

CITY MANAGER'S AGENDA

1. Transmitting communication from Robert W. Healy, City Manager, relative to a Home Rule Petition providing the City of Cambridge with the authority to impose and increase certain motor vehicle fines in the City of Cambridge in order to improve driving.
2. Transmitting communication from Robert W. Healy, City Manager, relative to the appointment of the following person as a Constable for a term of three years, effective Jan 1, 2012: Alyssa Roderick
3. Transmitting communication from Robert W. Healy, City Manager, relative to Awaiting Report Item Number 11-131, regarding a report on placing utility pole wires underground as part of the Alewife sewer project.
4. Transmitting communication from Robert W. Healy, City Manager, relative to Awaiting Report Item Number 11-162, regarding a report on the status of the parking meters that accept credit cards around the Cambridge Common.
5. Transmitting communication from Robert W. Healy, City Manager, relative to language prepared by staff in anticipation of the process of reconstruction or renovation of K-8 school buildings in City.
6. Transmitting communication from Robert W. Healy, City Manager, relative to Awaiting Report Item Number 11-170, regarding a report on an opinion on the issue of spot zoning on the Runkel petition.

ON THE TABLE

1. That the City Manager is requested to restore funding for School Department clerical positions until a proper and negotiated process can be achieved with the Cambridge School Department and Unions representing the employees, and to report back to the City Council on the progress. [Order Number Fourteen of Apr 26, 2010 Placed on Table. Councillor Kelley made motions to take from table on May 10, 2010 failed 2-7-0, Sept 13, 2010 failed 4-4-1, Sept 27, 2010 failed 3-5-1, Dec 13, 2010 failed 3-6-0. Remains on Table.]
2. Transmitting communication from Robert W. Healy, City Manager, relative to Awaiting Report Item Number 10-32, regarding a report on issues with the development of the former St. John's property site. [Charter Right exercised on City Manager Agenda Item Number Eighteen of May 24, 2010. Placed on Table June 7, 2010.]
3. An application was received from Tony LaVita, requesting permission for a curb cut at the premises numbered 68 Middlesex 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. [Applications and Petitions Number Ten of June 7, 2010 Placed on Table.]
4. Transmitting communication from Robert W. Healy, City Manager, relative to Awaiting Report Item Number 10-189, regarding a report on the legitimacy of the tax exempt claim of Education First. [Charter Right exercised on City Manager Agenda Item Number Nineteen of Jan 24, 2011. Placed on Table Jan 31, 2011.]
5. That the City Manager is requested to have the Community Development Department convene a meeting with

neighbors in the vicinity of Grove Street and Blanchard Road, the Fresh Pond Master Plan Committee and other relevant parties to review the zoning along the golf course and the Fresh Pond Reservation in that area. [Charter Right exercised on Order Number Five of Jan 24, 2011. Placed on Table Jan 31, 2011.]

6. That the City Manager is requested to report back to the City Council with a complete and comprehensive list of all concessions made to the City and broader Cambridge community by developers and the universities in exchange for zoning relief, special permits, or Council approval. [Charter Right exercised by Councillor Reeves on Order Number Eleven of Apr 25, 2011. Tabled on Motion of Councillor Cheung on May 2, 2011.]
7. Transmitting communication from Robert W. Healy, City Manager, relative to Awaiting Report Item Number 11-94, regarding a report on fireworks at Corcoran Park on July 4th. [City Manager Agenda Item Number Nineteen of Sept 12, 2011 Placed on Table on motion of Councillor Kelley.]
8. An application was received from Eric Griffith, requesting permission for a curb cut at the premises numbered 9 Wyman Street; said petition has received approval from Inspectional Services, Traffic, Parking and Transportation and Public Works. No neighborhood association for that area. [Charter Right exercised by Councillor Kelley on Applications and Petitions Number Three of Oct 24, 2011. Placed on Table Oct 31, 2011 by Councillor Cheung on roll call vote 6-3-0.]

UNFINISHED BUSINESS

9. A communication was received from D. Margaret Drury, City Clerk, transmitting a report from Councillor Sam Seidel, Chair of the Ordinance Committee for a public meeting held on Sept 7, 2011 to consider a petition filed by Julia Bishop et al., to amend Section 17.20 of the Zoning Ordinance - Regulations for Special District 2, located in North Cambridge along Linear Park. [Order #26 adopted on Oct 17, 2011 to discharge from committee. Report placed on Unfinished Business on Oct 17, 2011. The question comes on passing to be ordained on or after Nov 28, 2011. Planning Board hearing held Sept 13, 2011. Petition expires Dec 6, 2011. Petition re-filed as of Dec 7, 2011. See Order #10 of Nov 21, 2011.]
10. A communication was received from D. Margaret Drury, City Clerk, transmitting a report from Councillor Sam Seidel, Chair of the Ordinance Committee for a public meeting held on Oct 13, 2011 to consider a petition filed by Laura Runkel et al. to rezone 41 Bellis Circle, an area abutting the northern block of Bellis Circle, bordered on the north by the commuter rail tracks, on the south by Bellis Circle and on the east side by Sherman Street, from Residence C-1A to Residence C. The question comes on passing to be ordained on or after Nov 14, 2011. Planning Board hearing held Sept 13, 2011. Petition expires Dec 13, 2011.
11. A communication was received from D. Margaret Drury, City Clerk, transmitting a report from Councillor Sam Seidel, Chair of the Ordinance Committee for a public hearing held on Sept 14, 2011 and a follow-up public meeting on Oct 25, 2011 to consider a re-filed petition to amend the zoning ordinance filed by Chestnut Hill Realty.

The petition would allow creation by special permit of rental apartment units in basement units of existing multifamily residential buildings in Residence C Districts which meet the special permit criteria. The question comes on passing to be ordained on or after Nov 28, 2011. Planning Board hearing held Sept 6, 2011. Petition expires Dec 13, 2011.

12. A communication was received from D. Margaret Drury, City Clerk, transmitting a report from Councillor Sam Seidel, Chair of the Ordinance Committee for a public hearing held on Sept 14, 2011 to consider a petition by Matthew Bagedonow et al. to amend Section 5.24.4 Paragraph(4) of the Zoning Ordinance as follows: "For Residence Zoning District C-1, in no case shall side yards be less than 7'-6". This shall apply to any plane or projection from the plane of the building." (ORDER #3 OF NOV 7, 2011 DISCHARGE FROM COMMITTEE ADOPTED) The question comes on passing to be ordained on or after Nov 28, 2011. Planning Board hearing held Sept 13, 2011. Petition expires Dec 13, 2011.

COMMUNICATIONS

1. A communication was received from Joseph A. Connarton, Executive Director, PERAC, regarding Appropriation for Fiscal Year 2013.
2. A communication was received from Walter McDonald, 172 Magazine Street, regarding traffic light at Magazine Street and Memorial Drive.

RESOLUTIONS

1. Resolution on the death of Maureen V. (Safarian) Sauer. Councillor Toomey
2. Resolution on the death of Stephanie Gardyna. Councillor Toomey
3. Resolution on the death of Catherine A. (Parise) Spinosa. Councillor Toomey
4. Resolution on the death of Laura A. Callahan. Mayor Maher
5. Resolution on the death of John R. Donoghue. Mayor Maher
6. Resolution on the death of Mary Brewster Kennedy. Mayor Maher, Vice Mayor Davis
7. Resolution on the death of Julia (Colarusso) Devaney. Councillor Toomey, Mayor Maher
8. Resolution on the death of Charles Riberio. Councillor Toomey
9. Thanks to Congressman Barney Frank for his years of service to the Commonwealth of Massachusetts and wishing him the best in his future endeavors. Councillor Toomey, Councillor Simmons
10. Resolution on the death of Paul Kurt Ackermann. Vice Mayor Davis, Mayor Maher
11. Resolution on the death of Specialist David E. Hickman. Councillor Decker
12. Acknowledge Dec 1, 2011 as World AIDS Day. Councillor Simmons
13. Congratulations to the Cambridge Economic Opportunities Committee (CEOC) on its 45th Anniversary. Councillor Simmons

14. Welcome wishes to Dr. Paul Farmer who is the keynote speaker at CEOC's 45 anniversary celebration. Councillor Simmons
15. Thanks to all of the organizations that worked for the passage of the the Transgender Human Rights Bill. Councillor Simmons
16. Speedy recovery wishes to Suzanne Green. Councillor Simmons
17. Congratulations to Lawrence Hopkins on becoming a United States citizen. Mayor Maher, Councillor Decker, Councillor Toomey
18. Congratulations and best wishes to Dr. Virginia Chomitz on her new position as Assistant Professor at Tufts University School of Medicine. Vice Mayor Davis
19. Welcome FlashNotes to Cambridge. Councillor Cheung
20. Congratulations to the organizers and collaborating partners of TEDxCambridge for their excellent work in hosting a program at Northwest Labs on Nov 19, 2011. Councillor Cheung
21. Congratulations to Dr. James Miller on his retirement from Harvard Vanguard. Councillor Reeves
22. Congratulations to Denzil McKenzie on his appointment as Jamaican Honorary Consul for Boston. Councillor Reeves
23. Congratulations to John Palfrey on being named the 15th Headmaster of Phillips Andover Academy. Councillor Reeves

ORDERS

1. That the City Manager is requested to confer with the Commissioner of the Inspectional Services and determine if the used car lot located at 209 Broadway is fully licensed and abiding by City regulation regarding parking. Councillor Toomey
2. That the City Manager is requested to report on the status of maintenance for the elevators at the Manning Apartments. Vice Mayor Davis
3. That the City Manager is requested to report on the number of foreclosures in Cambridge, particularly the impact on elderly homeowners and what services are available to them. Vice Mayor Davis
4. That the City Manager is requested to provide monetary information regarding the Monteiro and related cases. Councillor Reeves, Councillor Cheung, Councillor Seidel and Councillor Simmons
5. That the City Clerk is requested to list mayoral commission meetings on the City Council Hearing Schedule in addition to the city calendar in order to reach as many interested members of the public as possible. Vice Mayor Davis
6. That the City Manager is requested to work with the Community Development Department to ascertain data previously requested regarding the Andrews Petition. Councillor Cheung
7. That the City Manager is requested to confer with the MBTA and Transportation, Traffic and Parking Committee to look into the feasibility of increasing the number of buses on Rte. #77 during the weekends. Councillor Cheung

8. That the City Manager is requested to work with the Ordinance Committee to mandate a time restriction on long-term construction projects and report back to the City Council. Councillor Cheung
9. That the City Manager is requested to work with the Personnel Department to look into the disability makeup of the City's workforce by level and department and report back to the City Council on this matter. Councillor Cheung
10. That the Teague Petition be re-filed after expiration on Dec 6, 2011. Councillor Cheung
11. That this City Council urge the United States Government to sign and ratify the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Their Families and to similarly recognize Dec 18, 2011, and annually thereafter, as International Migrants Day. Councillor Decker
12. That the City Manager report back to the City Council with the required changes to city council rules, city zoning code and/or municipal ordinance to achieve the Community Benefits Mitigation Fee. Councillor Seidel

COMMITTEE REPORTS

1. A communication was received from Donna P. Lopez, Deputy City Clerk, transmitting a report from Vice Mayor Henrietta Davis, Chair of the Environment Committee for a public meeting held on Sept 21, 2011 to discuss building energy efficient schools.

HEARING SCHEDULE

Mon, Dec 5

- 5:30pm City Council Meeting (Sullivan Chamber)
 5:30pm Special Presentation by the Oral History Project of the Mid Cambridge Neighborhood Council to receive their new publication From the Heart of Cambridge. (Sullivan Chamber)

Mon, Dec 12

- 4:00pm The Government Operations and Rules Committee will conduct a public meeting to finalize a policy for the dedications of memorial and honorary street corner signs. (Ackermann Room)
 5:30pm Special Presentation to acknowledge the LIFT Distinguished Service Award to the Multi Service Center and the Department of Human Services. (Sullivan Chamber)
 5:30pm City Council Meeting
 7:00pm *Special Presentation* - Mayor's Red Ribbon Commission on Central Square. (Sullivan Chamber)

Tues, Dec 13

- 12:00pm The Economic Development, Training and Employment Committee will conduct a public meeting to discuss finalizing goals for Economic Development and to discuss the city and community involvement in BIO 2012. (Sullivan Chamber)

Mon, Dec 19

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

Tues, Dec 20

- 5:30pm The Claims Committee will conduct a public meeting to consider claims filed against the city. (Ackermann Room)

Wed, Dec 28

- 4:00pm Ordinance Committee (Sullivan Chamber)

Thurs, Dec 29

- 4:00pm Ordinance Committee (Sullivan Chamber)

Mon, Jan 2

- 10:00am City Council Inaugural Meeting (Sullivan Chamber)

Mon, Jan 9

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

Mon, Jan 23

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

Mon, Jan 30

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

Mon, Feb 6

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

Mon, Feb 13

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

Mon, Feb 27

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

Mon, Mar 5

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

Mon, Mar 12

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

Mon, Mar 19

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

Mon, Mar 26

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

Mon, Apr 2

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

Mon, Apr 9

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

Mon, Apr 23

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

Mon, Apr 30

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

TEXT OF ORDERS

O-1 Dec 5, 2011

COUNCILLOR TOOMEY

ORDERED: That the City Manager be and hereby is requested to confer with the Commissioner of the Inspectional Services and determine if the used car lot located at 209 Broadway is fully licensed and abiding by City regulation regarding parking.

O-2 Dec 5, 2011

VICE MAYOR DAVIS

WHEREAS: The Frank J. Manning Apartments is a Cambridge Housing Authority residence for seniors and persons with disabilities; and

WHEREAS: One elevator has been renovated and the other is scheduled for renovation but there are times when both elevators are out of service, as on Nov 29 for a period of time, creating a dangerous and impossible situation for those who are unable to climb the stairs; now therefore be it

ORDERED: That the City Manager be and hereby is requested to report on the status of maintenance for the elevators at the Manning Apartments.

O-3 Dec 5, 2011

VICE MAYOR DAVIS

ORDERED: That the City Manager be and hereby is requested to report on the number of foreclosures in Cambridge, particularly the impact on elderly homeowners and what services are available to them.

O-4 Dec 5, 2011

COUNCILLOR REEVES

COUNCILLOR CHEUNG

COUNCILLOR SEIDEL

COUNCILLOR SIMMONS

WHEREAS: On Oct 24, 2011, the City Council passed Order

Number 6 (attached) requesting information regarding: The outside legal expenses incurred by the City for the Monteiro case and related cases and issues;

The cost of the appeal of the Monteiro case over original judgment, to include interest and legal fees for both the defendant and the plaintiff;

The amount of money related cases were settled for; and
The overall amount of money the City paid to Ms. Monteiro; and
WHEREAS: The City Council amended this to specify that the information go into Executive Session; and
WHEREAS: The City Council has not received the information to date; and
WHEREAS: The City Council has received an increasing number of requests for the information regarding the settled cases; now therefore be it
ORDERED: That the City Manager be and hereby is requested to provide this information no later than Dec 19 in whatever form he deems appropriate, including a letter, verbally, open session or executive session.

O-5 Dec 5, 2011

VICE MAYOR DAVIS

WHEREAS: The Mayor can appoint commissions, often chaired by a City Councillor, to explore topics of interest to the public - the Silver Ribbon Commission is focusing on housing options for those aging in Cambridge; the Red Ribbon Commission on the Delights and Concerns of Central Square; and the Blue Ribbon Commission on Early Childhood Education; now therefore be it
ORDERED: That the City Clerk be and hereby is requested to list mayoral commission meetings on the City Council Hearing Schedule in addition to the city calendar in order to reach as many interested members of the public as possible.

O-6 Dec 5, 2011

COUNCILLOR CHEUNG

WHEREAS: It has come to the attention of the City Council that data requested regarding the Andrews Petition during the previous Ordinance Committee Hearing on the petition has not been delivered; and
WHEREAS: The petition is soon expiring and could potentially be re-filed; if it is the requested information may prove useful in modifying the petition before it is re-filed; and
WHEREAS: The information requested is as follows:
Nexus study;
How the 1:1 ratio is derived;
Rationale for the 15%;
Breakdown of the projects' success over the history of the applicable ordinance;
Number of affordable units lost out of expiring units; and
Any systemic plans to save big buildings of expiring affordable units and how many are at risk.
ORDERED: That the City Manager be and hereby is requested to work with the Community Development Department to ascertain the before-mentioned data and report back to the City Council.

O-7 Dec 5, 2011

COUNCILLOR CHEUNG

WHEREAS: Buses alleviate traffic and provide commuters with more environmentally-friendly public transportation options; and
WHEREAS: It has come to the attention of the Cambridge City Council that commuters would like more bus service between Porter Square and Harvard Square on weekends; and
WHEREAS: It has been reported that residents wait up to 45 minutes between pickups; and
WHEREAS: Residents feel that a new system could easily be developed for Rte. #77: Express buses to Arlington Heights, plus local services for the Harvard Square to Arlington Heights line; now therefore be it
ORDERED: That the City Manager be and hereby is requested to confer with the MBTA and Transportation, Traffic and Parking Committee to look into the feasibility of increasing the number of buses on Rt. #77 during the weekends.

O-8 Dec 5, 2011

COUNCILLOR CHEUNG

WHEREAS: Excessive sound and vibration are a serious hazard to public health and quality of life; and
WHEREAS: Residents have raised concerns about ongoing construction projects that have not been completed after years of work; now therefore be it
ORDERED: Residents feel that a time restriction on the number of years a construction project takes to complete would mitigate disturbances and restore peace to their neighborhood; and be it further
ORDERED: That the City Manager be and hereby is requested to work with the Ordinance Committee to mandate a time restriction on long-term construction projects and report back to the City Council.

O-9 Dec 5, 2011

COUNCILLOR CHEUNG

WHEREAS: Disabled persons are numerous in the city and in the United States as minority groups; and
WHEREAS: After an immensely successful dialogue about the racial and gender makeup of the City's workforce at a recent City Council meeting, residents are requesting that the number of disabled individuals in the city government be made available to the public; now therefore be it
ORDERED: That the City Manager be and hereby is requested to work with the Personnel Department to look into the disability makeup of the City's workforce by level and department and report back to the City Council on this matter.

O-10 Dec 5, 2011

COUNCILLOR CHEUNG

ORDERED: That the Teague Petition be re-filed after expiration on Dec 6, 2011.

O-11 Dec 5, 2011

COUNCILLOR DECKER

WHEREAS: This City Council has learned that on Dec 18, 1990, the United Nations General Assembly approved the "International Convention for the Protection of the Rights of Migrant Workers and Members of Their Families"; and
WHEREAS: In the year 2000, the United Nations proclaimed Dec 18th as International Migrants Day to promote the recognition of the rights of migrants, and ask all member states, inter-governmental organizations, and non-governmental organizations to observe this day; and
WHEREAS: To date, the United States has not ratified this Convention; and
WHEREAS: The "International Convention for the Protection of the Rights of Migrant Workers and Members of Their Families" came into force on July 1, 2003, and the Convention is widely used as a tool to promote the human rights of migrants, recognize their contributions and also to advocate for the U.S. government to ratify the convention; and
WHEREAS: Civil society organizations throughout the world have decided to mark this day with a Global Day of Action Against Racism and for the Rights of Migrants, Refugees and Displaced People, and immigrant and refugee rights advocates throughout the United States will hold events to join their peers worldwide on or about Dec 18, 2011; and
WHEREAS: The population of our City has many generations of immigrants that arrived here under different circumstances but have settled through the years and have provided significant contributions to our City; now therefore be it
RESOLVED: That this City Council go on record declaring Dec 18, 2011, and annually thereafter, as International Migrants Day in Cambridge; and be it further
RESOLVED: That this City Council urge the United States Government to sign and ratify the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Their

Families and to similarly recognize Dec 18, 2011, and annually thereafter, as International Migrants Day; and be it further
RESOLVED: That this City Council recognize the many contributions of immigrants and refugees to society as a whole and salutes and encourages the many events being held in our City, the country and the world on this day to strengthen our tolerance and respect for the human rights of all people, regardless of their race or citizenship status; and be it further
RESOLVED: That the City Clerk be and hereby is requested to forward a suitably engrossed copy of this resolution to Congressman Michael Capuano, President Obama and Secretary of State Hillary Clinton on behalf of the entire City Council.

O-12 Dec 5, 2011

COUNCILLOR SEIDEL

WHEREAS: The Government Operations Committee held a public meeting on Aug 29 to discuss policy development on community benefits as mitigation for zoning amendments; and

WHEREAS: There is a desire on the part of the City Council for developers to help maintain important social services in Cambridge that improve the lives of Cambridge residents and are provided by community nonprofits, many of which are struggling financially; and

WHEREAS: There is a growing recognition that cuts at the federal level will decrease the amount of CDBG funds available for critical housing and human services programs; and

WHEREAS: The community benefits to be gained for upzoning are distinct from incentive zoning contributions and mitigation payments that are made to offset traffic pattern changes, storm water relief and other direct physical conditions related to the development and should be maintained and are in addition to the community benefits mitigation; and

WHEREAS: During that hearing a desire was expressed to target the beginning of December for the development of principles for the new term; now therefore be it

ORDERED: That the City Manager be and hereby is requested to report back to the City Council with the required changes to the City Council rules, city zoning ordinance and/or municipal ordinance to achieve the following Community Benefits Mitigation Fee:

Community Benefits Mitigation Fee

A community benefits mitigation fee of up to \$8 per square foot for each square foot of increased floor area above what zoning allows. This mitigation fee amount could be reduced for square footage devoted to publicly accessible open space and buildings and construction of affordable housing after analysis by City staff.

Community Benefits Mitigation Fees are to be distributed in the following manner:

\$2/sf. to the Affordable Housing Trust Fund;

\$2/sf. for human services programs, particularly those facing CDBG cuts;

\$4/sf. for impacts on the City's infrastructure and programs, exclusive of on-site mitigation.

In addition to the community benefits mitigation fee, developers would be asked to voluntarily distribute to Cambridge non-profit agencies a minimum of \$2/square foot for each square foot of increased floor area above what zoning allows.

Developers are requested to distribute the funds based on the following principles:

§ Selected non-profit organizations should directly service the neighborhoods impacted by development or the city's most vulnerable residents

§ Should be given for one-time purposes rather than ongoing operating expenses

§ Developer funds should leverage other funds

§ Should be used to improve the lives of Cambridge residents

Schedule of Payments

The full amount of community benefit mitigation may be paid within 60 days of a zoning amendment that increases density of development over the existing zoning by more than 50,000 SF or may be paid according to the following schedule of payments:

The first community benefit mitigation payment that equals 10% of the total amount shall be made within 60 days of the adoption of a zoning amendment that increases density of development over the existing zoning by more than 50,000 SF.

A second payment that equals 10% of the total amount shall be paid within 60 days of the receipt of a special permit that is not appealed.

The third payment that equals 25% of the total amount shall be paid at the time of receipt of a building permit.

If there is a request for a temporary Certificate of Occupancy a fourth payment that equals 35% of the total amount shall be paid at the time of receipt of such a request.

The final payment that equals 20% of the total amount shall be paid at the time of final Certificate of Occupancy if a payment has been made at the time of a temporary Certificate of Occupancy; otherwise, the payment shall be 55% of the total.