

## **CITY MANAGER'S AGENDA**

1. Transmitting communication from Robert W. Healy, City Manager, relative to the appointment of the following persons as Constables for a term of three years, effective the first day of January, 2009:  
WITHOUT POWER: Rainier Rosado  
WITH POWER: Lauren Sullivan, Lawrence Maguire, Anthony Tuccinardi
2. Transmitting communication from Robert W. Healy, City Manager, relative to Awaiting Report Item Number 09-64, regarding a report on the nature and purpose of multi-unit building inspections.
3. Transmitting communication from Robert W. Healy, City Manager, relative to the appropriation from the Boston Ultimate Disc Alliance to the Grant Fund Department of Human Service Programs in the amount of \$1,000.00 to the Human Services Other Ordinary Maintenance account in support of the annual Cambridge Youth Games for Cambridge youth.
4. Transmitting communication from Robert W. Healy, City Manager, relative to the appropriation of \$25,000 from the Cambridge Housing Authority to the Grant Fund Human Service Department Programs Salary and Wages account and will be used by the Multi Service Center to provide financial counseling and case management to residents of Washington Elms/Newtowne Court Apartments in an effort to prevent rental arrearages and evictions due to financial hardships.
5. Transmitting communication from Robert W. Healy, City Manager, relative to a Planning Board recommendation on the City Council rezoning petition regarding Wind Turbine Installations.
6. Transmitting communication from Robert W. Healy, City Manager, relative to the City of Cambridge receiving \$1,139,400 in Energy Efficiency and Conservation Block Grant Funds under the American Recovery & Reinvestment Act (ARRA).

## **CHARTER RIGHT**

1. Transmitting communication from Robert W. Healy, City Manager, relative to the Final Landmark Designation Study Report for the former North Prospect Church property at 1797-1803 Massachusetts Avenue. [Charter Right exercised by Councillor Maher on City Mgr's Agenda Item #17 of June 15, 2009.]

## **ON THE TABLE**

2. Opposition to the closing of the Oliver Farnum Senior Health Center. [Placed on Table on motion of Councillor Maher on Order Number Fourteen of Nov 3, 2008.]
3. That the City Manager is requested to make available adequate funds to the City Council so that the City Council can hire its own legal expert to review relevant issues in pending litigation. [Tabled on motion of Councillor Davis Order Number Two of May 18, 2009 together with motion to amend by substitution submitted by Councillor Toomey. On June 15, 2009 motion of Councillor Kelley to take from the table failed on a roll call vote of 4-4-1. Councillor Decker made a motion to suspension of the rules to reconsider the vote that failed to take from the table. Suspension of the rules failed on a roll call vote of 3-4-1-1.]

## **UNFINISHED BUSINESS**

4. A communication was received from D. Margaret Drury, City Clerk, transmitting a report from Councillor Timothy J. Toomey, Jr., Co-Chair of the Ordinance Committee, for a meeting held on Nov 18, 2004 for the purpose of considering proposed amendments to Chapter 2.74 of the Cambridge Municipal Code, the Police Review and Advisory Board Ordinance. The question comes on passing to be ordained on or after Feb 14, 2005. [Four sections of the proposed amendment were passed to be ordained as amended. Ordinance #1284. The remaining proposed amendments to chapter 2.74 remain on Unfinished Business.]
5. Transmitting communication from Robert W. Healy, City Manager, relative to Awaiting Report Item Numbers 06-87, 07-83 and 07-138, regarding the status of putting the City's self-evaluation on the website. [Charter Right exercised by Councillor Kelley on City Manager Agenda Item #16 of Dec 10, 2007. Dec 17, 2007 - Referred to 2008-2009 City Council as Unfinished Business on motion of Councillor Kelley.]
6. An application from Alan L. Johnson, requesting a curb cut at the premises numbered 135 Western Avenue; said petition has received approval from Inspectional Services, Traffic, Parking and Transportation, Historical, Public Works. No response has been received from the neighborhood association. [Charter right exercised by Councillor Reeves on Mar 23, 2009. Meeting recessed on Mar 30, 2009. Referred to Unfinished Business on motion of Councillor Ward on Apr 6, 2009.]
7. A communication was received from D. Margaret Drury, City Clerk, transmitting a report from Vice Mayor Sam Seidel and Councillor David Maher, Co-Chairs of the Ordinance Committee, for a public meeting held on Apr 14, 2009 to consider a petition submitted by Lesley University to amend the Zoning Map and Article 10.000 of the Zoning Ordinance by adding "Section 20.200 Lesley Porter Overlay District." The petition was passed to a Second Reading on May 11, 2009. The question comes on passing to be ordained on or after May 25, 2009. Planning Board hearing held Apr 7, 2009. Petition expires July 13, 2009.

## **APPLICATIONS AND PETITIONS**

1. An application was received from Inman Exchange, Inc., doing business as The Ginger Exchange, requesting a sign at the premises numbered 1287 Cambridge Street. Approval has been received from Inspectional Services, Department of Public Works, Community Development Department and abutters.
2. An application was received from The Margaret Fuller Neighborhood House, 71 Cherry Street, requesting permission for a temporary banner across Massachusetts Avenue at Pearl and Norfolk Street for the period July 6-20, 2009 announcing the "Sweet Soul Supper".
3. An application was received from Syed Shahidullah, doing business as "Fresh Mart" requesting an awning at the premises numbered 220 Broadway. Approval has been received from Inspectional Services, Department of Public Works, Community Development and abutters.

## **COMMUNICATIONS**

1. Communication received from Howard P. Speicher, Davis Malm & D'Agostine, Attorneys At Law, transmitting the

- concerns of the residents of the Oxford Courts Condominium relative to the Lesley Porter Overlay District which can be addressed by revisions to the petition.
2. Communication received from Lauren Gibbs, 3 Newport Road, transmitting her concerns about the adequacy of the Lesley zoning petition plan for parking.
  3. Communication received from Margaret Curtis, 1775 Massachusetts Avenue, transmitting her concerns about density, traffic and parking, economic and financial responsibility relative to the Lesley Porter Square Overlay District.
  4. Communication received from Dr. Wallace J. Gardner, 1791 Massachusetts Avenue, transmitting his opposition to congestion and construction relative to the Lesley Porter Square zoning petition.
  5. Communication from Harriet Ahouse transmitting her support for the Lesley Porter Square zoning petition.
  6. Communication received from Ron Axelrod, Lesley Working Group Member, 26B Shepard Street, transmitting his support for the Lesley Porter Square Zoning District.
  7. Communication received from Elizabeth Wentz, 49 Sacramento Street, transmitting her support of the Lesley University Zoning Petition.
  8. Communication received from Loring L. Stevens, 14 Channing Street, transmitting his support of Lesley University's Zoning Petition to extend the Business C zone in Porter Square to include the North Prospect Church building.
  9. Communication received from Ellen Winner, Professor and Chair Department of Psychology, Boston College, transmitting her support for the Lesley Zoning Petition by extending the Business C zone in Porter Square to include the property of the former North Prospect Church and to establish a Lesley Overlay District.
  10. Petition received from Mark Rosenstein and forty-two residents of the Neighborhood Nine, transmitting their strong support of the overly zoning proposal submitted by Lesley University which will allow the university to bring the Art Institute of Boston to Porter Square.
  11. Communication received from Geoffry Fried, 648 Green Street # 1, transmitting his support for the Lesley University petition to change the zoning on their properties adjacent to Porter Square, through an overlay district, to allow the construction of a new building for the Art Institute of Boston.
  12. Communication received from Sarah M. Farrington, 18 Frost Street, transmitting seven written protest letters attached in opposition to the Lesley Overlay District.
  13. Communication received from Constantin von Wentzel, 101 Washington Avenue, transmitting opposition to the Church project proposed by Lesley University on Massachusetts Avenue.
  14. Communication received from Andrew Enright 74R Cushing Street, transmitting his support of Lesley University's proposal to rezone the area near the Porter Exchange Building in Porter Square.
  15. A communication was received from Michael and Katherine McWey, 34 Sparks Street, transmitting their

support for Lesley University to establish a Lesley Porter Overlay District.

16. Communication received from Lisa Crow, Otis Street, transmitting her utmost support for the zoning changes in Porter Square proposed by Lesley University for a new Art Institute of Boston building on Massachusetts Avenue.
17. Communication received from Lauren Gibbs, 3 Newport Road, transmitting her concerns and suggestion regarding parking as it relates to the Lesley University zoning petition.

#### **RESOLUTIONS**

1. That the City Council go on record wishing a Happy 50th Birthday to Gloria Kinhead. Mayor Simmons
2. That the City Council go on record wishing a Happy 50th Birthday to Adrienne Benton. Mayor Simmons
3. Congratulating Jarrett Barrios on his new position as the President of the Gay and Lesbian Alliance Against Defamation. Councillor Toomey, Vice Mayor Seidel
4. Resolution on the death of James J. Lynch, "Jimmy" Jr. Councillor Maher
5. That the City Council go on record welcoming the guests of The Cambridge-Yerevan Sister City Association and its many volunteers for developing the exchange program. Mayor Simmons
6. Resolution on the death of Captain Kafele H. Sims. Councillor Decker
7. Resolution on the death of Staff Sergeant Edmond L. Lo Councillor Decker

#### **ORDERS**

1. That the City Manager is requested to report back to the City Council on the status of the affordable housing units at 303 Third Street. Councillor Toomey
2. That the City Manager is requested to confer with the Director of Traffic, Parking and Transportation to determine what can be done to immediately address the traffic concerns of the intersection of Gore and Fifth Streets and to report back to the City Council on what actions can be taken. Councillor Toomey
3. That the City Manager is requested to evaluate compliance of billboard companies with the city's billboard regulations. Councillor Davis
4. That the City Manager is requested to review whether the City of Cambridge, including the Cambridge Retirement System, has any investments in which Evergreen Investment Management Company and its affiliates are involved, and is further requested to divest itself of any such investments that may exist, and to report back to the City Council on his findings at the City Council Meeting on July 27, 2009. Councillor Toomey
5. That the City Manager is requested to confer with the Commissioner of Inspectional Services and the Director of Environmental Health to determine how the City can play an active role in inspecting roof top mechanicals on commercial buildings to be sure they are functioning properly and within the noise ordinance and to determine whether or not the city could require upgrades to aging systems when appropriate, and to report back to the City Council. Councillor Toomey

6. That the City Council go on record urging that the DCR keep the Magazine Beach Pool open until August 30.  
Councillor Davis
7. The City Manager to report on painting pedestrian lines on all raised crosswalks near schools, playgrounds, or other areas with high pedestrian use similar to the crosswalk at Walden and Raymond Streets. Councillor Decker
8. That the City Manager is requested to inquire with the Department of Human Services how that department can support the Housing Authority's ability to continue to support the Purple Hats Club. Councillor Decker
9. That the City Manager is requested to instruct the Director of Traffic, Parking and Transportation Department to review the parking situation at 356 and 356A Harvard Street to determine if the use complies with City parking and curb cut policies. Councillor Reeves
10. That the City Manager is requested to confer with Inspectional Services and report back to the City Council in a timely manner regarding a reported bedbug infestation in a building on Lee Street. Vice Mayor Seidel

#### **COMMITTEE REPORTS**

1. Communication received from D. Margaret Drury, City Clerk, transmitting a report from Vice Mayor Seidel and Councillor Maher, Co-Chairs of the Ordinance Committee, transmitting an Ordinance Committee Report for a hearing held on June 17, 2009 on a petition by Lesley University to amend the zoning of certain property owned by Lesley in Porter Square to create a Lesley/Porter Overlay District.

#### **HEARING SCHEDULE**

##### **Mon, June 22**

- 5:00pm Special Presentation welcoming representatives from our Sister City Yerevan. (Sullivan Chamber)  
5:30pm City Council Meeting (Sullivan Chamber)

##### **Tues, June 23**

- 3:00pm The Housing Committee will conduct a public meeting to continue to discuss information and support for homeowners and tenants who may be facing displacement due to economic distress. (Sullivan Chamber)  
5:30pm The Claims Committee will conduct a public hearing to consider claims filed against the city. (Ackermann Room)

##### **Wed, June 24**

- 2:00pm The Human Services Committee will conduct a public meeting to continue to discuss how Cambridge can adapt the Harlem Children's Zone Baby College Program and/or principles to provide parent education for low income families that will provide the tools they need to help their children succeed. (Sullivan Chamber)

##### **Thurs, June 25**

- 5:00pm The Ordinance Committee will conduct a public hearing on the Avon Hill Neighborhood Conservation District Boundary Study Addendum Report and Revised Recommendations. (Sullivan Chamber)

##### **Mon, June 29**

- 5:30pm City Council Meeting (Sullivan Chamber)

##### **Tues, June 30**

- 4:00pm The Ordinance Committee will conduct a public hearing on a zoning petition filed by the City Council to amend the Zoning Ordinance to provide for Wind Turbine

Installation subject to certain requirements and limitations. This hearing to be televised. (Sullivan Chamber)

- 5:00pm The Ordinance Committee will conduct a public hearing to amendment Chapter 8.24 of the Cambridge Municipal Code "Refuse and Litter" as well as a new proposed ordinance Chapter 8.25 "Dumpster Licenses." (Sullivan Chamber)

##### **Wed, July 1**

- 5:00pm The Civic Unity Committee will conduct a public meeting to explore the possibility of creating small scale solar panels that would enable the powering of small household items. (Sullivan Chamber)

##### **Thurs, July 2**

- 3:00pm The Ordinance Committee will conduct a public hearing to consider a zoning petition filed by Jean Connor, et al., to amend the Zoning Map from its current designation as a Residence C-1 to a Residence B District encompassing all or portions of lots on Assessors Plats #205, #206 and #228 including but not limited to those abutting Garden, Winslow, Fenno, Stearns, Esten, Sherman Streets and Upland Road. This hearing to be televised. (Sullivan Chamber)

##### **Wed, July 8**

- 3:00pm The Neighborhood and Long Term Planning Committee will conduct a public meeting to discuss neighborhood rents for retail space. (Sullivan Chamber)

##### **Mon, July 27**

- 5:30pm Special City Council Meeting (Sullivan Chamber)

##### **Tues, July 28**

- 6:00pm School Committee Meeting (Sullivan Chamber)

##### **Tues, Sept 1**

- 6:00pm School Committee Meeting (Sullivan Chamber)

##### **Mon, Sept 14**

- 5:30pm City Council Meeting (Sullivan Chamber)

##### **Tues, Sept 15**

- 6:00pm School Committee Meeting (Sullivan Chamber)

##### **Mon, Sept 21**

- 5:30pm City Council Meeting (Sullivan Chamber)

##### **Mon, Oct 5**

- 5:30pm City Council Meeting (Sullivan Chamber)

##### **Tues, Oct 6**

- 6:00pm School Committee Meeting (Sullivan Chamber)

##### **Mon, Oct 19**

- 5:30pm City Council Meeting (Sullivan Chamber)

##### **Tues, Oct 20**

- 6:00pm School Committee Meeting (Sullivan Chamber)

##### **Mon, Oct 26**

- 5:30pm City Council Meeting (Sullivan Chamber)

##### **Mon, Nov 2**

- 5:30pm City Council Meeting (Sullivan Chamber)

##### **Tues, Nov 3**

- 6:00pm School Committee Meeting (Sullivan Chamber)

##### **Mon, Nov 9**

- 5:30pm City Council Meeting (Sullivan Chamber)

##### **Mon, Nov 16**

- 5:30pm City Council Meeting (Sullivan Chamber)

##### **Tues, Nov 17**

- 6:00pm School Committee Meeting (Sullivan Chamber)

**Mon, Nov 23**

5:30pm City Council Meeting (Sullivan Chamber)

**Mon, Nov 30**

5:30pm City Council Meeting (Sullivan Chamber)

**Tues, Dec 1**

6:00pm School Committee Meeting (Sullivan Chamber)

**Mon, Dec 7**

5:30pm City Council Meeting (Sullivan Chamber)

**Mon, Dec 14**

5:30pm City Council Meeting (Sullivan Chamber)

**Tues, Dec 15**

6:00pm School Committee Meeting (Sullivan Chamber)

**Mon, Dec 21**

5:30pm City Council Meeting (Sullivan Chamber)

**Mon, Dec 28**

5:30pm City Council Meeting (Sullivan Chamber)

**TEXT OF ORDERS**

O-1 June 22, 2009

**COUNCILLOR TOOMEY**

WHEREAS: In 2003, the developer of University Residential Communities at MIT, located at 303 Third Street, obtained approval from the Cambridge Planning Board for a cooperative ownership residential development, providing 168 housing units for, among other, former MIT and Harvard faculty seeking a stimulating environment and residence that will provide supportive services for aging population. Twenty-two units were committed to the City of Cambridge for affordable housing; and

WHEREAS: The Developer, despite having signed 38 purchase and sale agreements for the units, and having obtained certificates of occupancy from the City of Cambridge, has failed to close on any of the units and has notified the Cambridge Planning Board that it is considering converting the building to rental units; and

WHEREAS: On June 15, 2009, a Suffolk Superior Court judge issued a preliminary injunction which prohibits the developer from renting or leasing the condominiums units it is supposed to sell to the plaintiffs; now therefore be it

RESOLVED: That the City Council go on record as opposing any conversion of 303 Third Street from condominiums to rental, that the developer, 303 Third SPE LLC, must fulfill its commitments to the City and to those individuals with executed Purchase and Sale Agreements; and be it further

ORDERED: That the City Manager be and hereby is requested to report back to the City Council on any and all discussions between the developer and/or its representatives and the City of Cambridge.

O-2 June 22, 2009

**COUNCILLOR TOOMEY**

WHEREAS: Residents are increasingly concerned about traffic issues at the corner of Gore and Fifth Streets; and

WHEREAS: The most recent incident at this intersection involved a car driving on the sidewalk and destroying a newly planted tree; now therefore be it

ORDERED: That the City Manager be and hereby is requested to confer with the Director of Traffic, Parking and Transportation to determine what can be done to immediately address the traffic concerns at this intersection

and to report back to the City Council on what actions can be taken.

O-3 June 22, 2009

**COUNCILLOR DAVIS**

ORDERED: That the City Manager be and hereby is requested to evaluate compliance of billboard companies with the city's billboard regulations.

O-4 June 22, 2009

**COUNCILLOR TOOMEY**

WHEREAS: On June 8, 2009 it was reported that The Securities and Exchange Commission charged Boston based Evergreen Investment Management Company LLC and an affiliate with securities law violations for overstating the value of a mutual fund and only selectively telling shareholders about the funds valuation problems resulting in Evergreen paying more than \$40 million to settle the SEC's charges; and

WHEREAS: Less than two years earlier, on Sept 19, 2007, the Securities and Exchange Commission announced settlement enforcement actions against Evergreen Investment Management Company and its affiliates, Evergreen Investments Services and Evergreen Service Company, alleging that, contrary to prospectus disclosures, they allowed certain shareholders to market time and engage in excessive exchange activities in the Evergreen mutual fund complex, which resulted in Evergreen and its affiliates paying more than \$32.5 million to settle the charges; and

WHEREAS: Such deplorable actions by Evergreen and its affiliates, fostered by lax oversight during the Bush Administration, have played a major role in causing the current economic crisis, with disastrous effects not only for the residents of Cambridge, but the city itself as well as the Commonwealth of Massachusetts.

ORDERED: That the City Manager be and hereby is requested to review whether the City of Cambridge, including the Cambridge Retirement System, has any investments in which Evergreen Investment Management Company and its affiliates are involved, and is further requested to divest itself of any such investments that may exist, and to report back to the City Council on his findings at the City Council Meeting on July 27, 2009.

O-5 June 22, 2009

**COUNCILLOR TOOMEY**

ORDERED: That the City Manager be and hereby is requested to confer with the Commissioner of Inspectional Services and the Director of Environmental Health to determine how the City can play an active role in inspecting roof top mechanicals on commercial buildings to be sure they are functioning properly and within the noise ordinance and to determine whether or not the city could require upgrades to aging systems when appropriate, and to report back to the City Council.

O-6 June 22, 2009

**COUNCILLOR DAVIS**

WHEREAS: For many years the Director of Conservation and Recreation (DCR) has closed the Magazine Beach Pool in the middle of August and this year the scheduled date is August 16; and

WHEREAS: The DCR allows several other pools to remain open through August but has never kept the Magazine Beach Pool open for the extended weeks in recent years; and  
WHEREAS: Most camps and summer programs end in the middle of August and Cambridge children and adults need exercise and activity for the remainder of the summer; now therefore be it  
RESOLVED: That the City Council go on record urging that the DCR keep the Magazine Beach Pool open until August 30; and be it further  
RESOLVED: That the City Clerk be and hereby is requested to forward a suitably engrossed copy of this resolution to DCR Commissioner Richard Sullivan and the Cambridge Legislative Delegation on behalf of the City Council.

O-7 June 22, 2009  
COUNCILLOR DECKER

ORDERED: That the City Manager be and hereby is requested to direct the Traffic, Parking and Transportation Department to paint pedestrian lines on the raised crosswalk on Oxford Street, similar to the crosswalk at Walden and Raymond Streets; and be it further  
ORDERED: That the City Manager be and hereby is requested to instruct the Traffic, Parking and Transportation Department to consider painting pedestrian lines on all raised crosswalks near schools, playgrounds, or other areas with high pedestrian use; and be it further  
ORDERED: That the City Manager be and hereby is requested to report back to the City Council on this matter.

O-8 June 22, 2009  
COUNCILLOR DECKER

WHEREAS: The Purple Hats Club provides an important social network for seniors at Roosevelt Towers; and  
WHEREAS: At a small expense, sustaining the hosting and activities of the Purple Hats Club provides the significant benefits of a safe space to gather and necessary social engagement for many seniors; now therefore be it  
ORDERED: That the City Manager be and hereby is requested to confer with the Housing Authority on the status of the Housing Authority's ability to continue to provide support for the Purple Hats Club; and be it further  
ORDERED: That the City Manager be and hereby is requested to inquire with the Department of Human Services how that department can support the Housing Authority's ability to continue to support the Purple Hats Club; and be it further  
ORDERED: That the City Manager be and hereby is requested to report back to the City Council on this matter.

O-9 June 22, 2009  
COUNCILLOR REEVES

WHEREAS: At 356 and 356A Harvard Street there is a four unit dwelling where two sections of the corner and side yards are used as parking spaces, but there are no curb cuts which apply to 356 and to 356A Harvard Street; now therefore be it  
ORDERED: That the City Manager be and hereby is requested to instruct the Director of Traffic, Parking and Transportation Department to review the parking situation at this location and determine if the use complies with City parking and curb cut policies.

O-10 June 22, 2009  
VICE MAYOR SEIDEL  
ORDERED: That the City Manager be and hereby is requested to confer with Inspectional Services and report back to the City Council in a timely manner regarding a reported bedbug infestation in a building on Lee Street.