

CITY MANAGER'S AGENDA

1. A communication transmitted from Louis A. DePasquale, City Manager, relative to Awaiting Report Item Number 21-93, regarding proposed amendments to the Municipal Code relative to recent charter changes.

Jan 31, 2022

To the Honorable, the City Council:

In response to Awaiting Report Item Number 21-93, regarding proposed amendments to the Municipal Code to comply with the recent charter changes, City Solicitor Nancy E. Glowa has provided the attached proposed amendments for your consideration.

Very truly yours,
Louis A. DePasquale
City Manager

Be it ordained by the City Council as follows:

That Cambridge Municipal Code Chapter 2.02 entitled "City Council" shall be amended by the addition of the following two sections:

Section 2.02.090 Annual Review of City Manager's Performance

As provided in G.L. c. 43, § 116(a) the City Council shall prepare and deliver to the City Manager an annual written review of the City Manager's performance.

Section 2.02.100 Special Committee to Review the City Charter Every Ten Years

As provided in G.L. c. 43, §116(b), no later than July 1 in each year ending in 2, beginning in 2022 and every 10 years thereafter, the City Council shall establish a special committee tasked with reviewing the City Charter and recommending any changes the special committee deems necessary or desirable. The special committee shall be made up of [NUMBER] registered voters of the City, not currently holding elective office. The special committee shall file a report with the City Council within 1 year of its appointment, unless the City Council extends the one-year period by vote. Action on any proposed Charter changes shall be as authorized by law.

2. A communication transmitted from Louis A. DePasquale, City Manager, relative to Awaiting Report Item Number 21-77, regarding a report on ways to report pedestrian and cycling crashes using real-time reporting.
3. A communication transmitted from Louis A. DePasquale, City Manager, relative to Awaiting Report Item Number 22-5, regarding pedestrian safety on Broadway at CRLS.
4. A communication transmitted from Louis A. DePasquale, City Manager, relative to Awaiting Report Item Number 21-85, which requesting a report on potential modifications or adjustments to the recent improvements that were made on the segment of Massachusetts Avenue from Dudley Street to Alewife Brook Parkway.
5. A communication transmitted from Louis A. DePasquale, City Manager, relative to Awaiting Report Item Number 22-1, regarding the feasibility of creating a Cycling Safety Ordinance Advisory group.

6. A communication transmitted from Louis A. DePasquale, City Manager, relative to a Planning Board recommendation to not adopt the Cushing, et al., Zoning Petition.
7. A communication transmitted from Louis A. DePasquale, City Manager, relative to a Planning Board recommendation not to adopt the Yamin, et al., Zoning Petition.
8. A communication transmitted from Louis A. DePasquale, City Manager, relative to a Planning Board recommendation not to adopt the Francis Donovan, et al., Zoning Petition.

CHARTER RIGHT

1. An application was received from Kevin O'Donnel, requesting permission for a curb cut at the premises numbered 59 Fresh Pond Lane; said petition has received approval from Inspectional Services, Traffic, Parking and Transportation, Historical Commission and Public Works. No response has been received from the neighborhood association. [Charter Right - Zondervan, Jan 24, 2022]
2. That the City Manager is requested to work with relevant City departments and committees to present a report to the Neighborhood & Long-Term Planning, Public Facilities, Arts and Celebration Committee which includes information on the history, membership data of golf course users, environmental conditions, and a legal analysis of what uses are currently permitted or what would be involved in changing use for other city needs. [Charter Right - Toner, Jan 24, 2022]

APPLICATIONS AND PETITIONS

1. An application was received from Heather Dudko representing Citizens Bank, requesting permission for a projecting sign externally illuminated by spot at the premises numbered 698 Massachusetts Avenue approval has been received from Inspectional Services, Department of Public Works, Community Development Department and abutter.

COMMUNICATIONS

1. A communication was received from Shehime Arshad, regarding Extremely Upset Bike Lanes.
2. A communication was received from Robin Adele Greeley, regarding don't remove plane trees on Memorial Drive.
3. A communication was received from Rick Hawkins, regarding comments re PO # 9 Fresh Pond Golf.
4. A communication was received from Paul E Fallon, regarding request Support State Police Action Against Free Speech.
5. A communication was received from Michael Massagli, regarding request for revision of implementation of Bike Safety Ordinance North of Harvard Square.
6. A communication was received from Margery Davies, regarding Net Zero Action Plan 2021 Update -- comments from Margery Davies.
7. A communication was received from Linda Moussouris, regarding asking a question at the 125 TPP Meeting -- Porter SQ. Cyclist Safety Infrastructure.

8. A communication was received from Joan Pickett Street, regarding Porter Square Mass Ave Safety Improvement Project.
9. A communication was received from Janet Plotkin, regarding DCR Proposal for Memorial Drive.
10. A communication was received from Beth Gamse, regarding comments on Porter Square Redesign.
11. A communication was received from Annette Osgood and Jeanne Oster, regarding Annette Osgood and Jeanne Oster Meeting Jan 31 Policy Orders needed to be followed for Beech St to Roseland St Project.
12. A communication was received from Angela Hofmann, regarding Porter Square Bike Lanes.
13. A communication was received from Amy Brakeman, regarding saving mature trees on Memorial Drive Cambridge.
14. A communication was received from Rachel Morpeth, regarding Voicing Support for the Cycling Safety Ordinance.

RESOLUTIONS

1. Congratulations to the City Manager's Anti-Racism, Diversity, Equity, and Inclusion Awardees. Councillor Simmons
2. Condolences to the family of State Senator Bill Owens. Councillor Simmons
3. Congratulations to Deval Patrick on the occasion of his new role at the Kennedy School of Government's Center for Public Leadership. Councillor Simmons
4. Resolution on the death of Doris Cyr. Councillor Toner
5. Resolution on the death of Eleanor Vailliant. Councillor Toner
6. Congratulations to Peter Ciurczak and Elizabeth McIntyre on the birth of their daughter, June Ciurczak-McIntyre. Councillor McGovern

ORDERS

1. That the City Council go on record recognizing February 2022 as Black History Month in the City of Cambridge. Councillor Simmons, Mayor Siddiqui
2. Wage Theft Ordinance. Councillor Zondervan, Councillor McGovern, Mayor Siddiqui, Councillor Toner
3. That the City Council and School Committee hold a joint virtual roundtable on Tues, Feb 8, 2022 to discuss priorities for the FY23 Budget. Mayor Siddiqui

COMMITTEE REPORTS

1. The **Ordinance Committee** met on Dec 8, 2021 to conduct a public hearing on the Yard Setback Zoning Petition (Ord # 2021-22). [[Text of Committee Report #1](#) – *unedited software-generated transcript with many errors*]
The **Ordinance Committee** met to conduct a public hearing on the Yard Setback Zoning Petition (Ord # 2021-22).
Date: Wed, Dec 8, 2021, 5:30pm, Sullivan Chamber
Present: Carlone, McGovern, Mallon, Siddiqui, Simmons(late), Sobrinho-Wheeler, Zondervan
Absent: Nolan, Toomey

It appears from the muddled transcript that the Council chose to adjourn the meeting, keep the Yamin Petition in committee, and not forward a recommendation to the full City Council.

COMMUNICATIONS & REPORTS FROM CITY OFFICERS

1. A communication was received from Anthony Wilson, City Clerk, transmitting an update regarding legislative activity.
2. A communication was received from City Clerk Anthony I. Wilson, transmitting a response to Charter Right item #1.
3. A communication was received from Councillor Marc McGovern, transmitting the January 2022 report on homelessness in Cambridge.
4. A communication was received from Mayor Siddiqui, transmitting information from the School Committee.

HEARING SCHEDULE

Mon, Jan 31

5:30pm City Council Meeting (Sullivan Chamber)

Mon, Feb 7

5:30pm City Council Meeting (Sullivan Chamber)

Wed, Feb 9

5:30pm The Ordinance Committee will meet to conduct a public hearing on proposed amendments to the Building Energy Use Disclosure Ordinance (2021-26). (Sullivan Chamber)

Mon, Feb 14

5:30pm City Council Meeting (Sullivan Chamber)

Wed, Feb 16

6:00pm The Government Operations Rules and Claims Committee will meet for the purpose of gathering resident and stakeholder feedback on the hiring of the next City Manager. (Sullivan Chamber and Zoom)

Mon, Feb 28

5:30pm City Council Meeting (Sullivan Chamber)

Mon, Mar 7

5:30pm City Council Meeting (Sullivan Chamber)

Wed, Mar 9

5:30pm The Ordinance Committee will meet to conduct a public hearing on a petition to amend Article 20.90- Alewife Overlay Districts 1-6 of the Cambridge Zoning Ordinance by inserting a new section entitled Section 20.94.3- Temporarily prohibited uses. (ORDINANCE #2022-1). (Zoom)

Mon, Mar 14

5:30pm City Council Meeting (Sullivan Chamber)

Mon, Mar 21

5:30pm City Council Meeting (Sullivan Chamber)

Mon, Mar 28

5:30pm City Council Meeting (Sullivan Chamber)

Mon, Apr 4

5:30pm City Council Meeting (Sullivan Chamber)

Mon, Apr 11

5:30pm City Council Meeting (Sullivan Chamber)

Mon, Apr 25

5:30pm City Council Meeting (Sullivan Chamber)

Mon, May 2

5:30pm City Council Meeting (Sullivan Chamber)

Mon, May 9

5:30pm City Council Meeting (Sullivan Chamber)

Mon, May 16

5:30pm City Council Meeting (Sullivan Chamber)

Mon, May 23

5:30pm City Council Meeting (Sullivan Chamber)

Mon, June 6

5:30pm City Council Meeting (Sullivan Chamber)

Mon, June 13

5:30pm City Council Meeting (Sullivan Chamber)

Mon, June 20

5:30pm City Council Meeting (Sullivan Chamber)

Mon, June 27

5:30pm City Council Meeting (Sullivan Chamber)

TEXT OF ORDERS

O-1 Jan 31, 2022

COUNCILLOR SIMMONS

MAYOR SIDDIQUI

WHEREAS: Tonight's meeting of the City Council is taking place just prior to the start of Black History Month 2022; and

WHEREAS: Black History Month's origins date back to over a century ago, when [Carter G. Woodson](#) and [Jesse E. Moorland](#) founded the Association for the Study of Negro Life and History in 1915, which was charged with researching and publicizing the achievements of Black Americans, and which sponsored [National Negro History Week](#) during the second week of February in 1926; and

WHEREAS: This public recognition of the countless contributions made by African-American citizens to the United States was important, yet it would take another half century before President Gerald Ford would formally declare February to be recognized as Black History Month on an annual basis; and

WHEREAS: In the decades since that time, Black History Month has been designated as a time when communities across the country make a point of recognizing, highlighting, and celebrating the achievements made by African-American citizens to our country, and to bring those individuals who had otherwise gone under-recognized and underappreciated out of the shadows and into the spotlight where they belong; and

WHEREAS: The City of Cambridge has been the home of many esteemed African-American leaders and history-makers over the past two centuries, including the likes of Maria Louise Baldwin, Clement G. Morgan, Sandra Graham, and countless others who have helped shape this amazing community; and

WHEREAS: While the people of Cambridge should be delving more deeply into all the parts of our history, including the contributions made by African-Americans, throughout the entire year, we should nevertheless make a concerted effort during Black History Month to shine a spotlight on the contributions to our shared story that were made by the African-American individuals who walked these paths before us; now therefore be it

RESOLVED: That the City Council go on record recognizing February 2022 as Black History Month in the City of Cambridge, and that the City Council encourages residents across the community to delve into the many contributions that African-American citizens have made in Cambridge since this city's earliest days.

O-2 Jan 31, 2022

COUNCILLOR ZONDERVAN

COUNCILLOR MCGOVERN

MAYOR SIDDIQUI

COUNCILLOR TONER

WHEREAS: The Cambridge Wage Theft Ordinance was [previously introduced](#) on September 20, 2021; and

WHEREAS: Wage theft is a pervasive issue across many industries in Cambridge and traditional law enforcement agencies lack the resources to address it effectively; and

WHEREAS: Wage theft takes on many forms including the illegal misclassification of employees as independent contractors, and is often accompanied by employer tax and insurance fraud, with employers failing to pay their payroll taxes and workers compensation premiums; and

WHEREAS: Wage theft disproportionately impacts people of color and undocumented immigrants who already face significant economic disparities in [Cambridge](#) and [regionally](#); and

WHEREAS: Wage theft is so prevalent in Cambridge's construction industry that significant financial incentives are necessary to motivate property owners and their general contractors to take steps sufficient to ensure that wage theft does not occur on their projects; and

WHEREAS: The City Council is resolved to ensure that wage theft is prevented by ensuring that all employers including subcontractors comply with state laws governing the payment of prevailing wages and other wage and hour laws, the provision of workers compensation coverage, the proper classification of individuals as employees versus independent contractors, as well as state law concerning health insurance coverage; and

WHEREAS: Establishing a Wage Theft Complaint Process, a representative Wage Theft Enforcement Committee, and a required annual report will improve enforcement of wage theft across a wide range of industries, enhance communication with the Attorney General's Office, and ensure transparency and accountability; now therefore be it

ORDERED: That the City Council schedule a hearing of the Ordinance Committee for the purposes of amending the Ordinance of the City of Cambridge to insert the language below:

2.66.100 WAGE THEFT

2.66.110 – Purpose

The purpose of this chapter is to reinforce existing laws against wage theft in the City of Cambridge and expand on them to provide the city's workers with stronger and more easily enforceable wage and benefits protections.

2.66.120 – Powers Regarding Wage Theft

(a) The city, by and through its officials, boards and commissions, may deny an application for any license or permit issued by it, if, during the three-year period prior to the date of the application, the applicant admitted guilt or liability or has been found guilty, liable or responsible, in any judicial or administrative proceeding, of committing or attempting to commit a violation of:

1) Commonwealth of Massachusetts Payment of Wages Law, General Laws Chapter 149, Section 148, and any and all other state or federal laws regulating the payment of wages, including, but not limited to, Chapter 149, Sections 27, 27G, 27H, 52D, 148A, 148B, 150C, 152, 152A, 159C; and Chapter 151, sections 1, 1A, 1B, 15, 19 and 20 of the General Laws; and

2) The Fair Debt Collection Practices Act, 15 U.S.C. §1692, or any other federal or state law regulating the collection of debt, as to the employees of the applicant or others who had performed work for said applicant.

(b) Any license or permit issued by the City of Cambridge, its boards or commissions, may be revoked or suspended if, during the three years prior to the issuance of the license or permit, the licensee or permittee admitted guilt or liability or has been found guilty or liable in any judicial or administrative proceeding of

committing a violation of any of the laws set forth in subsection (a) above.

- (c) Any license or permit issued by the City of Cambridge, its boards or commissions, may be revoked or suspended if the applicant, licensee or permittee is a person who was subject to a final judgment or other decision for violation of any of the laws set forth in subsection (a) above within three years prior to the effective date of this section, and the judgment was not satisfied within the lawful period for doing same, or the expiration of the period for filing an appeal; or if an appeal is made, the date of the final resolution of that appeal and any subsequent appeal resulting in a final administrative or judicial affirmation of violation of any of the laws set forth in subsection (a) above.
- (d) The period of non-issuance, revocation or non-renewal shall be one year, and the licensee or permittee or the person who is the principal of a license or permit shall not again be licensed or permitted in any other manner during such period.
- (e) Within 14 calendar days from the date that the notice of refusal to issue, revocation or refusal to renew notice is mailed to the applicant or licensee or permittee, the applicant, licensee or permittee may appeal such decision by filing a written notice of appeal setting forth the grounds therefor. Said notice shall be sent by certified mail, return receipt requested. The hearing shall be conducted by the board, commission or individual who made the decision not to issue, not to renew, or to revoke within 30 days of receipt of such notice of appeal.
- (f) This law shall apply to any person or entity whose final administrative decision or adjudication or judicial judgment or conviction was entered on or after 3 years before [implementation], with the exception of judgments that remain unsatisfied as set forth in subsection (c) above.
- (g) Application of this section is subject to applicable state or federal laws.

2.66.130 – Wage Theft Enforcement Committee

(a) *Structure*

- 1) There shall be established a Wage Theft Enforcement Committee (WTEC), comprised of no less than 11 total designees, appointed by the City Manager and approved by the City Council, with designees from relevant organizations including the building trades, service workers, other labor unions, trade organizations, nonprofits and other organizations representing labor. No less than half the committee members shall be Cambridge residents, and no less than half shall be union/labor representatives.
- 2) Designees of the wage theft advisory committee shall be appointed for a term of three years, notwithstanding initial appointments, and must be appointed no later than the second City Council meeting of the new year. In order to stagger the terms of the designees, the initial appointments shall be randomly divided into 3 equal cohorts with 1 year, 2 year and 3-year terms respectively. No appointee shall serve more than 2 consecutive terms in a row, regardless of term length.

(b) *Duties*

- 1) The WTEC will meet at least once every two months to review wage theft complaints and provide advice to the City Manager and City Council on the implementation and effectiveness of the wage theft ordinance.
- 2) In addition, each year the committee shall elect from among its members a volunteer secretary who shall receive wage theft complaints from the attorney general's office; or received by the city solicitor's office; or received by any member of the WTEC. Said secretary and/or designees of the committee shall coordinate any response to such complaint

that is required by the ordinance. In addition, members of the WTEC may offer education, guidance, and referrals to employees affected by wage theft in Cambridge.

- (c) *Annual report.* The city shall publish an annual report, through the WTEC detailing all wage theft complaints received and action taken in response to such complaints, including specifically the status or final disposition of each complaint, where available. The report shall also include civil and criminal judgments issued by the state and federal courts, administrative citations, and final administrative orders, including but not limited to debarments, against employers pursuant to M.G.L. c. 149 and M.G.L. c. 151, if known. The report shall be presented to the City Council via the City Manager's agenda at a regular City Council meeting soon after its publication.
- (d) *Conflict of interest.* For purposes of this division no member of the WTEC shall participate in any proceeding concerning a beneficiary, a covered vendor, or a covered employee, if the member or any member of his or her immediate family has a direct or indirect financial interest in said individual or in the award of a service contract, subcontract or assistance or the granting of relief to said individual.

2.66.140 – Wage Theft Complaint Process

- (a) *Filing of complaints.* Anyone may file a complaint by notifying the City Manager of a violation. The City Manager, upon notification of a wage theft complaint, shall immediately notify the WTEC, the city purchasing agent, the Licensing Commission, the City Council, and the Attorney General's office of the complaint.
- (b) *Required communication with attorney general.* On a biannual basis, a representative from the WTEC will request to meet with the office of the Attorney General to discuss complaints involving employers in the city and to better coordinate on issues of wage theft in the city.

2.66.150 – Successors in Interest

The requirements of this division, including any sanctions imposed herein, that are applicable to any employer shall also be applicable to, and effective against, any successor employer that (i) has at least one of the same principals or officers as the prior employer; and (ii) is engaged in the same or equivalent trade or activity as the prior employer.

2.66.160 – Severability

If any provision of this division, or the application of such provision to any person or circumstances, shall be enjoined or held to be invalid, the remaining provisions of this division, or the application of such provisions to persons or circumstances, other than that which is enjoined or held invalid shall be not affected thereby.

2.66.170 – Effective Date

This ordinance shall become effective upon ordination.

O-3 Jan 31, 2022

MAYOR SIDDIQUI

ORDERED: That the City Council and School Committee hold a joint virtual roundtable on Tues, Feb 8, 2022 to discuss priorities for the FY23. Budget.