

CITY MANAGER'S AGENDA

1. Transmitting communication from Robert W. Healy, City Manager, relative to the transfer of \$207,402.07 between School Department statutory accounts and include: \$156,176.97 from the General Fund School Other Ordinary Maintenance account and \$51,225.10 from the School Travel and Training account to the General Fund School Salaries and Wages account (\$176,317.08) and to the School Extraordinary Expenditures account (\$31,084.99) and are related to school improvement and professional development plans based on approved detail budget allocations by Principals.
2. Transmitting communication from Robert W. Healy, City Manager, relative to the transfer of \$1,000,000 from General Fund School Salaries and Wages account to the General Fund School Other Ordinary Maintenance account which is required to cover additional costs for special education tuitions due to increased number of students and a reduction in the percentage reimbursement provided to the City from the State's Circuit Breaker Program.
3. Transmitting communication from Robert W. Healy, City Manager, relative to the acceptance of M.G.L. Chapter 32B, Section 20, which will establish an Other Post Employment Liability Trust Fund. This irrevocable trust fund will provide the City a vehicle to make contributions to meet the unfunded liability; and the transfer of \$2.0 million from the City's Health Insurance Claims Trust Fund, which has a balance of \$17.7 million to the Other Post Employment Liability Trust Fund. This initial allocation will begin the process of providing future allocations from this and/or other funding sources to the OPEB Trust Fund based on an annual review.

Dec 21, 2009

To the Honorable, the City Council:

I am hereby transmitting to you the actuarial valuation of City of Cambridge post employment welfare benefits as of Jan 1, 2009, which was recently completed by Gallagher Benefit Services and their subsidiary, Healthcare Analytics.

The actuary determined that the Unfunded Actuarial Accrued Liability (UAAL) as of July 1, 2009 was \$598,995,000, which is slightly lower than the UAAL of \$602,697,151 as of July 1, 2007 reported in the prior study, and which is positive news for the City since the amount has remained unchanged.

In addition, I have included a summary report submitted by the Other Post Employment Benefits (OPEB) working group, which included recommendations for my review. Also, I have included an Issue Brief on OPEB published by the Center for State & Local Government Excellence.

Based on the OPEB working group's report, I am recommending that the City Council vote the following:

- 1) Accept M.G.L. Chapter 32B, Section 20, which will establish an Other Post Employment Liability Trust Fund. This irrevocable trust fund will provide the City a vehicle to make contributions to meet the unfunded liability.
- 2) Transfer \$2.0 million from the City's Health Insurance Claims Trust Fund, which has a balance of \$17.7 million to the Other Post Employment Liability Trust Fund. This initial allocation will begin the process of providing

future allocations from this and/or other funding sources to the OPEB Trust Fund based on an annual review.

Even before the City received its initial OPEB evaluation in 2007, the City was evaluating strategies to fund the OPEB liability, as well as waiting for legislation to be enacted to allow cities and towns to establish an OPEB Trust Fund. The legislation to provide for the local acceptance of an OPEB Trust Fund was enacted in January 2009.

In addition, the OPEB working group will continue to review possible funding sources to allow for an annual contribution based on financial conditions of the City. Overall, the City has positioned itself to address the OPEB liability in an orderly and planned manner in the future, which has been recognized by the rating agencies as part of its positive credit rating.

I respectfully request that the City Council accept these two recommendations.

Very truly yours, Robert W. Healy, City Manager

City Manager Order

Agenda Item No. 3A Dec 21, 2009

ORDERED: That the City Council go on record accepting M.G.L. Chapter 32B, Section 20, which will establish an Other Post Employment Liability Trust Fund. This irrevocable trust fund will provide the City a vehicle to make contributions to meet the unfunded liability.

City Manager Order

Agenda Item No. 3B Dec 21, 2009

ORDERED: That the City Council approves the transfer of \$2.0 million from the City's Health Insurance Claims Trust Fund, which has a balance of \$17.7 million to the Other Post Employment Liability Trust Fund. This initial allocation will begin the process of providing future allocations from this and/or other funding sources to the OPEB Trust Fund based on an annual review.

4. Transmitting communication from Robert W. Healy, City Manager, relative to the appointment of the following persons as Commissioners of the Cambridge Housing Authority:
Anthony Pini (term expires 4/1/2014) - Name submitted by Central Labor Council in accordance with Chapter 121B.
Gerald Clark (term expires 1/1/2015) - Mr. Clark has been an integral part of the successful performance of the Cambridge Housing Authority Board for 30-years.
5. Transmitting communication from Robert W. Healy, City Manager, relative to Awaiting Report Item Number 09-129, regarding wireless services access at Newtowne Court and citywide.
6. Transmitting communication from Robert W. Healy, City Manager, relative to Awaiting Report Item Number 09-143, regarding a report on limited access to the YMCA for seniors.
7. Transmitting communication from Robert W. Healy, City Manager, relative to Awaiting Report Item Number 09-132, regarding a report on the Blessed Sacrament Church construction project.

8. Transmitting communication from Robert W. Healy, City Manager, relative to Awaiting Report Item Number 09-130, regarding a report on New York City Cool Roofs Program.
9. Transmitting communication from Robert W. Healy, City Manager, relative to Awaiting Report Item Number 09-131, regarding a report on forming a Coordinating Council on Aging in Place.
10. Transmitting communication from Robert W. Healy, City Manager, relative to Awaiting Report Item Number 09-139, regarding a report on the status of the Victims of Violence program and the Community Crisis Response Team.
11. Transmitting communication from Robert W. Healy, City Manager, relative to Awaiting Report Item Number 08-65, regarding a report on changes to the intersection of River Street and Massachusetts Avenue.
12. Transmitting communication from Robert W. Healy, City Manager, relative to Awaiting Report Item Number 09-141, regarding a report on the possibility of utilizing a system similar to Fast Lane that could be operated to pay for parking at municipal garages.
13. Transmitting communication from Robert W. Healy, City Manager, relative to Awaiting Report Item Number 08-105, regarding a report on the possibility of a dog park at the Binney Street parcel.
14. Transmitting communication from Robert W. Healy, City Manager, relative to Awaiting Report Item Number 09-145, regarding contracts with Aggregate Industries.
15. Transmitting communication from Robert W. Healy, City Manager, relative to the appropriation of \$320,000 from Free Cash to the General Fund Finance Department (Assessing) Other Ordinary Maintenance account to provide additional funds for technical and professional services, as requested by the Director of Assessment.

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 Cambridge City Council go on record as favoring a ballot initiative during the next local municipal election that shall allow Cambridge voters to have their voices heard on ridding the world of nuclear weapons. [Placed on Table on motion of Councillor Decker on a Roll Call Vote of 6-3-0 on Order Number Two of Sept 21, 2009.]
3. A communication was received from D. Margaret Drury, City Clerk, transmitting a report from Councillor Marjorie Decker, Chair of the Civic Unity Committee, for a meeting held on Oct 6, 2009 for the purpose of initiating a community conversation on strengthening the community for a safer neighborhood. [Placed on Table on motion of Councillor Davis on Committee Report Number Two of Nov 2, 2009.]
4. An application was received from Gulzada Korkmaz, requesting permission for a curb cut at the premises numbered 133 Pearl 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. [Placed on Table on motion of Councillor Davis on Applications and Petitions Number Five of Dec 7, 2009.]

UNFINISHED BUSINESS

5. 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.]
6. 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.]
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 meeting held on Nov 18, 2009 for the purpose of considering a petition for a zoning amendment filed by Richard D. Fanning et al. to eliminate the Section 5.25.3 exemption of existing parking facilities in the calculation of floor area ratio (FAR) and to delete Sections 20.44.3, which specifies maximum heights for the area between the centerline of the railroad right of way and the centerline of Cardinal Medeiros Avenue in the East Cambridge Housing Overlay District. Planning Board hearing held on Nov 17, 2009. Petition expires Feb 16, 2010. Committee Report Number Six of Dec 14, 2009 was Accepted and Referred to Unfinished Business.

APPLICATIONS AND PETITIONS

1. An application was received from Charles Myers for Philip Loughlin, requesting permission for a curb cut at the premises numbered 157 Brattle 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.

COMMUNICATIONS

1. A communication was received from Heather Clark and Dravida Bock, urging the City Council to vote in support of the Stretch Code.
2. A communication was received from the Rosemary L. Hughes, transmitting thanks to the City Council for the beautiful resolution in memory of her husband, Richard G. Hughes.
3. A communication was received from Department of Public Utilities, Transportation Oversight Division, transmitting notice of a hearing on Jan 12, 2010 at 1:00 p.m. at One South Station, Boston, on the appeal of Cambridge Airport Shuttle, Inc. from the City Council's denial of an application for a hotel shuttle service over certain routes between Logan International Airport and the City of Cambridge.

RESOLUTIONS

1. Resolution on the death of John J. "Bonesy" Mahoney.
Councillor Maher, Councillor Toomey
2. Resolution on the death of Charles Gravell. Councillor Toomey
3. Resolution on the death of Adelina (Sousa) Santos.
Councillor Toomey
4. Thanks and appreciation to City Councillor Larry Ward for his dedicated and distinguished service to the citizens of Cambridge. Councillor Toomey
5. Encourage lesbian, gay, bisexual, and transgender people and their families to participate in the 2010 Census in order to achieve an accurate count of the population. Mayor Simmons
6. Resolution on the death of Private First Class Jaiciae L. Pauley. Councillor Decker
7. Resolution on the death of Private Jhanner A. Tello. Councillor Decker
8. Resolution on the death of Sergeant Ralph Anthony Webb Frietas. Councillor Decker
9. Best of luck to Cy Gaudet and family as they close their business, The Forest Cafe, after sixty years. Councillor Decker
10. Congratulations to the Cambridge Pop Warner Midget Small Novice A Cheerleading Squad and Coach Laura Frisoli for placing third at the Pop Warner 2009 National Championship held at Disney's Wide World of Sports Complex in Florida. Councillor Ward
11. Congratulations to Angela Ward and Nekele McCall on winning the Disney Junior Soccer Showcase Tournament. Councillor Ward

ORDERS

1. That all items pending before the City Council and not acted upon by the end of the 2009 Legislative Session be placed in the files of the City Clerk without prejudice provided that those proposed ordinances which have been passed to a second reading, advertised and listed under "Unfinished Business" during the 2008-2009 City Council term shall be forwarded to the next City Council and further provided that any items pending in committee may, at the discretion of the committee, be forwarded to the next City Council. Mayor Simmons
2. That the City Manager is requested to direct the appropriate staff to conduct a safety assessment of all City playgrounds and begin said assessment at the Cambridgeport School and make repairs as needed. Mayor Simmons, Vice Mayor Seidel, Councillor Decker, Councillor Davis and Councillor Toomey
3. That the City Council direct the City Manager to create a comprehensive systematic approach for developing public private partnerships. Mayor Simmons
4. That the City Manager is requested to appoint appropriate staff to work collaboratively to develop a mechanism to coordinate information on programs and opportunities for Cambridge students. Mayor Simmons
5. Dedication of a suitable location in the vicinity of Pemberton Street and Middlesex Street in honor of Alton A. Howard and Elizabeth (Mahoney) Howard. Councillor Maher
6. That the City Council go on record strongly urging Cambridge businesses/companies with past and/or present effluent violations to come into full compliance and to

abide, in the future, with all state and federal environmental laws. Councillor Maher

7. That the City Manager is requested to ask Oaktree Development to respond to concerns relating to community standards ensuring prevailing wages, health care coverage, workers' compensation and apprenticeship programs. Councillor Decker
8. That this City Council reaffirms its resolution of Sept 21, 2009 calling on Hyatt to rehire workers and encouraging Cambridge residents and businesses not to do business with Hyatt. Councillor Decker
9. That the City Manager is requested to ask Hyatt Regency Cambridge to respond to concerns of work being done at 575 Memorial Drive as it relates to community standards. Councillor Decker

COMMITTEE REPORTS

1. A communication was received from Donna P. Lopez, Deputy City Clerk, transmitting a report from Councillor Henrietta Davis, Chair of the Health and Environment Committee, for a meeting held on Dec 9, 2009 to discuss the Stretch Energy Code (SEC).
2. 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 Dec 15, 2009 to consider claims filed against the City.
3. A communication was received from D. Margaret Drury, City Clerk, transmitting a report from Councillor Kenneth E. Reeves, Chair of the Human Services Committee, for a public hearing held on Apr 16, 2009 to discuss the closing of the Riverside Health Clinic and a public hearing held on Apr 29, 2009 to discuss the closing of the North Cambridge Health Clinic.
4. A communication was received from D. Margaret Drury, City Clerk, transmitting a report from Councillor David Maher and Councillor Henrietta Davis, Co-Chairs of the Government Operations and Rules Committee, for a public meeting held on Dec 9, 2009 to continue consideration of a petition to rename Plympton Street in honor of David L. Halberstam and to review the additional items remaining in committee.

HEARING SCHEDULE

Mon, Dec 21

5:30pm City Council Meeting (Sullivan Chamber)

Mon, Jan 4

10:00am INAUGURAL MEETING (Sullivan Chamber)

Tues, Jan 5

6:00pm School Committee Meeting (Sullivan Chamber)

Mon, Jan 11

5:30pm City Council Meeting (Sullivan Chamber)

Tues, Jan 19

6:00pm School Committee Meeting (Sullivan Chamber)

Mon, Jan 25

5:30pm City Council Meeting (Sullivan Chamber)

Mon, Feb 1

5:30pm City Council Meeting (Sullivan Chamber)

Tues, Feb 2

6:00pm School Committee Meeting (Sullivan Chamber)

Mon, Feb 8

5:30pm City Council Meeting (Sullivan Chamber)

Mon, Feb 22

5:30pm City Council Meeting (Sullivan Chamber)

Mon, Mar 1

5:30pm City Council Meeting (Sullivan Chamber)

Tues, Mar 2

6:00pm School Committee Meeting (Sullivan Chamber)

Mon, Mar 8

5:30pm City Council Meeting (Sullivan Chamber)

Mon, Mar 15

5:30pm City Council Meeting (Sullivan Chamber)

Tues, Mar 16

6:00pm School Committee Meeting (Sullivan Chamber)

Mon, Mar 22

5:30pm City Council Meeting (Sullivan Chamber)

Mon, Apr 5

5:30pm City Council Meeting (Sullivan Chamber)

Tues, Apr 6

6:00pm School Committee Meeting (Sullivan Chamber)

Mon, Apr 12

5:30pm City Council Meeting (Sullivan Chamber)

Mon, Apr 26

5:30pm City Council Meeting (Sullivan Chamber)

TEXT OF ORDERS

O-1 Dec 21, 2009

MAYOR SIMMONS

ORDERED: That all items pending before the City Council and not acted upon by the end of the 2009 Legislative Session be placed in the files of the City Clerk without prejudice provided that those proposed ordinances which have been passed to a second reading, advertised and listed under "Unfinished Business" during the 2008-2009 City Council term shall be forwarded to the next City Council and further provided that any items pending in committee may, at the discretion of the committee, be forwarded to the next City Council.

O-2 Dec 21, 2009

MAYOR SIMMONS

VICE MAYOR SEIDEL

COUNCILLOR DECKER

COUNCILLOR DAVIS

COUNCILLOR TOOMEY

WHEREAS: Many parents of children who use the playground at the Cambridgeport School have voiced concern regarding broken and missing equipment that present unsafe conditions for children; and

WHEREAS: This playground serves approximately 300 children on a daily basis during the school year, and nearly half that many during their summer camp program; now therefore be it

ORDERED: That the City Manager be and hereby is requested to direct the appropriate staff to conduct a safety assessment of all City playgrounds and begin said assessment at the Cambridgeport School and make repairs as needed.

O-3 Dec 21, 2009

MAYOR SIMMONS

ORDERED: That the City Council direct the City Manager to create a comprehensive systematic approach for developing public private partnerships.

O-4 Dec 21, 2009

MAYOR SIMMONS

WHEREAS: A great many students in Cambridge are not aware of the variety of programs and opportunities available to help support their individual and educational experience in the city of Cambridge; now therefore be it
ORDERED: That the City Manager be and hereby is requested to appoint appropriate staff to work collaboratively to develop a mechanism to coordinate information on programs and opportunities for Cambridge students.

O-5 Dec 21, 2009

COUNCILLOR MAHER

ORDERED: That the City Council dedicate a suitable location in the vicinity of Pemberton Street and Middlesex Street in honor of Alton A. Howard and Elizabeth (Mahoney) Howard; and be it further

ORDERED: That the Executive Assistant to the City Council be and hereby is requested to confer with the family regarding a suitable dedication ceremony and communicate with the Department of Public Works to arrange for the sign.

O-6 Dec 21, 2009

COUNCILLOR MAHER

WHEREAS: There was a recent release in the City of Cambridge of approximately 200 gallons of lubricating oil into the Charles River; and

WHEREAS: In an article appearing in The New York Times, entitled "Clean Water Laws Are Neglected at a Cost in Suffering" that detailed companies, both locally and nationally, who have violated state and/or federal environmental laws; now therefore be it

RESOLVED: That the City Council go on record expressing its disapproval of the illegal dumping of effluents and solid matter in the City of Cambridge; and be it further

RESOLVED: That the City Council go on record strongly urging Cambridge businesses/companies with past and/or present effluent violations to come into full compliance and to abide, in the future, with all state and federal environmental laws.

O-7 Dec 21, 2009

COUNCILLOR DECKER

WHEREAS: It has come to the attention of the City Council that Oaktree Development is going to be performing construction work at two sites in the city, one at the St. James Episcopal Church, and the other at Rounder Records; and

WHEREAS: Oaktree Development has had, at times, challenges working with contractors that meet community standards; and

WHEREAS: Community standards ensure prevailing wages, health care coverage, workers' compensation, and provide apprenticeship programs; and

WHEREAS: This City Council encourages Oaktree Development to work with contractors who have a strong

record of upholding community standards; now therefore be it

ORDERED: That the City Manager be and hereby is requested to ask Oaktree Development to respond on the status of this concern; and be it further

ORDERED: That the City Manager be and hereby is requested to report back to the City Council on this matter; and be it further

RESOLVED: That the City Clerk be and hereby is requested to forward a suitably engrossed copy of this resolution to Oaktree Development on behalf of the entire City Council.

O-8 Dec 21, 2009

COUNCILLOR DECKER

WHEREAS: This City Council passed a Council Resolution on Sept 21, 2009 which strongly encouraged the Hyatt Regency Cambridge to rehire its longstanding housekeeping staff who had been fired and replaced with an outsourcing company; and

WHEREAS: This City Council also offered its assistance in facilitating negotiations between Hyatt executives and the fired workers; and

WHEREAS: The executives of Hyatt have failed to rehire their fired workers; and

WHEREAS: The executives of Hyatt have failed to avail themselves of the offer of assistance from this City Council; and

WHEREAS: Hyatt's offer to the fired workers that they receive employment from an outsourcing firm is not in keeping with the request of this City Council but may have caused Cambridge residents to believe that the controversy related to the firings had been resolved; and

WHEREAS: Fired Hyatt housekeepers have been without employment for over three months and face very difficult economic conditions as they attempt to provide for the families during the holidays and must pay for heating bills and other necessities; now therefore be it

RESOLVED: That this City Council reaffirms its resolution related to Hyatt of Sept 21, 2009 calling on Hyatt to rehire workers and encouraging Cambridge residents and businesses not to do business with Hyatt; and be it further

RESOLVED: UNITE HERE Local 26 has created a fund to assist these workers and have been organizing holiday packages for them. This City Council invites residents and businesses to make a contribution for the benefit of the fired Hyatt workers and can do so through the website www.bringbackthehyatt100.org; and be it further

RESOLVED: That the City Clerk be and hereby is requested to forward a suitably engrossed copy of this resolution to the Hyatt Regency Cambridge, on behalf of the entire City Council.

O-9 Dec 21, 2009

COUNCILLOR DECKER

WHEREAS: It has come to the attention of this City Council that construction work being done at the Hyatt Regency Cambridge, at 575 Memorial Drive, is being done by contractors who do not uphold community standards; and

WHEREAS: Community standards ensure prevailing wages, health care coverage, workers' compensation, and provide apprenticeship programs; and

WHEREAS: The specific work at this site that is being done by contractors who do not uphold community standards is construction work being performed by Triple Crown Construction, and the fire alarm upgrade being performed by Simplex; and

WHEREAS: This City Council is concerned when construction projects in the city are being performed by contractors who do not uphold community/area labor standards; now therefore be it

ORDERED: That the City Manager be and hereby is requested to ask Hyatt Regency Cambridge to respond on the status of these concerns; and be it further

ORDERED: That the City Manager be and hereby is requested to report back to the City Council on this matter.