

## **CITY MANAGER'S AGENDA**

1. Transmitting communication from Richard C. Rossi, City Manager, relative to the appointment of the following persons as member of the Public Art Commission for a three year term effective Dec 18, 2013: Christopher Sokolowski, Hue T. Nguyen
2. Transmitting communication from Richard C. Rossi, City Manager, relative to the appointment of the following persons as Public Weighers to operate scales at Mich-Lin transfer station for the calendar year 2014: Charles J. Mabardy, Joseph Marbardy, Jr., James Mabardy, Daniel Pasquarosa, JoAnn Del Vecchio, Kimberly Mochi-Vendetti, Justine N. Bonitatibus, Amanda Noonan, Michael Guerriero, Bryan Burdge & Nicholas Santolucito
3. Transmitting communication from Richard C. Rossi, City Manager, relative to the appointment of the following persons as Public Weighers to operate scales at Boston Sand & Gravel Co., for calendar year 2014: Dave Thebearge, Dave Kelley, Matt Dunn, Bill Tweedy, Dan O'Neil, Cherry Gomez, Scott Prentice, Joe Olson, Rolland Baris, Mike Denahy, Tony Cordella & Jody Staples
4. Transmitting communication from Richard C. Rossi, City Manager, relative to the appointments of the following persons as member of the GLBT Commission for a term of three years, effective Jan 1, 2014: Anna J. Weick, Paul O. Miller
5. Transmitting communication from Richard C. Rossi, City Manager, relative to an update on the new Nexus Study for Incentive Zoning Ordinance.
6. Transmitting communication from Richard C. Rossi, City Manager, relative to the appointment of the following person as a Constable With Power for a term of three years, effective Jan 1, 2014: James M. Desrosiers
7. Transmitting communication from Richard C. Rossi, City Manager, relative to the appropriate the Homeless Youth Count grant funded by the Massachusetts Department of Housing and Community Development (DHCD) in the amount of \$4,750.00 to the Grant Fund Human Service Programs Other Ordinary Maintenance account which will be used to coordinate with local homeless organizations to participate in the State's 2014 Unaccompanied Homeless Youth Count to be conducted in late January.
8. Transmitting communication from Richard C. Rossi, City Manager, relative to the appropriation of \$373,734.00 to the Grant Fund Human Service Programs Salary and Wages account (\$28,875.00) and to the Department of Human Service Programs Other Ordinary Maintenance account (\$344,859.00) which will be used for costs related to serving persons experiencing homelessness in Cambridge
9. Transmitting communication from Richard C. Rossi, City Manager, relative to the appropriation of \$16,100,824 in funds received from the Massachusetts Water Resources Authority (MWRA) Grant to the Public Works Public Investment Fund Extraordinary Expenditures account for the Alewife Sewer Separation Program.

## **UNFINISHED BUSINESS**

1. A communication was received from Donna P. Lopez, City Clerk, transmitting a report from Councillor David P. Maher, Chair of the Ordinance Committee for a public hearing held on Nov 22, 2013 to conduct a public hearing

on an amendment to the Municipal Code by adding a new Chapter 8.68 entitled "Concussion Prevention and Management in Youth Activities at City Facilities." The question comes on passing to be ordained on or after Dec 23, 2013.

## **APPLICATIONS AND PETITIONS**

1. An application was received from Gourmet Express requesting permission for a sandwich board sign in front of the premises numbered 1868 Massachusetts Avenue.
2. An application was received from the Lesley University requesting permission for twenty-five temporary banners on electrical poles along Massachusetts Avenue between Porter Square and Harvard Square and five temporary banners on electrical poles on Brattle Street. Temporary banners will be hung February, March and April. Approval has been received from the Electrical Department.
3. An application was received from Whittemore Realty Trust requesting permission for three curb cuts at the premises numbered 12A-12B-12C Whittemore Avenue; said petition has received approval from Inspectional Services, Traffic, Parking and Transportation, Historical Commission and Public Works. Chair of neighborhood association disapproves the curb cuts and vice chair of the neighborhood association approves the curb cuts.

## **COMMUNICATIONS**

1. A communication was received from Whittemore Avenue LLC and Tyler Court Realty Trust transmitting written protest to the petition filed by John Walker, et al. to amend Section 17.20 and 19.40 of the Zoning Ordinance of the City of Cambridge.
2. A communication was received from Whittemore Avenue LLC and Tyler Court Realty Trust transmitting written protest to the Petition filed by the City Council to amend Section 17.20 and 19.40 of the Zoning Ordinance of the City of Cambridge in the Linear Park area.
3. A communication was received from Amy Farber regarding public toilets on the Cambridge Common.
4. A communication was received from Liz Vandermark regarding public toilets on the Cambridge Common.
5. A communication was received from Adriane Bishko regarding public toilets on the Cambridge Common.
6. A communication was received from Carol O'Hare, 172 Magazine Street transmitting strong support for a plastic bag ban.
7. A communication was received from Tom Stohlman, 19 Channing Street transmitting suggested changes to the Council rules.

## **RESOLUTIONS**

1. Congratulations to Sanjay Gupta on his new role at Cambridge-based electronics firm MC10. Councillor Cheung
2. Resolution on the death of Constance A. Fowler. Councillor Cheung
3. Resolution on the death of John E. Ferdinand, Jr. Councillor Cheung
4. Resolution on the death of Harold G. Thompson. Councillor Cheung
5. Resolution on the death of Joseph M. Comerford. Mayor Maher

6. Resolution on the death of Joseph J. Hassett, Esquire. Mayor Maher
7. Resolution on the death of Richard T. Carceo. Mayor Maher
8. Resolution on the death of Edward K. Fry. Mayor Maher
9. Resolution on the death of Mary (Harris) O'Connell. Mayor Maher
10. Resolution on the death of Jean A. Manning Fallon. Councillor Cheung
11. Resolution on the death of Mitchell J. Sartanowicz. Mayor Maher
12. Resolution on the death of Anne DeCoursey Clapp. Councillor Cheung
13. Congratulations to David Einstein and Katherine Levine Einstein on the birth of their daughter Elise Rena Einstein. Councillor Cheung
14. Resolution on the death of Thelma M. Giacoppo. Councillor Cheung
15. Resolution on the death of Theresa M. Buckland. Councillor Cheung
16. Resolution on the death of Paul F. Collazzo. Councillor Cheung
17. Congratulations to Dr. Assaad Sayah on his new position as Chief Medical Officer of the Cambridge Health Alliance. Councillor Cheung
18. Resolution on the death of Peter J. Caputo. Councillor Cheung
19. Resolution on the death of Beatrice L. (Levy) Davis. Mayor Maher
20. Resolution on the death of Richard P. Ring. Councillor Cheung
21. Resolution on the death of William Benoit. Councillor Cheung
22. Resolution on the death of Mary K. Shae. Councillor Cheung
23. Resolution on the death of Jean Wheeler Parsons. Councillor Cheung
24. Resolution on the death of Paul Warren Nugent. Mayor Maher
25. Resolution on the death of Paul Trotto. Councillor Toomey
26. Resolution on the death of Ernestine (Santos) Vieira. Councillor Toomey
27. Congratulations to Scott Harshbarger on receiving the Distinguished Service Award from Shelter Legal Services. Councillor Cheung
28. Condolences to the family of Nirmala Prakash. Councillor Simmons
29. Resolution on the death of Kevin M. Dwyer. Councillor Toomey
30. Retirement of Dennis J. Shine from the Cambridge Fire Department. Mayor Maher
31. Encourage citizens of Cambridge to honor Dr. Martin Luther King, Jr.'s legacy by performing acts of kindness through service to others in need and participate in Many Helping Hands - Cambridge Martin Luther King Day of Service on Martin Luther King Day on Jan 20, 2014. Councillor Simmons
32. Congratulations to the organizers of the Being Culturally Responsive in Urban Settings conference. Councillor Simmons
33. Resolution on the death of Eugene G. Masci. Councillor Cheung
34. Resolution on the death of Marilyn Elaine Williams. Councillor Cheung
35. Resolution on the death of Grace M. O'Brien. Councillor Cheung
36. Resolution on the death of Roberta G. Selleck. Councillor Cheung
37. Congratulations to Chef Matt Cunningham on his new role as Chef de Cuisine at The Sinclair. Councillor Cheung
38. Congratulations to James Stockard on being awarded the Alice K. Wolf award by the Cambridge Democratic City Committee. Councillor McGovern
39. Thanks to the mentors of the TTT Mentor Program for their participation. Councillor Simmons
40. Congratulations to the 2013-2014 mentees who participated in the TTT Mentor Program. Councillor Simmons
41. Happy 40th Birthday wishes to Allison P. Berg. Councillor Toomey
42. Congratulations to Matthew Frank for being named President of the Chelsea City Council. Councillor Cheung
43. Retirement of Lorna Rutkauskas from the Cambridge Fire Department. Mayor Maher
44. Resolution on the death of Russell C. Killion. Mayor Maher
45. Resolution on the death of Sister Bernadette Marie Rodley, CSJ. Councillor Toomey
46. Resolution on the death of Valjeanne M. Prescott. Mayor Maher
47. Congratulations and best wishes to the Jon Kessen, Barry Maiden, Rachel Miller Munzer and Alon Munzer on the opening of the State Park Restaurant at One Kendall Square. Councillor Toomey
48. Congratulations to Bishop Richard Deeley on his appointment as Bishop of Portland, Maine. Mayor Maher

#### **ORDERS**

1. That the City Council go on record endorsing the Coalition to Protect Patient Safety's ballot initiative, the *Patient Safety Act*, which would establish specific patient limits that registered nurses can have at one time to ensure safe patient care. Councillor Cheung
2. That the City Council go on record expressing support for fair wages and benefits for Cambridge's adjunct professors, the right of Cambridge's adjunct professors to form a union, and the adoption of free and fair union election principles, similar to those that have been adopted by many higher education institutions in other U.S. cities, which establish the commitment that workers are "free" to make up their own mind under "fair" voting conditions. Councillor Cheung
3. That the City Council go on record endorsing the Hospital Profit Transparency and Fairness Act which would establish

regulations to reign in CEO compensation and recuperate excess profits that come from taxpayer money for the protection of essential health care services in all communities Councillor Cheung

4. That the City Council go on record urging Attorney General Martha Coakley to explore the feasibility of enacting a consumer-protection action mandating that all guns sold in Massachusetts be manufactured or retrofitted with fingerprint-activation technology within a set number of years. Councillor Simmons
5. That the Mayor is requested to schedule a City Council/School Committee retreat in the near future to allow all of Cambridge's municipal elected officials the opportunity to converse with each other and discuss shared priorities for this term. Councillor Simmons
6. That the City Council go on record urging Sanofi/Genzyme to engage in labor peace and award the upcoming contract for cleaning services in worksites in Massachusetts to a responsible contractor who is signatory to 32BJ SEIU's collective bargaining practices to provide job security and stability for the existing workers. Councillor Cheung

#### **COMMUNICATIONS AND REPORTS FROM CITY OFFICERS**

1. A communication was received from Donna P. Lopez, City Clerk transmitting the action taken by the Cambridge City Council on an Open Meeting Law Complaint filed by Ilan Levy dated Dec 10, 2013.

#### **HEARING SCHEDULE**

##### **Mon, Jan 13**

5:30pm City Council Meeting (Sullivan Chamber)

##### **Mon, Jan 27**

5:30pm City Council Meeting (Sullivan Chamber)

##### **Mon, Feb 3**

5:30pm City Council Meeting (Sullivan Chamber)

##### **Mon, Feb 10**

5:30pm City Council Meeting (Sullivan Chamber)

##### **Mon, Feb 24**

5:30pm City Council Meeting (Sullivan Chamber)

##### **Mon, Mar 3**

5:30pm City Council Meeting (Sullivan Chamber)

##### **Mon, Mar 10**

5:30pm City Council Meeting (Sullivan Chamber)

##### **Mon, Mar 17**

5:30pm City Council Meeting (Sullivan Chamber)

##### **Mon, Mar 24**

5:30pm City Council Meeting (Sullivan Chamber)

##### **Mon, Mar 31**

5:30pm City Council Meeting (Sullivan Chamber)

##### **Mon, Apr 7**

5:30pm City Council Meeting (Sullivan Chamber)

##### **Mon, Apr 28**

5:30pm City Council Meeting (Sullivan Chamber)

##### **Mon, May 5**

5:30pm City Council Meeting (Sullivan Chamber)

##### **Mon, May 12**

5:30pm City Council Meeting (Sullivan Chamber)

##### **Mon, May 19**

5:30pm City Council Meeting (Sullivan Chamber)

##### **Mon, June 2**

5:30pm City Council Meeting (Sullivan Chamber)

##### **Mon, June 9**

5:30pm City Council Meeting (Sullivan Chamber)

##### **Mon, June 16**

5:30pm City Council Meeting (Sullivan Chamber)

##### **Mon, June 23**

5:30pm City Council Meeting (Sullivan Chamber)

##### **Mon, June 30**

5:30pm City Council Meeting (Sullivan Chamber)

#### **TEXT OF ORDERS**

O-1 Jan 13, 2014

#### **COUNCILLOR CHEUNG**

WHEREAS: The safety of patients in our hospitals is a paramount public health objective; and

WHEREAS: Nurses are a fundamental resource for ensuring the safety of patients in our hospitals; and

WHEREAS: Many registered nurses in Massachusetts are being asked to care for more patients at one time than has been deemed safe; and

WHEREAS: Research has shown that excessive patient assignments leads to increased risk of errors and makes patients more susceptible to complications, infections, and cost readmissions; and

WHEREAS: Following the implementation of the *Affordable Care Act*, hospitals will soon be penalized for these poor outcomes; and

WHEREAS: Medical errors come at a high expense to hospitals. Safer patient assignment levels have been shown to decrease healthcare costs by as much as 30 percent while decreasing patient costs and reducing the average length of stay and readmission rate; now therefore be it

RESOLVED: That the Cambridge City Council go on record endorsing the Coalition to Protect Patient Safety's ballot initiative, the *Patient Safety Act*, which would establish specific patient limits that registered nurses can have at one time to ensure safe patient care; and be it further

RESOLVED: That the City Clerk be and hereby is requested to forward a suitably engrossed copy of this resolution to the Cambridge Legislative Delegation, Governor Deval Patrick, Massachusetts Speaker of the House Robert A. DeLeo and Senate President Therese Murray on behalf of the entire City Council.

O-2 Jan 13, 2014

#### **COUNCILLOR CHEUNG**

WHEREAS: There are almost 13,000 non-union and non-tenure faculty currently working at Boston-area non-profit colleges and universities; and

WHEREAS: There are currently over 270,000 students enrolled in four-year non-profit colleges and universities in the Boston area, including at least 44,000 in Cambridge, who increasingly depend on the instruction and guidance of adjunct professors; and

WHEREAS: Students can pay upwards of \$50,000 in tuition and living expenses every year to attend a college or university in the Boston area; and

WHEREAS: Adjunct professors should be adequately supported by their institutions for their growing presence and role in the academic pursuits of students in the Boston area; and

WHEREAS: Adjunct professors have little job security and must take on multiple course loads in order to make ends meet; and  
WHEREAS: Some Boston-area colleges and universities do not provide health care benefits to their adjunct professors; and  
WHEREAS: The cost of living in the Boston area is 32 percent higher than the U.S. average; and  
WHEREAS: Adjunct professors in the Boston area should be paid fair wages and benefits that allow them to support themselves and their families; and  
WHEREAS: The decision of whether to unionize belongs solely to workers and should not be interfered with by management or their agents, now therefore be it  
RESOLVED: That the Cambridge City Council go on record expressing support for fair wages and benefits for Cambridge's adjunct professors, the right of Cambridge's adjunct professors to form a union, and the adoption of free and fair union election principles, similar to those that have been adopted by many higher education institutions in other U.S. cities, which establish the commitment that workers are "free" to make up their own mind under "fair" voting conditions; and be it further  
RESOLVED: That the City Clerk be and hereby is requested to forward a suitably engrossed copy of this resolution to SEIU's Boston office on behalf of the entire City Council.

O-3 Jan 13, 2014

COUNCILLOR CHEUNG

WHEREAS: Local access to quality hospital care is essential to the health and well-being of the residents of the City of Cambridge; and  
WHEREAS: The safety of patients in our hospitals is a paramount public health objective; and  
WHEREAS: Massachusetts has among the highest health care costs in the world and among the highest readmission rates in the nation; and  
WHEREAS: Health care costs have increased as a percentage of the state budget by 95 percent since 2000 and consumed 40 percent of the FY2014 budget; and  
WHEREAS: Non-profit and for-profit hospitals across Massachusetts receive significant taxpayer dollars through Medicare and Medicaid reimbursement; and  
WHEREAS: These public funds account for more than half of the revenues at many hospitals in Massachusetts; and  
WHEREAS: The consolidation of hospitals into large corporate entities has put the focus of profit and higher compensation for CEOs above patient care and safety; and  
WHEREAS: These corporate entities have continually reallocated funding and cut essentials services from less affluent communities, focusing instead on high-tech procedures to advance profits; and  
WHEREAS: Research has shown no link between excessive CEO compensation and a number of important quality care benchmarks, such as mortality rates and readmissions; and  
WHEREAS: If enacted, the Hospital Profit Transparency and Fairness Act would require hospitals to disclose all of their financial assets, including those held or invested in off-shore accounts, to the state Center for Health Information and Analysis; and  
WHEREAS: If enacted, the Hospital Profit Transparency and Fairness Act would create a new state Medicaid

Reimbursement Enhancement Fund which would derive funding from any hospital whose patient mix is less than 60 percent government payer and whose operating margin, including amortization and depreciation, is over 8 percent; and

WHEREAS: If enacted, the Hospital Profit Transparency and Fairness Act would also derive funding from any hospital that pays its CEO compensation more than 100 times greater than the annual compensation paid to a full-time employee earning minimum wage or than the lowest paid full-time employee; and

WHEREAS: Addressing these two issues simultaneously will dramatically improve patient safety in Massachusetts hospitals, while also ensuring that taxpayer dollars allotted for health care are dedicated exclusively for patient care and needed services for all communities; now therefore be it

RESOLVED: That the City Council go on record endorsing the Hospital Profit Transparency and Fairness Act which would establish regulations to reign in CEO compensation and recuperate excess profits that come from taxpayer money for the protection of essential health care services in all communities; and be it further

RESOLVED: That the City Clerk be and hereby is requested to forward suitably engrossed copies of this resolution to the Cambridge Legislative Delegation, Speaker of the House Terese Murray and Speaker of the House Robert DeLeo and Governor Deval Patrick on behalf of the entire City Council.

O-4 Jan 13, 2014

COUNCILLOR SIMMONS

WHEREAS: Over the past decade, the United States has seen an increasing number of violent massacres carried out by individuals intent upon killing the largest number of people possible. Incidents like the murders at Virginia Tech, at an Aurora, Colorado movie theater, and at the Sandy Hook Elementary School in Connecticut have seared themselves upon the nation's collective unconscious, with scores of innocent victims having been lost to senseless violence. Stolen guns have often played a key role in these types of incidents, as well as in many other tragedies that do not reach the national headlines, and the federal government has thus far failed to adequately address the problem; and  
WHEREAS: After each wave of tragedy, there has inevitably been an outcry from the public for new and stricter laws to enforce gun safety, yet each of these efforts have inevitably failed to materialize, and the nation's collective attention inevitably shifts onto other topics until the next major incident galvanizes our attention once again; and  
WHEREAS: With Washington seemingly unable to muster the political will to truly address the problem of firearms falling into the wrong hands, it seems that it is up to the individual states - the "laboratories of democracy" - to each work at finding some meaningful solutions to this problem. One such solution was recently proposed by Warren Tolman in a Boston Globe editorial ([http://www.bostonglobe.com/opinion/2013/12/16/podium-guns/WSWvu6BK8myxZfHVCwV8EO/story.html?s\\_campaign=sm\\_tw](http://www.bostonglobe.com/opinion/2013/12/16/podium-guns/WSWvu6BK8myxZfHVCwV8EO/story.html?s_campaign=sm_tw)). Mr. Tolman has proposed the passage of Massachusetts laws mandating that all new guns must come equipped with fingerprint-activated technology, and that all existing guns must eventually be retrofitted with such technology. These "smart guns" can only be made operable

by being unlocked with the fingerprints of their owners and of other designated operators, and would otherwise be unable to be discharged. As Mr. Tolman argues in his piece, the technology for this is already in existence, and the impact this could have upon gun safety in Massachusetts could be significant; and

WHEREAS: Mr. Tolman argues that the state's consumer protection statute allows the attorney general to regulate firearms, and that such a mandate could be instituted by the attorney general in order to "...further protect the citizens of the Commonwealth from undue harm." Implementing such a law could have positive ripple effects across the entire country, potentially preventing untold numbers of gun crimes; now therefore be it

ORDERED: That the City Council go on record urging Attorney General Martha Coakley to explore the feasibility of enacting a consumer-protection action mandating that all guns sold in Massachusetts be manufactured or retrofitted with fingerprint-activation technology within a set number of years; and be it further

ORDERED: That the City Clerk be and hereby is requested to forward suitably engrossed copies of this resolution to Attorney General Martha Coakley, Governor Deval Patrick and the members of the Cambridge Legislative Delegation to the State House on behalf of the entire City Council.

O-5 Jan 13, 2014

COUNCILLOR SIMMONS

WHEREAS: There are several new members serving upon the City Council and the School Committee, and members of these two bodies have repeatedly expressed the desire to work more collaboratively during the 2014-2015 term; now therefore be it

ORDERED: That the Mayor be and hereby is requested to schedule a City Council/School Committee retreat in the near future to allow all of Cambridge's municipal elected officials the opportunity to converse with each other and discuss shared priorities for this term.

O-6 Jan 13, 2014

COUNCILLOR CHEUNG

WHEREAS: The City of Cambridge places a strong emphasis on insisting that employers throughout the City make a practice of treating all workers with fairness, dignity, and respect; and

WHEREAS: It has come to the attention of the Cambridge City Council that Sanofi/Genzyme is in the process of awarding a contract for cleaning services that includes multiple worksites in Massachusetts that are currently cleaned by approximately 150 contracted janitors who are members of 32BJ SEIU District 615; and

WHEREAS: In the spring of 2013, Sanofi/Genzyme displaced approximately 60 contracted janitors in Canton and Framingham after it selected a contractor that is not a signatory to 32BJ SEIU's collective bargaining agreement, causing great hardship for many workers who lost their jobs and family healthcare benefits. Although the contractor vocalized its commitment to maintaining the jobs of most incumbent workers, only four workers were retained from both sites; and

WHEREAS: When awarded a new contract, responsible contractors who are signatory to 32BJ SEIU's collective

bargaining agreement offer the opportunity for continued employment to the cleaners employed by the previous contractor, ensuring a smooth transition for the client while providing job security for the existing workforce; and  
WHEREAS: Many of the current cleaners that will be impacted by the upcoming contract have worked in this capacity for years and have expressed great concern that they will lose their jobs when the contract is transferred due to no fault of their own; now therefore be it

RESOLVED: That the City Council go on record urging Sanofi/Genzyme to engage in labor peace and award the upcoming contract for cleaning services in worksites in Massachusetts to a responsible contractor who is signatory to 32BJ SEIU's collective bargaining practices to provide job security and stability for the existing workers; and be it further

RESOLVED: That the City Clerk be and hereby is requested to forward suitably engrossed copies of this resolution to Sanofi/Genzyme and 32BJ SEIU District 615 on behalf of the entire City Council.