**



**CITY COUNCIL
JOURNAL OF PROCEEDINGS**

No. 5 City Council Regular Meeting, Thursday, February 21, 2013, 7:00 o'clock P.M. (E.S.T.)

PRESIDING

**COUNCIL PRESIDENT
MICHAEL A. SOLOMON**

ROLL CALL

**PRESENT: COUNCIL PRESIDENT SOLOMON,
COUNCILMEN APONTE, COUNCILWOMAN CASTILLO,
COUNCILMEN CORREIA, HASSETT, IGLIOZZI, JACKSON,
COUNCILWOMAN MATOS, COUNCILMEN NARDUCCI,
PRINCIPE, SALVATORE, SANCHEZ and YURDIN – 13.**

ABSENT: COUNCILMEN JENNINGS and ZURIER – 2.

**ALSO PRESENT: Lori L. Hagen, Second Deputy City Clerk,
Sheri A. Petronio, Assistant Clerk and Jeffrey Padwa, City
Solicitor.**

**IN CITY COUNCIL
MAY 16 2013**

APPROVED:

 **CLERK**

INVOCATION

The Invocation is given by COUNCILMAN MICHAEL J. CORREIA.

"Dear Lord, we thank you for all your blessings. May we remain humble as we deliberate the peoples affairs and may all the decisions we make be in the best interest of the people. Amen."

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

COUNCILMAN TERRENCE M. HASSETT Leads the Members of the City Council and the Assemblage in the Pledge of Allegiance to the Flag of the United States of America.

ORDINANCE SECOND READING

The Following Ordinance was in City Council February 13, 2013, Read and Passed the First Time and is Returned for Passage the Second Time:

An Ordinance Relating to Article IV, Chapter 17, Section 17-189(5) of the Code of Ordinances. (Disability Waiver Request)
(Mary Day)

Be it ordained by the City of Providence:

SECTION 1. Notwithstanding the language of Section 17-189(5) of the Code of Ordinances which provides that the application to accomplish such [accidental disability] retirement must be filed within eighteen (18) months of the date of the accident," the Retirement Board of the City of Providence, may consider and act upon the accidental disability retirement application of Mary Day, even though more than eighteen (18) months have passed since the date of the accident which is the averred proximate cause of the above-named applicant for a disability retirement allowance.

SECTION 2. Said application shall be subject to and considered in accordance with all other applicable ordinances, regulations, standards and practices relating to accidental disability retirement applications.

SECTION 3. This Ordinance shall take effect upon its passage.

Read and Passed the Second Time, on Motion of COUNCILMAN YURDIN, seconded by COUNCILMAN NARDUCCI, by the Following Roll Call Vote:

AYES: COUNCIL PRESIDENT SOLOMON, COUNCILMAN APONTE, COUNCILWOMAN CASTILLO, COUNCILMEN CORREIA, HASSETT, IGLIOZZI, JACKSON, COUNCILWOMAN MATOS, COUNCILMEN NARDUCCI, PRINCIPE, SALVATORE and SANCHEZ – 12.

NAYES: COUNCILMAN YURDIN – 1.

ABSENT: COUNCILMEN JENNINGS and ZURIER – 2.

The Motion for Passage the Second Time, is Sustained.

The Following Ordinance was in City Council October 18, 2012, Read and Passed the First Time and is Returned for Passage the Second Time, As Amended:

An Ordinance Amending Chapter 2011-11, No. 200, relative to Lobbyist Registration.

Be it ordained by the City of Providence:

The Code of Ordinances of the City of Providence, Chapter 2011-16, No. 336, is hereby amended as follows:

SECTION 1.

Section 1. Purpose.

The purpose of this ordinance is to create registration and disclosure requirements individuals acting as municipal lobbyists. The registration will require lobbyists to provide pertinent information for the benefit of the general public, the mayor and the city council. This ordinance is not intended to discourage or prohibit the exercise of constitutional rights.

Section 2. Definitions.

Whenever used in this Ordinance, the following words and phrases shall have the definitions provided in this Section:

- a) *Compensation* means any remuneration received or to be received for services rendered as a lobbyist, whether in the form of a fee, salary, forbearance, forgiveness, reimbursement for expenses, or any other form of recompense, and any combination of these. Where lobbying is incidental to a person's regular employment, his or her compensation for lobbying shall be reported as such and the lobbyist shall record the dollar amount of that portion of his or her compensation that is attributed to the time spent pursuing lobbying activities. In those instances, it shall not be necessary to disclose one's total salary or the percentage of one's time spent on lobbying. The lobbyist shall be required to disclose only his or her best good faith estimate of the dollar amount which corresponds to the portion of his or her time spent on lobbying activities.
- b) *City official* shall include members of the city council and their appointed advisory staff members; the mayor and his or her appointed advisory staff members; the internal auditor; the members and secretary of the board of canvassers; the director and the members of the water supply board; the superintendent of parks and the members of the board of park commissioners; all department heads; the license administrator and the members of the board of licenses; the chief of police; the fire chief; the commissioner of public safety; the city clerk; the city solicitor; superintendent of schools and his or her appointed advisory staff members; all members of the city's judiciary and all city magistrates and executive or administrative heads of any city judicial office, whether appointed or serving as an employee; and members of all municipal boards, including the school board, and commissions whether or not compensated.
- c) *Influencing a municipal decision* means acting directly or soliciting others to act for the purpose of promoting; opposing, amending, or influencing in any manner a municipal decision.
- d) *Lobbying* means seeking to influence a municipal decision as an appointed and compensated representative of another. Any function to which the entire membership of the city council or of any legally constituted council committee or commission within the city council is invited, which is sponsored by any person, corporation, or association having engaged any person to act as a lobbyist or by any lobbyist, shall be deemed a lobbying activity, and any funds expended or incurred for that function shall be set forth pursuant to Section 6.
- e) *Lobbyist* means any person who seeks to influence a municipal decision as an appointed and compensated representative of another.
- f) *Ministerial determination* means an act or duty as prescribed by law as part of the duties of an administrative office which does not require personal discretion.

g) *Municipal decision* means:

- i. the drafting, introduction, consideration, adoption, defeat, or repeal of any ordinance or resolution.
- ii. the amendment of any ordinance or resolution.
- iii. a report by a city official to the city council or city council committee.
- iv. non-ministerial determinations of city officials, including, but not limited to, any determination with respect to: zoning or the use, development, or improvement of real property; and the granting, denial or modification of a license or permit with regard to the use of real property.

h) *Quasi-public corporation* means a body corporate and politic acting as a public corporation, which has been organized pursuant to law and granted certain powers, rights and privileges by the local and/or state laws, while exhibiting a distinct legal existence from the city and/or state, and not constituting a department of city and/or state government, in order to perform a governmental function. For the purposes of this ordinance, agents and employees of public corporations and quasi-public corporations shall be considered municipal employees. Quasi public corporations shall include, without limitation, Capital Center Commission, Narragansett Bay Commission, Providence Community Action Program, Providence Economic Development Partnership, Providence External Review Authority, Providence Housing Authority, Providence Plan, ProvPort, Providence Redevelopment Agency, Rhode Island Convention Center Authority, The Providence Center, and the Greater Providence-Warwick Convention and Visitor's Bureau.

i) *Violation* refers to any individual act or item of non-compliance with the provisions of this chapter.

Section 3. Exceptions.

The following persons or actions shall be exempt from the provisions of this ordinance:

- a) Any elected public official or the official's designee acting in his or her official capacity, or any municipal employee acting within the scope of his or her employment.
- b) Any ministerial action by a city official.
- c) News media employees or agents who in the ordinary course of business write, publish, or broadcast news items, editorials, or other comments or paid advertisements which directly or indirectly urge legislative action, if those persons engage in no other lobbying activities in connection with that action.
- d) Any persons engaged in drafting legislation, resolutions, rules, or other proposed documents for consideration by the city council or the mayor, provided that such persons are not appointed representatives compensated for their work, and do not attempt to influence a municipal decision associated with such legislation, resolution, rule or other document.
- e) Any person appearing solely for himself or herself before any city board, committee, commission, court, or any other legally constituted municipal body to testify in support of or in opposition to legislation or municipal decision.
- f) Any volunteer, employee, officer or director of a not-for-profit entity, lobbying on behalf of said not-for-profit entity, unless said lobbying constitutes more than incidental lobbying: (i) engaging in lobbying for more than 25 hours during a reporting year; or (ii) receiving more than \$2,500 during a reporting year for lobbying.
- g) Any attorney representing clients before any city board, committee, commission, court, or any other legally constituted municipal body.
- h) Any person requesting assistance in interpreting laws, regulations, city approvals or policies.
- i) Any communication among attorneys representing a party or potential party to pending or actual litigation brought by or against the city.

- j) Any person representing the owner of a single-family home that is owner-occupied seeking a variance or other zoning changes for improvements to the home.
- k) Any management decision as to the working conditions of collective bargaining employees that clearly relate to the terms of the collective bargaining agreements.

Section 4. Registration Required.

- a) Lobbyists shall register with the city clerk within thirty (30) days of their first lobbying activity.
- b) Lobbyists shall file registrations in accordance with procedures set forth by the office of the city clerk, which shall include an option for online registration.
- c) The city clerk's register of lobbyists required under this ordinance shall be made available to the public for review online. The city clerk shall not include the residential street address of natural persons who are lobbyists in the register.
- d) Lobbyists shall certify that the information contained on their registration and reporting forms are true and correct in all aspects subject to the pains and penalties of perjury.

Section 5. Identification badge.

- a) An identification badge shall be issued by the city clerk to every person who shall qualify as a lobbyist as provided in this Ordinance. The badge shall include the word "Lobbyist" in bold print, the name of the lobbyist, the year of issuance, the registration number of the lobbyist, and the name of his/her employer, and the name of the client being represented. Every lobbyist shall conspicuously display this identification badge on his Or her clothing while in City Hall or city offices at all times.
- b) An annual fee of twenty five dollars (\$25) shall be paid by the lobbyist for each entity for which he or she lobbies. The fee shall be paid to the city clerk at the time of registration for deposit in the city's general fund.

Section 6. Reporting.

- a) Every lobbyist shall individually file with the city clerk a lobby report form or forms developed by the city clerk. The reports shall minimally identify the lobbyist by name, his/her employer, the employer's address, telephone number, email address, the name of the client represented, any salary or compensation related to lobbying, and the lobbyist's activities, including the city official(s) and municipal decision(s) concerned, as well as identifying other information as described in subsections (b) (i) through (b) (iv).
- b) Reports shall be filed with the city clerk, both by the person, corporation, or association having engaged any person to act as a lobbyist, and by the lobbyist, as follows:
 - i. At the time of initial registration as a lobbyist, a report shall be filed which shall include the subjects of concern or of interest to the employer and any city officials responsible for making municipal decisions related to those subjects, and further identifying information as described in subsection (a) above.
 - ii. Quarterly reports to be filed for the periods from January through March, April through June, July through September, and October through December. Reports shall be filed not later than the 15th day of the month following the reporting period. Quarterly reports shall include the lobbyist's salary or compensation related to lobbying, the lobbyist's activities, including the city official(s) contacted and municipal decision(s) concerned, and also shall include any expenditure, gift, honorarium, or campaign contribution, in cash or in-kind equal to (\$25.00) or more for each occurrence concerning any city official paid or incurred by the person who engages the lobbyist and the lobbyist.

iii. A final report shall be filed not later than January 15th of each year. The report shall include all money or anything of value which in the aggregate exceeds two hundred fifty dollars (\$250) provided or promised to any city official within the preceding calendar year. "Money" and "anything of value" in this subsection and in subsection (b) (iv) of this section shall mean any fee, salary, commission, expense, allowance, forbearance, forgiveness, royalty, rent, capital gain, gift, loan, reward, favor or service, gratuity or special discount, or any other form of recompense that constitutes income under the Federal Internal Revenue Code. In the event no compensation has been paid or received, and no expenses have been paid or incurred during the preceding calendar year, an annual report stating such information shall be filed not later than January 15th.

iv. Not later than January 15th of each year, every person, corporation, or association specified in this subsection shall provide an exact copy of the report required in subsection (b) (iii) to the Rhode Island Ethics Commission and to any city official to whom the person, corporation, or association provided or promised money or anything of value which in the aggregate exceeds two hundred fifty dollars (\$250) within the preceding calendar year.

c) All reports shall be on a form prescribed by the city clerk, and the reports shall be open for public inspection.

d) Every lobbyist and every person, private or public corporation, or association that engages any person to act as a lobbyist shall keep, for at least five years, all documentation related to the reports required to be filed under this section.

Section 7. Duties and powers of the city clerk.

The city clerk shall have the authority to perform any duties that are necessary to implement the provisions of this Ordinance. Without limiting the generality of the foregoing, the city clerk shall:

a) Designate forms for the making of the required lobby reports.

b) Develop a register for all lobbyists.

c) Adopt rules and regulations to carry out the purposes of this Ordinance.

d) Post lobbyist registration instructions, and rules and regulations pertaining to this Ordinance on the city website, and have the same available in printed form in the city clerk's office.

e) Notify city officials and, through the city website, members of the public, of the on-line access to the lobbyists' register and reporting forms.

f) Where information has been received through observation by or written complaint to the city clerk to indicate that any person, corporation, association, or lobbyist has failed to register or file reports or has filed an incomplete or inaccurate report, the city clerk may, for good cause shown, extend the dates upon which reports are required to be filed or require the person, corporation, association, or lobbyist to correct any incomplete or inaccurate report, as the case may be. Upon a failure of the lobbyist to show good cause, the city clerk, with such assistance as he or she may request from the city solicitor, investigate said complaints and act in accordance with Section 8 hereof.

Section 8. Administrative penalty for violations.

Any person, corporation, association, or lobbyist who is found to have violated any provision of this ordinance may be subject to administrative penalties imposed by the municipal integrity officer as the circumstances may merit upon notice and opportunity to be heard before the municipal integrity officer. Said penalties include the imposition of a fine not to exceed \$250 per violation and each day of violation shall constitute a new violation of this ordinance. Any violator who has been issued a fine may appeal said fine within twenty (20) days to the Providence Municipal Court.

Section 9. Review by the City Council

The council may periodically review the administration and implementation of the provisions of this ordinance. Based upon that review, the city council may take necessary legislative action to strengthen the administration and enforcement of this ordinance.

Section 10. Severability

If any word, phrase, clause, subsection, or section of this Ordinance is for any reason held unconstitutional or invalid by a court of competent jurisdiction, the invalidity thereof shall not affect the validity of any remaining portions of the Ordinance.

SECTION 2. This ordinance shall take effect upon passage.

Read and Passed the Second Time, on Motion of COUNCILMAN YURDIN, seconded by COUNCILMAN NARDUCCI, by the Following Roll Call Vote:

AYES: COUNCIL PRESIDENT SOLOMON, COUNCILMAN APONTE, COUNCILWOMAN CASTILLO, COUNCILMEN CORREIA, HASSETT, IGLIOZZI, JACKSON, COUNCILWOMAN MATOS, COUNCILMEN NARDUCCI, PRINCIPE, SALVATORE, SANCHEZ and YURDIN – 13.

NAYES: NONE.

ABSENT: COUNCILMEN JENNINGS and ZURIER – 2.

The Motion for Passage the Second Time, is Sustained.

The Following Ordinance was Discharged from Committee and in City Council on February 13, 2013, Read and Passed the First Time and is Returned for Passage the Second Time:

An Ordinance Relating to Article IV, Chapter 17, Section 17-189(5) of the Code of Ordinances. (Disability Waiver Request) (Steven DeConte)

Read and Passed the Second Time, on Motion of COUNCILMAN YURDIN, seconded by COUNCILMAN NARDUCCI, by the Following Roll Call Vote:

AYES: COUNCILMAN APONTE, COUNCILWOMAN CASTILLO, COUNCILMEN CORREIA, HASSETT, IGLIOZZI, JACKSON, COUNCILWOMAN MATOS, COUNCILMEN NARDUCCI, PRINCIPE and SANCHEZ – 10.

NAYES: COUNCIL PRESIDENT SOLOMON, COUNCILMEN SALVATORE and YURDIN – 3.

ABSENT: COUNCILMEN JENNINGS and ZURIER – 2.

The Motion for Passage the Second Time, is Sustained.

(VETO – See City Council meeting of March 21, 2013)

PRESENTATION OF ORDINANCES

COUNCIL PRESIDENT SOLOMON (By Request):

An Ordinance in Amendment of and in addition to Section 124 of Chapter Seventeen of the Ordinances of the City of Providence, Entitled: "Council to Approve Payments of Severance to Retiring City employees."

An Ordinance in Amendment of Section 21, Article 11, Section 21-26, by adding subsection (b), as amended. (Board of Contract and Supply)

COUNCILMAN YURDIN Moves to Dispense with the reading of the foregoing matters, seconded by COUNCILMAN NARDUCCI.

COUNCIL PRESIDENT SOLOMON Refers the Several Ordinances to the Special Committee on Ways and Means.

PRESENTATION OF RESOLUTIONS

COUNCILMAN CORREIA:

Resolution Requesting the Traffic Engineer to cause the installation of "No Parking Anytime- Dead End Area" Signs in front of 52 Riverdale Street.

Resolution Requesting the Traffic Engineer to cause the installation of a "Dead End" Sign on Amsterdam Street.

COUNCILMAN YURDIN Moves to Dispense with the reading of the foregoing matters, seconded by COUNCILMAN NARDUCCI.

COUNCIL PRESIDENT SOLOMON Refers the Several Resolutions to the Committee on Public Works.

Resolution Requesting the Traffic Engineer to cause the installation of the missing "Stop" Sign on Covell Street at Atwells Avenue.

Resolution Requesting the Director of Public Works to cause the installation of speed humps along Carleton Street.

COUNCILMAN YURDIN Moves to Dispense with the reading of the foregoing matters, seconded by COUNCILMAN NARDUCCI.

COUNCIL PRESIDENT SOLOMON Refers the Several Resolutions to the Committee on Public Works.

COUNCILMAN IGLIOZZI:

Resolution in Thankful Appreciation to His Holiness, Pope Benedict XVI, for His Years of Spiritual Guidance and Service to Catholics worldwide, and wishing him happiness and good health in his Retirement.

WHEREAS, Joseph Aloisius Ratzinger was born in Marktl, Germany on April 16th, 1927; and

WHEREAS, In 1945, he entered Saint Michael's seminary in Traunstein, Germany, saying that in the wake of Nazi horrors, the Roman Catholic Church was "a citadel of truth and righteousness against the realm of atheism and deceit"; and

WHEREAS, On June 29th, 1951, he was ordained alongside his brother, Georg, by Cardinal Michael von Faulhaber of Munich; and

WHEREAS, Following his ordination, Ratzinger had a successful academic career, developing a reputation as a brilliant thinker and theologian; and

WHEREAS, While serving as the peritus to the Cardinal of Cologne, he was an important participant in the Second Vatican Council; and

WHEREAS, In 1977, he was appointed Archbishop of Munich and Freising, then elevated to Cardinal three months later by Pope Paul VI; and

WHEREAS, Pope John Paul II honored and elevated Cardinal Ratzinger repeatedly, naming him Prefect of the Sacred Congregation for the Doctrine of Faith, Cardinal Bishop of Velletri-Segni, and, eventually, Dean of the College of Cardinals; and

WHEREAS, On April 19th 2005, the papal conclave elected him as the successor to Pope John Paul II, at which time he took the regnal name Benedict XVI; and

WHEREAS, For nearly eight years, Pope Benedict XVI has overseen the billion Catholics worldwide and guided the Roman Catholic Church successfully through a period of transition and turmoil; and

WHEREAS, Pope Benedict XVI has been called "a justice warrior" and "the most profoundly intellectual pope in centuries"; and

WHEREAS, His papacy has been praised for his efforts to foster understanding between religions and to increase interfaith dialogue; and

WHEREAS, On February 11th, 2013, in an act of great humility, Pope Benedict XVI announced that he would resign his position, becoming the first pope to do so in nearly 600 years.

NOW, THEREFORE, BE IT RESOLVED, That the City Council of the City of Providence does hereby thank Pope Benedict XVI for his years of spiritual guidance and incredible service to Catholics worldwide, and wishes him happiness and good health in his retirement.

BE IT FURTHER RESOLVED, That upon adoption, copies of this resolution be forwarded to His Holiness Pope Benedict XVI and to The Most Reverend Bishop Thomas Joseph Tobin.

Read and Passed, on Motion of COUNCILMAN YURDIN, seconded by COUNCILMAN NARDUCCI.

The Motion for Passage is Sustained.

COUNCILWOMAN MATOS and COUNCILMAN ZURIER, COUNCIL PRESIDENT SOLOMON, COUNCILMAN APONTE, COUNCILWOMAN CASTILLO, COUNCILMEN CORREIA, HASSETT, IGLIOZZI, JACKSON, JENNINGS, NARDUCCI, PRINCIPE, SALVATORE, SANCHEZ and YURDIN:

Resolution Endorsing and Urging Passage by the General Assembly of House Bill 2013 -- H5285, Entitled: The Comprehensive Racial Profiling Prevention Act.

WHEREAS, The practice of racial profiling has long lasting negative effects on our communities; and

WHEREAS, Racial profiling creates a climate of fear and mistrust amongst citizens, making it harder for the police to do their jobs, and leaving our city less safe; and

WHEREAS, Allowing the police to make decisions based on a person's skin color, age, or appearance undermines our status as a fair and free society; and

WHEREAS, As a majority-minority city, racial profiling is of particular concern to Providence; and

WHEREAS, A report from the University of Rhode Island found "substantial evidence of racial and ethnic disparity in discretionary searches by the Rhode Island State Police"; and

WHEREAS, Research conducted by Northeastern University found that African-American and Latino drivers in our state were significantly more likely than white drivers to be stopped by police; and

WHEREAS, The same study reported that, once stopped, non-white drivers were more than twice as likely to be searched than whites, even though white drivers were more likely to be found with contraband when searched; and

WHEREAS, If passed, House Bill 5285 would protect the people of Rhode Island from various forms of racial profiling by strengthening the existing law banning racial profiling in traffic stops and by requiring additional data collection and regular reports of statistics regarding traffic stops; and

WHEREAS, H5285 has the support of numerous community organizations, including the Rhode Island ACLU.

NOW, THEREFORE, BE IT RESOLVED, That the City Council of the City of Providence does hereby urge the General Assembly to pass H5285.

BE IT FURTHER RESOLVED, That upon adoption, copies of this resolution be forwarded to the sponsors of H5285, as well as to the Governor, the Speaker of the House, the President of the Senate, the Majority Leaders of the House and Senate, and all Providence representatives and senators.

Read and Passed, on Motion of COUNCILMAN YURDIN, seconded by COUNCILMAN NARDUCCI.

The Motion for Passage is Sustained.

COUNCILMAN SANCHEZ:

Resolution Requesting to cancel or abate in whole the taxes assessed upon Assessor's Plat 45, Lot 318 (40 Wesleyan Avenue), on behalf of the Urban League of Rhode Island and to remove the property from the tax rolls.

COUNCIL PRESIDENT SOLOMON Refers the Resolutions to the Special Committee on Ways and Means.

COUNCILMAN YURDIN, COUNCIL PRESIDENT SOLOMON, COUNCILMEN APONTE, CORREIA, JACKSON, COUNCILWOMAN MATOS, COUNCILMEN PRINCIPE, SALVATORE and SANCHEZ:

Resolution Endorsing and Urging Passage by the General Assembly of House Bill 2013 – 5015, Entitled: An Act Relating to Domestic Relations – Persons Eligible to Marry.

WHEREAS, The State of Rhode Island, founded as a beacon of religious tolerance and freedom, has long stood for fair and equal treatment and protection under the law for every citizen; and

WHEREAS, Many families in Providence and throughout Rhode Island are negatively impacted by the restriction that precludes same-sex couples from marrying; and

WHEREAS, Each and every adult in Rhode Island, regardless of socioeconomic status, race, ethnicity, religion, gender identity or sexual orientation, deserves the opportunity to attain the legal protections, rights and responsibilities gained through civil marriage; and

WHEREAS, A recent poll found 57% of Rhode Islanders in favor of marriage equality and only 13% opposed to any legal recognition for same-sex couples; and

WHEREAS, Marriage equality is supported by the entire Rhode Island Congressional delegation, the Governor Lincoln Chafee, and President Barack Obama; and

WHEREAS, In May 2012, the Providence City Council passed and the Mayor approved a resolution urging the State to pass marriage equality legislation.

NOW, THEREFORE, BE IT RESOLVED, That the City Council of the City of Providence does hereby support the passage of House Bill 5015 and Senate Bill 0038.

BE IT FURTHER RESOLVED, That the Providence City Council urges Governor Lincoln Chafee, Speaker of the House Gordon Fox, Senate President M. Teresa Paiva-Weed and the members of the Rhode Island General Assembly to pass Marriage Equality legislation in the 2013 session of the legislature; and

BE IT FURTHER RESOLVED, That upon passage, a certified copy of the resolution be delivered to Governor Chafee, Speaker Fox, President Paiva-Weed, and all Providence representatives and senators.

COUNCILMAN YURDIN Moves to Amend the Resolution to insert "Senate Bill 0038", seconded by COUNCILWOMAN MATOS.

COUNCILMAN YURDIN Moves Passage of the Resolution, seconded by COUNCILMAN APONTE.

REPORTS FROM COMMITTEES

COMMITTEE ON PUBLIC WORKS COUNCILMAN TERRENCE M. HASSETT, Chairman

Transmits the Following with Recommendation the Same be Severally Approved:

Resolution Granting the abandonment of Huxley Avenue Area.

RESOLVED, DECREED, AND ORDERED:

That the following-named street on the accompanying map entitled "Prov., RI, DPW-Engineering Office, Street line Section Plan No. 064842, dated February 5, 2013."

VIZ: Huxley Avenue, portion of, shown as the areas on the accompanying map and designated by the letters A-B-C-D-A, is proposed to be abandoned as a public highway. Said abandonment is specifically conditioned upon the following:

1. Petitioner agrees to tender the amount of three million eight hundred fifty-two thousand dollars (\$3,852,000.00) in legal tender U.S. currency to the City of Providence over a ten-year period for the portions of Cumberland Street, Wardlaw Avenue, and Huxley Avenue that are the subject of an abandonment petition filed by the Office of the City Solicitor on January 3, 2013.

2. Providence College shall either grant as easement in favor of the Providence Water Supply Board, which will permit retention of its facilities in their existing location, together with the right to inspect, maintain, operate and replace the same and with twenty-four hour access to said facilities, or, in the alternative, should it be determined by Providence College that any such facilities need be relocated in order to comply with an intended use, Providence College shall assume all costs of relocation.

3. Providence College shall grant an easement to the City of Providence to allow maintenance, repair or replacement of the main sewer line and manholes located within Huxley Avenue, but not the catch basins, basin connections or any other drain.

4. Providence College shall either grant as easement in favor of Verizon, which will permit retention of its facilities in their existing location, together with the right to inspect, maintain, operate and replace the same and with twenty-four hour access to said facilities, or, in the alternative, should it be determined by Providence College that any such facilities need be relocated in order to comply with an intended use, Providence College shall assume all costs of relocation.

5. Providence College shall comply with city ordinances pertaining to storm water management, tree canopy, landscaping and lighting, and shall carefully consider modifications to traffic patterns, giving consideration to reasonable, limited access for the convenience of the neighborhood.

6. Providence College shall acknowledge its agreement with the Providence Fire Department to provide fire and emergency access to and from Eaton Street via Huxley Avenue from Admiral Street.

7. Providence College shall comply with all conditions contained herein within sixty (60) days from the date of passage.

ORDERED, That the Traffic Engineer be, and he is hereby, directed to cause a sign to be placed on the above-named highway abandoned as aforesaid, having thereon the words, "Not a Public Highway," and it is further

ORDERED, That after the entry of this order or decree the City Clerk shall cause a notice thereof to be published in a newspaper, published in the County of Providence at least once a week for three successive weeks and a further and personal notice shall be served by the City Sergeant upon every owner of land abutting the above-named highway which has been abandoned, who is known to reside within the State; and it is further

ORDERED, following the passage of this Resolution, Providence College shall have a Class I survey prepared by a Professional Land Surveyor, properly licensed by the Board of Registration for Professional Land Surveyors, inasmuch as road abandonments constitute a boundary change pursuant to Informational Bulletin 2003.01 issued by said Board.

Resolution Granting the abandonment of Cumberland Street Area.

RESOLVED, DECREED, AND ORDERED:

That the following-named street on the accompanying map entitled "Prov., RI, DPW-Engineering Office, Street line Section Plan No. 064840, dated February 5, 2013."

VIZ: Cumberland Street, portion of, shown as the areas on the accompanying map and designated by the letters A-B-C-D-A, is proposed to be abandoned as a public highway. Said abandonment is specifically conditioned upon the following:

1. Petitioner agrees to tender the amount of three million eight hundred fifty-two thousand dollars (\$3,852,000.00) in legal tender U.S. currency to the City of Providence over a ten-year period for the portions of Cumberland Street, Wardlaw Avenue, and Huxley Avenue that are the subject of an abandonment petition filed by the Office of the City Solicitor on January 3, 2013.

2. Providence College shall either grant as easement in favor of the Providence Water Supply Board, which will permit retention of its facilities in their existing location, together with the right to inspect, maintain, operate and replace the same and with twenty-four hour access to said facilities, or, in the alternative, should it be determined by Providence College that any such facilities need be relocated in order to comply with an intended use, Providence College shall assume all costs of relocation.

3. Providence College shall accept ownership of the sewer located within the limits of the roadway to be abandoned, up to but not including the existing sewer manhole in the center of Cumberland Street at or near the property boundary between Lots 195 and 196 as shown on Plat Map 81.

4. Providence College shall either grant as easement in favor of Verizon, which will permit retention of its facilities in their existing location, together with the right to inspect, maintain, operate and replace the same and with twenty-four hour access to said facilities, or, in the alternative, should it be determined by Providence College that any such facilities need be relocated in order to comply with an intended use, Providence College shall assume all costs of relocation.

5. Providence College shall comply with city ordinances pertaining to storm water management, tree canopy, landscaping and lighting, and shall carefully consider modifications to traffic patterns, giving consideration to reasonable, limited access for the convenience of the neighborhood.

6. Providence College shall allow emergency vehicle access to the homes on Cumberland Street and Sandringham Avenue.

7. Providence College shall comply with all conditions contained herein within sixty (60) days from the date of passage.

ORDERED, That the Traffic Engineer be, and he is hereby, directed to cause a sign to be placed on the above-named highway abandoned as aforesaid, having thereon the words, "Not a Public Highway," and it is further

ORDERED, That after the entry of this order or decree the City Clerk shall cause a notice thereof to be published in a newspaper, published in the County of Providence at least once a week for three successive weeks and a further and personal notice shall be served by the City Sergeant upon every owner of land abutting the above-named highway which has been abandoned, who is known to reside within the State; and it is further

ORDERED, following the passage of this Resolution, Providence College shall have a Class I survey prepared by a Professional Land Surveyor, properly licensed by the Board of Registration for Professional Land Surveyors, inasmuch as road abandonments constitute a boundary change pursuant to Informational Bulletin 2003.01 issued by said Board.

Resolution Granting the abandonment of Wardlaw Avenue Area.

RESOLVED, DECREED, AND ORDERED:

That the following-named street on the accompanying map entitled "Prov., RI, DPW -Engineering Office, Street line Section Plan No. 064841, dated February 5, 2013."

VIZ: Wardlaw Avenue, portion of, shown as the areas on the accompanying map and designated by the letters A-B-C-D-A, is proposed to be abandoned as a public highway. Said abandonment is specifically conditioned upon the following:

1. Petitioner agrees to tender the amount of three million eight hundred fifty-two thousand dollars (\$3,852,000.00) in legal tender U.S. currency to the City of Providence over it ten-year period for the portions of Cumberland Street, Wardlaw Avenue, and Huxley Avenue that are the subject of an abandonment petition filed by the Office of the City Solicitor on January 3, 2013.

2. Providence College shall either grant as easement in favor of the Providence Water Supply Board, which will permit retention of its facilities in their existing location, together with the right to inspect, maintain, operate and replace the same and with twenty-four hour access to said facilities, or, in the alternative, should it be determined by the Providence College that any such facilities need be relocated in order to comply with an intended use, Providence College shall assume all costs of relocation.

3. Providence College shall accept ownership of the sewer located between Lucille Street and Cumberland Street.

4. Providence College shall comply with city ordinances pertaining to storm water management, tree canopy, landscaping and lighting, and shall carefully consider modifications to traffic patterns, giving consideration to reasonable, limited access for the convenience of the neighborhood.

5. Providence College shall comply with all conditions contained herein within sixty (60) days from the date of passage.

ORDERED, That the Traffic Engineer be, and he is hereby, directed to cause a sign to be placed on the above-named highway abandoned as aforesaid, having thereon the words, "Not a Public Highway," and it is further

ORDERED, That after the entry of this order or decree the City Clerk shall cause a notice thereof to be published in a newspaper, published in the County of Providence at least once a week for three successive weeks and a further and personal notice shall be served by the City Sergeant upon every owner of land abutting the above-named highway which has been abandoned, who is known to reside within the State; and it is further

ORDERED, following the passage of this Resolution, Providence College shall have a Class I survey prepared by a Professional Land Surveyor, properly licensed by the Board of Registration for Professional Land Surveyors, inasmuch as road abandonments constitute a boundary change pursuant to Informational Bulletin 2003.01 issued by said Board.

COUNCILMAN YURDIN Moves to Dispense with the Reading of the foregoing matters and Moves Passage of the Several Resolutions, seconded by **COUNCILMAN NARDUCCI**.

The Motion for Passage of the Several Resolutions is Sustained.

**SPECIAL COMMITTEE ON WAYS AND MEANS
COUNCILMAN DAVID SALVATORE, Chairman**

Transmits the following with Recommendation the Same be Approved:

Memorandum of Agreement between Providence College and the City of Providence, relative to the abandonment of property along Huxley Avenue, Cumberland Street and Wardlaw Avenue.

RESOLVED, That His Honor, the Mayor, is hereby authorized to execute a Memorandum of Agreement with Providence College contemplating the abandonment of approximately 80,850 square feet City-owned streets adjacent to the Providence College campus bounded on both sides by Providence College properties, specifically: Huxley Avenue from Lot # 229 to Lot # 8; Cumberland Street from Lot # 189 to Lot # 195; and Wardlaw Avenue from Lot # 186 to Lot #189, in exchange for the payment of \$3,842,607.00.

Read and Passed, on Motion of **COUNCILMAN YURDIN**, seconded by **COUNCILMAN NARDUCCI**, by the Following Roll Call Vote:

AYES: COUNCIL PRESIDENT SOLOMON, COUNCILMAN APONTE, COUNCILWOMAN CASTILLO, COUNCILMEN CORREIA, HASSETT, IGLIOZZI, JACKSON, COUNCILWOMAN MATOS, COUNCILMEN NARDUCCI, PRINCIPE, SALVATORE, SANCHEZ and YURDIN – 13.

NAYES: NONE.

ABSENT: COUNCILMEN JENNINGS and ZURIER – 2.

The Motion for Passage is Sustained.

**COMMITTEE ON ORDINANCES
COUNCILMAN SETH YURDIN, Chairman**

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

An Ordinance Amending Chapter 13, Entitled: "Housing", of the Code of Ordinances. (Housing Amendment)

Read and Passed the First Time, on Motion of **COUNCILMAN YURDIN**, seconded by **COUNCILMAN NARDUCCI**, by the Following Roll Call Vote:

AYES: COUNCIL PRESIDENT SOLOMON, COUNCILMAN APONTE, COUNCILWOMAN CASTILLO, COUNCILMEN CORREIA, HASSETT, IGLIOZZI, JACKSON, COUNCILWOMAN MATOS, COUNCILMEN NARDUCCI, PRINCIPE, SALVATORE, SANCHEZ and YURDIN – 13.

NAYES: NONE.

ABSENT: COUNCILMEN JENNINGS and ZURIER – 2.

The Motion for Passage the First Time, is Sustained.

Transmits the Following with Recommendation the Same Be Adopted:

An Ordinance in Amendment of Chapter 16, Article I of the Code of Ordinances, Entitled: "In General," As Amended. (Chronic Nuisance Ordinance)

Read and Passed the First Time, on Motion of COUNCILMAN YURDIN, seconded by COUNCILMAN NARDUCCI, by the Following Roll Call Vote:

AYES: COUNCIL PRESIDENT SOLOMON, COUNCILMAN APONTE, COUNCILWOMAN CASTILLO, COUNCILMEN CORREIA, HASSETT, IGLIOZZI, JACKSON, COUNCILWOMAN MATOS, COUNCILMEN NARDUCCI, PRINCIPE, SALVATORE, SANCHEZ and YURDIN – 13.

NAYES: NONE.

ABSENT: COUNCILMEN JENNINGS and ZURIER – 2.

The Motion for Passage the First Time, is Sustained.

COMMUNICATIONS AND REPORTS

Executive Order 2013-1, submitted by His Honor the Mayor, dated February 5, 2013, Authorizing the City Solicitor to continue to prosecute or pursue legal claims regarding securities, housing or false claims accruing to the benefit of city taxpayers.

COUNCIL PRESIDENT SOLOMON Receives the foregoing Executive Order.

Communication from John O. Mancini, dated February 7, 2013, requesting to extend the Tax Stabilization Plan for One Reservoir Avenue to December 31, 2023.

COUNCIL PRESIDENT SOLOMON Refers the Resolutions to the Special Committee on Ways and Means.

FROM THE CLERK'S DESK

Petitions for Compensation for Injuries and Damages, viz:

Urbano and Sandra Prignano
(Melina J. Trudeau, Esquire)
John C. Dalomba
Kenneth Brown
Florette Ruggiero

Spartan Recoveries, LLC
a/s/o Narragansett Bay Insurance
Company/Robert D'Amico
Amica Mutual Insurance
a/s/o Michael & Jennifer Hilton

Sabrina San Antonio
Cirino Ramirez
Reservoir Avenue Condominium Association
Justin Bessette
Melanie DiSano
Rita A. Rose
Miguel Hilario
Praxis Consulting a/s/o Marith Men
David Nastari

Jack R. Bevivino
Darius S. D'Errico
Carroll Walsh
Jeffrey Nelson
Sarah Gwizdowski
Travelers a/s/o Gabriel Ramirez
Barbara Rubine
Michael A. Tarro
(Lorelei Flanagan, Esquire)

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

**PRESENTATION OF RESOLUTIONS
"IN CONGRATULATIONS"**

COUNCIL PRESIDENT SOLOMON and MEMBERS OF THE CITY COUNCIL:

Resolution Extending Congratulations.

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

Steven John Mercurio, Jr. and Kattia Albuja Herrera, in recognition of the celebration of their marriage on January 13, 2013.

Sr. Ann Keefe, SSJ, in recognition of being selected the Grand Marshalette of the 2013 Providence St. Patrick's Day Parade, celebrating Our Irish Cultural Heritage traveling through Elmhurst and Smith Hill along Smith Street this coming March.

Jonathan J. Houston, in recognition of being selected the Deputy Gran Marshall of the 2013 Providence St. Patrick's Day Parade, celebrating Our Irish Cultural Heritage traveling through Elmhurst and Smith Hill along Smith Street this coming March.

Severally Read and Collectively Passed, on Motion of COUNCILMAN YURDIN, seconded by COUNCILMAN NARDUCCI.

The Motion for Passage is Sustained.

**PRESENTATION OF RESOLUTIONS
"IN MEMORIAM"**

COUNCIL PRESIDENT SOLOMON and MEMBERS OF THE CITY COUNCIL:

Resolution Extending Sympathy.

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

Elena "Eleanor" Palma D'Agostino
Thelma Serrie


Angelina "Ann" Lane

Severally Read and Collectively Passed, by a Unanimous Rising Vote, on Motion of COUNCILMAN YURDIN, seconded by COUNCILMAN NARDUCCI.

The Motion for Passage is Sustained.

ADJOURNMENT

There being no further business, on Motion of COUNCILMAN YURDIN, seconded by COUNCILMAN NARDUCCI, it is voted to adjourn at 7:25 o'clock P.M. (E.S.T.), to meet again UPON THE RISE OF THE 7:00 O'CLOCK REGULAR CITY COUNCIL MEETING.



Anna M. Stetson
City Clerk

**CITY OF PROVIDENCE
RHODE ISLAND**



CITY COUNCIL

JOURNAL OF PROCEEDINGS

No. 6 City Council Special Meeting, Thursday, February 21, 2013
Upon the Rise of the 7:00 o'clock Regular City Council Meeting

PRESIDING

**COUNCIL PRESIDENT
MICHAEL A. SOLOMON**

ROLL CALL

**PRESENT: COUNCIL PRESIDENT SOLOMON,
COUNCILMAN APONTE, COUNCILWOMAN CASTILLO,
COUNCILMEN CORREIA, HASSETT, IGLIOZZI, JACKSON,
COUNCILWOMAN MATOS, COUNCILMEN NARDUCCI,
PRINCIPE, SALVATORE, SANCHEZ and YURDIN – 13.**

ABSENT: COUNCILMEN JENNINGS and ZURIER – 2.

**ALSO PRESENT: Lori L. Hagen, Second Deputy City Clerk,
Sheri A. Petronio, Assistant Clerk and Jeffrey Padwa, City
Solicitor.**

IN CITY COUNCIL

MAY 16 2013

APPROVED:

 **CLERK**

INVOCATION

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

COUNCILMAN YURDIN Moves to Dispense with the Reading of items one and two, seconded by **COUNCILMAN NARDUCCI**.

CALL FOR SPECIAL MEETING**COMMUNICATION FROM****COUNCIL PRESIDENT MICHAEL A. SOLOMON**

Communication filed with the City Clerk February 19, 2013, in accordance with Sections 406 of the Providence Home Rule Charter of 1980 and Rule Number 3 of the Rules of the City Council, Requesting a Special Meeting of the City Council to be Called on the 21st day of February 2013, Upon the Rise of the 7:00 o'clock Regular City Council Meeting, in the City Council Chamber, Third Floor, City Hall.

Anna M. Stetson
City Clerk
City Hall
Providence, RI 02903

Dear Ms. Stetson:

In accordance with the Provisions of Section 406 of the Providence Home Rule Charter of 1980 and Rule 3 of the Rules of the City Council, I am, this day, calling a Special Meeting of the City Council to be held on Thursday, February 21, 2013 Upon the Rise of the 7:00 o'clock Regular City Council Meeting, in the City Council Chamber, Third Floor, City Hall, for the purpose of acting upon the following:

RESOLUTION AUTHORIZING HIS HONOR THE MAYOR TO EXECUTE A LEASE AGREEMENT FOR THE OLIVER HAZARD PERRY SCHOOL, WITH ACHIEVEMENT FIRST RHODE ISLAND FOR AN INITIAL TERM OF TWENTY YEARS AT AN ANNUAL RENTAL OF \$1.00 AND WITH ANY OTHER SUCH TERMS AND CONDITIONS AS MAY BE IMPOSED BY THE COMMITTEE ON CITY PROPERTY, THE CITY COUNCIL, HIS HONOR THE MAYOR, AND THE CITY SOLICITOR.

Respectfully,



Council President Michael A. Solomon

Received.

WARRANT FOR SPECIAL MEETING

Warrant of the City Clerk to the City Sergeant with Return Certification that he has notified each Member of the City Council of the Special Meeting Called for the 21st day of February, 2013 Upon the Rise of the 7:00 o'clock Regular City Council Meeting, in the City Council Chamber, Third Floor, City Hall.

DAVID TASSONI, CITY SERGEANT:


WHEREAS, Council President Michael A. Solomon, pursuant to Section 406 of the Providence Home Rule Charter of 1980 and Rule 3 of the Rules of the City Council, requested the City Clerk, in writing, to Call a Special Meeting of the City Council to be held on Thursday, February 21, 2013, Upon the Rise of the 7:00 o'clock Regular City Council Meeting, in the City Council Chamber, Third Floor, City Hall for the purpose of Enacting the following:

RESOLUTION AUTHORIZING HIS HONOR THE MAYOR TO EXECUTE A LEASE AGREEMENT FOR THE OLIVER HAZARD PERRY SCHOOL, WITH ACHIEVEMENT FIRST RHODE ISLAND FOR AN INITIAL TERM OF TWENTY YEARS AT AN ANNUAL RENTAL OF \$1.00 AND WITH ANY OTHER SUCH TERMS AND CONDITIONS AS MAY BE IMPOSED BY THE COMMITTEE ON CITY PROPERTY, THE CITY COUNCIL, HIS HONOR THE MAYOR, AND THE CITY SOLICITOR.

You are therefore, hereby commanded and required to summon each Member of the City Council to that Special Meeting, as Called.

HEREOF, Fail Not, and make a true return of this Warrant, with your doings thereon,

Given under my Hand and the Official Seal of the
City of Providence, State of Rhode Island and
Providence Plantations this 19th day of February,
2013, A.D.

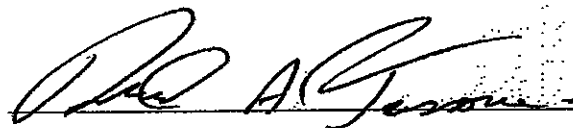

Anna M. Stetson
City Clerk

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

THE CITY OF PROVIDENCE, Sc.

FEBRUARY 19, 2013

I, **David Tassoni**, City Sergeant do hereby certify that I have notified each Member of the Special City Council Meeting to be held on Thursday, February 21, 2013, Upon the Rise of the 7:00 o'clock Regular City Council Meeting, in the Chamber of the City Council, Third Floor, City Hall, Providence, in accordance with the subject warrant by delivering to each member a copy thereof.



Date 2-19-13

Received.

REPORT FROM COMMITTEE

COMMITTEE ON CITY PROPERTY COUNCILMAN WILBUR W. JENINGS, JR., Chairman

Transmits the Following with Recommendation the Same Approved, As Amended:

Resolution Authorizing His Honor the Mayor to execute a lease agreement for the Oliver Hazard Perry School, with Achievement First Rhode Island for an initial term of twenty years at an annual rental of \$1.00 and with any other such terms and conditions as may be imposed by the Committee on City Property, the City Council, His Honor the Mayor, and the City Solicitor.

RESOLVED, That His Honor the Mayor is authorized to execute a lease agreement for the Oliver Hazard Perry School, with Achievement First Rhode Island for an initial term of twenty years at an annual rental of \$1.00 and with any other such terms and conditions as may be imposed by the Committee on City Property, the City Council, His Honor the Mayor, and the City Solicitor.

COUNCILMAN YURDIN: This matter came out of committee two days ago. There was a motion made and a request made to the Law Department to make some changes to the lease. So, I direct my colleagues, there is the original lease that was provided as an exhibit that's marked as 2 attached to this resolution and then a proposed changed lease that was in regard to paragraph sixteen that related to "destruction of premises." Some council members raised some questions and that is attached as well. I don't know if the Solicitor has any comments to make about the change.

CITY SOLICITOR PADWA: My understanding was that at the committee meeting the other day there was a few concerns with regard to paragraph sixteen. My office continued to negotiate a few provision today and the concerns were number one, that paragraph sixteen referenced the insurance policy, which is also listed in paragraph in 6(b) and that the city's exposure is limited to that extent and that change has been made. There was another concern with regard to completing the work within 90 days, and we've agreed to the language so that the city is required to start construction renovations in the event of a need for it within twenty four hours of the insurance company approving and then finishing it within a timely manner. So, we've addressed the concerns raised on the committee level in further negotiations today on those points.

COUNCILMAN YURDIN: Thank you. I would move approval on a roll call vote.

COUNCILMAN NARDUCCI: Before we do that Council President if I may, unless I'm just not seeing it, there was one other change that was asked for that was suppose to be in here. We were supposed to have a change in the insurance amount that the city was only liable for the amount of the insurance check that was given to the city and nothing above and beyond. Like I said, unless I passed it in here I didn't see it. I just want to make sure that's in here. So, can we take a minute and check to make sure that's in here.

COUNCILMAN APONTE: Mr. President, point of clarification. In my package there are two versions of the lease. Item labeled one and the second labeled two. Which one is the one that is before us?

COUNCILMAN YURDIN: The item that was passed out of committee was item number two. I believe exhibit item number one has the changes that were put forward as an exhibit for the Law Department. We did not amend the resolution because the only thing that was really before the committee itself was the resolution. So, we attached both as exhibits to the resolution for reference, but one is the revised lease. That's the current negotiated lease between the city and Achievement First.

COUNCILMAN APONTE: Mr. President, if I may, through the Chair to the Majority Leader. So, item number one reflects the suggested changes that came out of the committee.

COUNCILMAN YURDIN: That's my understanding, yes it does. Sorry, it's reversed it's number two.

COUNCILMAN IGLIOZZI: Why don't we make a motion to remove the first one. Should we do that.

COUNCILMAN YURDIN Moves to strike item number one that is attached to item number five, seconded by **COUNCILMAN IGLIOZZI**.

COUNCILMAN IGLIOZZI: For the record, we have the resolution and item number two, which is before us. I just want to make that everybody knows what's before us. So, if you just rip out item number one out of your package it will be a lot easier. Thank you.

COUNCILMAN NARDUCCI: Mr. President, maybe the Solicitor can help me understand this a little better. I'm being shown on sixteen where it does say provided that the insurance coverage required in Section 6(b) covers said damage. When I read section 6(b), I don't understand it to say that we're only responsible for the amount of money that the insurance gives us as an amount of damage done. Like my point being I don't want to end up having damage done to the building and having a check presented to us from the insurance company for, and I will just use a number \$100,000.00, and then come to find out there is \$200,000.00 of insurance. Who is going to be responsible for the excess. It's not clear. I thought we were going to make that clearer. So, can you explain to me and make me understand it a little better maybe.

CITY SOLICITOR PADWA: I'm not sure that I can. I think it's clear. It says to the extent that there is insurance coverage.

COUNCILMAN NARDUCCI: I'm not reading it that way. I know what it's saying here, but is this holding them responsible. Again, if the damage is worth more then the insurance check that we receive, is the city liable for the difference.

CITY SOLICITOR PADWA: What it says is, is that if the property is damaged the lessor shall commence restoration provided there is insurance coverage as referenced in Section 6(b). It addresses the issue.

COUNCILMAN APONTE Moves to Amend paragraph five, subsection four to add after the period, "the lessee shall use it's best efforts to utilize 30 MBE and WBE contractors during construction, seconded by **COUNCILWOMAN CASTILLO**.

COUNCILMAN APONTE Moves to Amend Section 11, Option to Purchase: At any time during the Term of this lease, lessee may upon at least sixty (60) days prior written notice to the lessor exercise an option to purchase the property (the "Option to Purchase"), striking all the remaining language in that section and replacing it with "In accordance with Section 416 of the Providence Home Rule Charter", seconded by **COUNCILMAN JACKSON**.

COUNCILMAN YURDIN Moves to approve item number five, As Amended, seconded by **COUNCILMAN NARDUCCI**.

COUNCILMAN PRINCIPE: Mr. President, there were a number of items that were brought up in committee on Tuesday night, but it was the decision of the committee to discuss them here on the council floor instead of in committee. So, for the sake of edification and for the record, this lease has everything to do with a city asset that is currently appraised at \$15 million and my comments have everything to do with my concerns over the financial exposure that the city has due to this lease. It has nothing to do with the occupant that would use the space. In fact, I wish Achievement First Rhode Island all the best in their future endeavors in Rhode Island. With that being said Section 4, Subsection 2, which deals with ground maintenance. It was explained to the committee on Tuesday night that this section spells out that the lessor, which is the city will pay for and perform all exterior ground maintenance. That includes plowing, cutting the grass, waste removal, sanding, salting including sidewalks and it was explained to the committee that that section was included in the lease because ARAMARK is currently also at the Perry Middle School building. My contention is that if there is a point in time when ARAMARK or any successor contracted to the city is no longer in that site I don't feel that the city should be liable or should perform the exterior ground maintenance to this building, which will in affect by 100% occupied by the lessee. So, I move to strike that section from the lease.

COUNCIL PRESIDENT SOLOMON: There is already a motion on the floor and the motion has been seconded. So, we're in them middle of a roll call vote Councilman unless someone wants to retract their motion, we're in the middle right now.

COUNCILMAN PRINCIPE: Well, I'm looking to amend Council President.

COUNCIL PRESIDENT SOLOMON: So, the motion has been made and seconded.

COUNCILMAN PRINCIPE: Mr. President, I'm proposing an amendment.

COUNCIL PRESIDENT SOLOMON: I know that Councilman, but we're in the middle of a motion. It's been made and seconded.

COUNCILMAN PRINCIPE: Mr. Solicitor, does an amendment take precedence over a motion that's already on the floor.

CITY SOLICITOR PADWA: Yes.

COUNCIL PRESIDENT SOLOMON: So, you're looking to make a motion to amend paragraph four.

COUNCILMAN PRINCIPE Moves to strike Section 4, subsection 2 from the lease, seconded by **COUNCILMAN SANCHEZ**.

COUNCIL PRESIDENT SOLOMON: I think right now we need a motion right now to approve with all the amendments. That would be the proper motion.

COUNCILMAN HASSETT: Mr. President, the amendments have already been approved.

AT EASE

RECONVENTION

COUNCILMAN YURDIN: I would move passage of item number five, as amended on a roll call vote.

COUNCILMAN PRINCIPE: Mr. President, for clarification, I'm just wondering does that include striking the ground maintenance. Does it include striking the item that I proposed the amendment.

CITY SOLICITOR PADWA: Councilman, there was a vote on your motion to amend that was approved.

COUNCILMAN PRINCIPE: Okay. Mr. President, for the record, can I talk about the other issues that I have. In Section 4, subsection 5, the lessor agrees in it's best efforts to apply for and receive state housing aid reimbursements through the Rhode Island Department of Education to pay for capital improvements on the property made by the lessee. So, this would be the city going and trying to get housing aid reimbursement dollars that are limited in nature from RIDE to help pay for the capital improvements to Perry. We have probably everyone of our other schools that are in dyer need of significant capital dollars and these are limited dollars and I don't feel that we should be even applying for them in this case here. It should not be part of the lease.

COUNCILMAN PRINCIPE Moves to strike Section 4, subsection 5, seconded by **COUNCILMAN SANCHEZ**, by the following Roll Call:

AYES: **COUNCILMEN JACKSON, PRINCIPE and SANCHEZ – 3.**

NAYES: **COUNCIL PRESIDENT SOLOMON, COUNCILMAN APONTE, COUNCILWOMAN CASTILLO, COUNCILMEN CORREIA, HASSETT, IGLIOZZI, COUNCILWOMAN MATOS, COUNCILMEN NARDUCCI, SALVATORE and YURDIN – 10.**

ABSENT: **COUNCILMEN JENNINGS and ZURIER – 2.**

The motion to strike Section 4, subsection 5 Fails.

COUNCILMAN HASSET Moves to end debate, seconded by COUNCILMAN YURDIN.

COUNCILMAN YURDIN Moves Passage of the Resolution, As Amended, seconded by COUNCILMAN NARDUCCI, by the Following Roll Call Vote:

AYES: COUNCIL PRESIDENT SOLOMON, COUNCILMEN APONTE, CORREIA, HASSETT, IGLIOZZI, JACKSON, COUNCILWOMAN MATOS, COUNCILMEN NARDUCCI, SALVATORE and YURDIN – 10.


NAYES: COUNCILWOMAN CASTILLO, COUNCILMEN PRINCIPE and SANCHEZ – 3.

ABSENT: COUNCILMEN JENNINGS and ZURIER – 2.

The motion for Passage, As Amended is Sustained.

ADJOURNMENT

There being no further business, on Motion of COUNCILMAN YURDIN, seconded by COUNCILMAN NARDUCCI, it is voted to adjourn at 7:55 o'clock P.M. (E.S.T.), to meet again THURSDAY, MARCH 7, 2013 at 7:00 o'clock P.M. (E.S.T.)



Anna M. Stetson
City Clerk

