

CITY MANAGER'S AGENDA

1. Transmitting communication from Robert W. Healy, City Manager, relative to the appointment of the following person as a Constable Without Power for a term of three years, effective the first day of January, 2009: Lisa Fiori
2. Transmitting communication from Robert W. Healy, City Manager, relative to Awaiting Report Item Number 09-68, regarding a report on the parking conditions on North Massachusetts Avenue.
3. Transmitting communication from Robert W. Healy, City Manager, relative to Awaiting Report Item Number 09-59, regarding a report on placing signage in crosswalks at intersections on Cambridge Street in East Cambridge.
4. Transmitting communication from Robert W. Healy, City Manager, relative to a Planning Board recommendation on Vehicle-sharing Parking Facilities Petition.
5. Transmitting communication from Robert W. Healy, City Manager, relative to Awaiting Report Item Number 09-71, regarding a report on whether there was any improper asbestos removal at the Just A Start property at 1066 Cambridge Street.
6. Transmitting communication from Robert W. Healy, City Manager, relative to a City Council Order and Home Rule Petition to be submitted to the State Legislature.

City Manager Order #6A

June 29, 2009

WHEREAS: The United States is facing an energy crisis that requires a substantial reduction in energy use and an increase in energy efficiency and clean energy to strengthen national energy independence; and

WHEREAS: The City of Cambridge is committed to reducing its greenhouse gas emissions levels and developing broad energy efficiency and clean energy policies for its citizens and businesses; and

WHEREAS: In 2002 the City of Cambridge adopted a Climate Protection Plan, which, among other objectives, sets forth a goal of reducing the City's greenhouse gas emissions by twenty percent below the 1990 levels by the year 2010; and

WHEREAS: The City of Cambridge recognizes that this goal requires addressing energy consumption in existing buildings, including municipal buildings, in addition to encouraging clean technology and more efficient energy consumption behaviors; and

WHEREAS: In 2007 the City of Cambridge, through its Cambridge Public Health Commission, co-founded the Cambridge Energy Alliance, a not-for-profit corporation controlled by such commission, to advance clean energy programs in the City, including facilitating energy efficiency improvements in existing homes, businesses, institutions and municipal buildings, and to access energy-efficiency credits to facilitate such improvements; and

WHEREAS: The forward-capacity energy market creates capital incentives to immediately reduce electricity demand in existing buildings by creating a market for electricity demand reductions; and

WHEREAS: The City of Cambridge desires to access the electricity forward-capacity market to obtain credits to help fund energy-savings improvements in its municipal buildings; and

WHEREAS: The deferred operation of this Act would tend to defeat its purpose, which is forthwith to permit the City of Cambridge to engage in the electricity forward-capacity market and reduce greenhouse gas emissions, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience, now therefore be it

ORDERED: That a petition to the General Court, accompanied by a bill for a special law relating to the City of Cambridge to be filed with an attested copy of this order be, and hereby is, approved under Clause 1 of Section 8 of Article II, as amended, of the Articles of Amendment to the Constitution of the Commonwealth of Massachusetts, to the end that legislation be adopted fundamentally as follows:

IN THE YEAR TWO THOUSAND AND NINE
AN ACT RELATIVE TO THE PROVISION OF SERVICES TO THE CITY OF
CAMBRIDGE BY THE CAMBRIDGE ENERGY ALLIANCE

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. As used in this act, the following words shall have the following meanings:

"City", the City of Cambridge.

"Corporation", the Cambridge Energy Alliance, a not-for-profit corporation incorporated under chapter 180 of the General Laws and created and controlled by the Cambridge Public Health Commission.

"Commission", the Cambridge Public Health Commission established pursuant to chapter 147 of the acts of 1996.

"Department", the Department of Energy Resources.

"Energy conservation projects", as defined in chapter 25A of the General Laws.

"Energy management services", as defined in chapter 25A of the General Laws.

"Municipal Buildings", buildings and structures owned or operated by the City or any department thereof, or by the Cambridge Public Health Commission.

"Municipal Energy Advisory Services", one or more of the following services: (i) providing access to the forward-capacity energy market and similar programs to realize the benefits of the City's conservation and clean energy efforts, (ii) providing advice and assistance in evaluating and documenting measures to reduce energy and water consumption in Municipal Buildings, including performing energy audits, monitoring energy and water consumption in Municipal Buildings, and optimizing operating procedures of Municipal Buildings and installations therein for the purpose of reducing, measuring or controlling energy or water

consumption, (iii) providing advice and assistance to the City in its procurement and administration of energy management services, and (iv) providing advice and assistance in identifying, obtaining and administering grants or other funding sources or financing programs for clean energy and energy and water conservation in the City. The term Municipal Energy Advisory Services shall also include providing energy management services to the City, including design services, but shall not include the actual installation or construction of energy conservation projects in Municipal Buildings.

SECTION 2. Notwithstanding the provisions of chapter 25A, chapter 30B and any other general or special law relative to public procurement processes to the contrary, the City is hereby authorized to enter into an agreement, or a series of agreements, with the Corporation for the provision of Municipal Energy Advisory Services for a maximum contract term in accordance with section six of this Act. Payments under an agreement for the provision of such services may be based in whole or in part on any revenues gained due to energy or water conservation or demand reduction measures undertaken with respect to Municipal Buildings for which advisory services were performed by the Corporation.

SECTION 3. The City will provide to the Department and the Office of the Inspector General, within ninety (90) calendar days of the close of each applicable fiscal year, a report detailing any agreements the City has entered into with the Corporation for the provision of Municipal Energy Advisory Services, which report shall include without limitation: a detailed schedule of services provided to the City and the compensation payable to the Corporation for such services; and a certification from the Chief Executive Officer or Treasurer of the Corporation that the entirety of the revenues and/or carbon credits or similar benefits received on account of Municipal Energy Advisory Services provided to the City in excess of the costs necessary to provide such Municipal Energy Advisory Services, including staff and administrative costs, has been paid or set aside by the Corporation for one or more of the following purposes: (i) undertaking conservation education for residents and/or businesses in the City, (ii) promoting energy and water conservation within the City, and/or (iii) subsidizing energy audits, energy conservation measures or energy conservation projects in low-income residences in the City or in Municipal Buildings.

SECTION 4. In the event that any agreement between the City and the Corporation for the provision of Municipal Energy Advisory Services provides for revenues to be paid to the City, including the proceeds of any forward-capacity energy market credits, the City may establish a revolving fund and may deposit such revenues into such revolving fund. Monies held in this revolving fund may be expended for the purpose of (a) paying for Municipal Energy Advisory Services, (b) paying the costs of Energy conservation projects or debt service payments for Energy conservation projects financed with municipal obligations, or (c) reinvesting a portion of such revenues into conservation and clean energy programs in the City, including outreach services, technical assistance and direct incentives.

SECTION 5. If any provision of this Act or the application of such provision to any person or circumstance shall be held invalid, the validity of the remainder of this Act and the applicability of such provision to other persons or circumstances shall not be affected thereby.

SECTION 6. The provisions of this Act shall expire ten years following the date of its passage unless reenacted by the Legislature. The expiration of this Act shall not affect the validity of any contract executed pursuant to this Act prior to such expiration, and all provisions of this Act shall continue to apply to said contracts for the remainder of the term of said contracts.

SECTION 7. The provisions of this Act shall be effective immediately upon passage.

ON THE TABLE

1. 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.]
2. 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

3. 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.]

4. 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 Number Sixteen of Dec 10, 2007. Dec 17, 2007 - Referred to 2008-2009 City Council as Unfinished Business on motion of Councillor Kelley.]

APPLICATIONS AND PETITIONS

1. An application was received from Gallery 263, requesting a sign at the premises numbered 263 Pearl Street. Approval has been received from Inspectional Services, Department of Public Works, Community Development Department and abutters.
2. An application was received from Phoenix Landing, requesting permission for a sandwich board sign in front of 512 Massachusetts Avenue.
3. An application was received from Lauren Harder, requesting a curb cut at the premises numbered 9 St. Mary Road; said petition has received approval from Inspectional

Services, Traffic, Parking and Transportation, Historical and Public Works. Approval has been received from the neighborhood association.

4. An application was received from Jane Campbell, requesting a curb cut at the premises numbered 65 Jay Street; said petition has received approval from Inspectional Services, Traffic, Parking and Transportation, Historical and Public Works. No response has been received from the neighborhood association.
5. An application was received from Theodore R. Live, requesting to widen an existing curb cut at the premises numbered 17 Wendell Street; said petition has received approval from Inspectional Services, Traffic, Parking and Transportation, Historical and Public Works. The neighborhood association has no objections as long as the neighbors and abutter approve it.
6. An application was received from Bevil Conway, requesting to widen an existing curb cut at the premises numbered 85 Inman Street; said petition has received approval from Inspectional Services, Traffic, Parking and Transportation, Historical and Public Works. No response has been received from the neighborhood association.

RESOLUTIONS

1. Speedy recovery wishes to Ted Coffman. Councillor Toomey
2. Resolution on the death of Specialist Chancellor A. Keesling. Councillor Decker
3. Resolution on the death of Captain Kafela H. Sims. Councillor Decker
4. Resolution on the death of Sergeant Joshua W. Soto. Councillor Decker
5. Welcome to the Cambridge-Bethlehem People to People Project and Friends of Al-Rowwad troupe as they perform at the Central Square Theater on Fri, July 17, 2009. Councillor Decker
6. Best wishes to Erin Pidot as she leaves her position at the Multi-Service Center. Councillor Decker
7. Best wishes to Mark Fopeano as he leaves his position at the Multi-Service Center. Councillor Decker

ORDERS

1. That the City Manager is requested to direct the relevant City departments to review the City's policies on sidewalk cafes and, in particular, to review the sidewalk area in front of Christopher's Restaurant & Bar to ensure that both the outdoor seating and pedestrians can be adequately accommodated. Councillor Kelley
2. That the City Council go on record requesting that the Joint Committee on Telecommunications, Utilities, and Energy maintain the existing State laws governing cable licensing, which adequately protect cities and towns, residents of the Commonwealth by defeating House Bill No.3765 and Senate Bill No.1531, An Act Promoting Consumer Choice and Competition. Councillor Davis
3. That the issue of Cambridge's formally adopting a proposed "Treaty of Respect" concerning Native Americans be referred to the Civic Unity Committee. Councillor Kelley
4. That the City Manager is requested to confer with the DCR and relevant City staff to ensure that the DCR and City pools in Cambridge have adequate security, be it Cambridge Police Department staff, State Police officers, Department of Human Services staff or any other relevant personnel to maintain a suitable level of safety and comfort

at and around DCR and city-owned pools. Councillor Kelley and Vice Mayor Seidel

5. That the City Manager is requested to update the City Council on the status of the building located at 93 Kirkland Street. Vice Mayor Seidel
6. That the City Manager is requested to confer with the appropriate City Departments and the Department of Conservation and Recreation (DCR) and report back to the City Council in a timely manner regarding the activity of persons in and around the Larz Anderson Memorial Bridge. Vice Mayor Seidel
7. That the City Manager is requested to confer with the Police Commissioner to increase enforcement of motor vehicle laws to prohibit travel by inappropriate motorized vehicles in bicycle lanes or to the right of traffic. Councillor Kelley

COMMITTEE REPORTS

1. A communication was received from Donna P. Lopez, Deputy City Clerk, transmitting a report from Councillor Timothy J. Toomey, Chair of the Claims Committee, for a meeting held on June 23, 2009 to consider claims filed against the City.
2. A communication was received from Donna P. Lopez, Deputy City Clerk, transmitting a report from Councillor Marjorie Decker, Chair of the Public Facilities, Art and Celebrations Committee, for a meeting held on June 10, 2009 to discuss defining what is public art, how public art projects, artists and art work is chosen and how to get more community input involved in the process.

HEARING SCHEDULE

Mon, June 29

- 5:00pm Special Presentation honoring Jean-Dany Joachim, Cambridge Poet Populist for 2009-2010. (Sullivan Chamber)
- 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 amend 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 an informal public meeting for an informal discussion among individuals and organizations working on energy conservation and climate protection and youth organizations in Cambridge on how to better engage youth in action and education to bring about environmental action and awareness in their communities. (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

June 29, 2009 Cambridge City Council meeting

abutting Garden, Winslow, Fenno, Stearns, Esten, Sherman Streets and Upland Road. This hearing to be televised. (Sullivan Chamber)

Thurs, July 9

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

5:00pm The Health and Environment Committee will conduct a public meeting to discuss the State's Stretch Energy Code. (Ackermann Room)

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

5:00pm Special Presentation (Sullivan Chamber)

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 29, 2009

COUNCILLOR KELLEY

WHEREAS: Sidewalk cafes play an important part in adding to the vitality of Cambridge's commercial districts and streetscapes; and

WHEREAS: Passable sidewalks are crucial for pedestrian safety and comfort; and

WHEREAS: Overly expansive sidewalk cafes can make pedestrian travel more difficult by narrowing the passable sidewalk; and

WHEREAS: There have been some complaints that the sidewalk cafe in front of Christopher's Restaurant & Bar takes up too much of the sidewalk and makes it more difficult for pedestrians to use it; now therefore be it ORDERED: That the City Manager be and hereby is requested to direct the relevant City departments to review the City's policies on sidewalk cafes and, in particular, to review the sidewalk area in front of Christopher's Restaurant & Bar to ensure that both the outdoor seating and pedestrians can be adequately accommodated and report back to the City Council on this issue.

O-2 June 29, 2009

COUNCILLOR DAVIS

WHEREAS: House Bill No.3765 and Senate Bill No.1531, An Act Promoting Consumer Choice and Competition, have been filed on behalf of Verizon and will be the subject of a hearing before the Joint Telecommunications Committee on July 22; and

WHEREAS: These bills would limit the negotiation period for cable licensing to 90 days which is much too short given the complexity of the process, and the time limitation would essentially sidestep the community process which would result in a benefit only for Verizon to the detriment of consumers and local governments; now therefore be it RESOLVED: That the City Council go on record requesting that the Joint Committee on Telecommunications, Utilities, and Energy maintain the existing State laws governing cable licensing, which adequately protect cities and towns, residents of the Commonwealth, and video service providers; and be it further; and be it further

RESOLVED: That the City Council go on record urging the members of the Cambridge legislative delegation to defeat the final bill; and be it further

RESOLVED: That the City Clerk be and hereby is requested to forward copies of this resolution to Representative Barry Feingold and Senator Michael Morrissey, Chairs of the Joint Committee on Telecommunications, Utilities and Energy, as well as the Cambridge Legislative Delegation on behalf of the City Council.

O-3 June 29, 2009

COUNCILLOR KELLEY

ORDERED: That the issue of Cambridge's formally adopting a proposed "Treaty of Respect" concerning Native Americans be referred to the Civic Unity Committee.

O-4 June 29, 2009
COUNCILLOR KELLEY
VICE MAYOR SEIDEL

WHEREAS: Recent violence in Cambridge has raised concerns that the City might face increased violence during the summer; and

WHEREAS: The City's pools, both Department of Conservation and Recreation (DCR) and City-owned, offer great opportunities for residents and non-residents to relax during the hot summer months; and

WHEREAS: The large numbers of people who use these pools may reflect the ongoing tensions and violence in the greater community; and

WHEREAS: Any acts of violence at these popular and often crowded pools could be disastrous; now therefore be it

ORDERED: That the City Manager be and hereby is requested to confer with the DCR and relevant City staff to ensure that the DCR and City pools in Cambridge have adequate security, be it Cambridge Police Department staff, State Police officers, Department of Human Services staff or any other relevant personnel to maintain a suitable level of safety and comfort at and around the pools.

O-5 June 29, 2009
VICE MAYOR SEIDEL

ORDERED: That the City Manager be and hereby is requested to update the City Council on the status of the building located at 93 Kirkland Street.

O-6 June 29, 2009
VICE MAYOR SEIDEL

WHEREAS: There has been recent complaints about persons congregating and setting up temporary residence under Larz Anderson Memorial Bridge, generating and disposing of trash irresponsibly and engaging in threatening and possibly illegal behaviors; and

WHEREAS: This activity has increased to the point where residents do not feel safe when walking, bicycling or rowing on and along Memorial Drive and the Charles River near the bridge; now therefore be it

ORDERED: That the City Manager be and hereby is requested to confer with the appropriate City Departments and the Department of Conservation and Recreation (DCR) and report back to the City Council in a timely manner regarding the activity of persons in and around the Larz Anderson Memorial Bridge.

O-7 June 29, 2009
COUNCILLOR KELLEY

ORDERED: That the City Manager be and hereby is requested to confer with the Police Commissioner to increase enforcement of motor vehicle laws to prohibit travel by inappropriate motorized vehicles in bicycle lanes or to the right of traffic.