



# CITY OF CAMBRIDGE

CITY COUNCIL  
AGENDA • DECEMBER 16, 2019

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Regular Meeting

Sullivan Chamber

5:30 PM

Cambridge City Hall, 795 Massachusetts Ave, Cambridge, MA 02139

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## I. CITY MANAGER'S AGENDA

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1. Transmitting Communication from Louis A. DePasquale, City Manager, relative to the appropriation of \$250,000 from Free Cash to the General Fund Library Salary and Wages account to allow for a continuation of extended hours at the O'Connell Branch Library. This is also in response to Awaiting Report Item Number 19-158.

***CMA 2019 #328***

I was proud to support Councillor Toomey in this effort to ensure the O'Connell Branch library continues to offer the same extended hours it has provided East Cambridge over the last 4 years as the Valente Branch was being rebuilt. Libraries play an important role in communities, particularly for children, seniors, and those in need of a communal space in their neighborhood. I asked how this appropriation would be allocated in terms of staffing. This allotment will be spent on both full-time and part-time positions, and Library Staff has expressed a commitment to creating full-time positions as other branches are granted extended hours.

This item was placed on file.

2. Transmitting Communication from Louis A. DePasquale, City Manager, relative to the transfer of \$105,000 from the General Fund Employee Benefits (Insurance) Salary and Wages account to the General Fund Library Travel and Training (Judgment and Damages) account to cover current and anticipated medical services and/or prescription reimbursement costs for the remainder of the fiscal year for Library personnel injured in the performance of their duties.

***CMA 2019 #329***

This item was adopted.

3. A communication transmitted from Louis A. DePasquale, City Manager, relative to Awaiting Report Item Number 19-150, regarding a report on Cambridge's threat level from hate crimes and other related events.

***CMA 2019 #330***

In response to a policy order on a fuller breakdown on hate crimes in Cambridge, the Police Department provided a detailed report. In 2017 there were 17 hate crimes that occurred in Cambridge.

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Race and religion were the primary categories of hate crimes perpetrated, and some of the incidents occurred in schools. There was a lengthy discussion centered on what was being done to ensure resident, particularly those from targeted communities, are comfortable reporting hate crimes. Police staff answered that the LGBTQ+ Commission, the Commission on Immigrant Rights and Citizenship and the Commission for Persons with Disabilities conduct outreach efforts. In addition, when a hate crime happens in an institution, such as a school, the Police Department conducts outreach directly with them. Community forums are also held. Police staff stated that reporting incidents is the most important thing a resident can do. Councillor Siddiqui added that even incidents where a resident may not be sure if there was a hate crime, or just offensive behavior, should be reported. Vice Mayor Devereux noted that the Peace Commission may be a useful resource for outreach and visibility efforts. Mayor McGovern asked how many of the hate crimes recorded in this report result in charges. Police staff answered that all incidents where there is a known perpetrator result in pressing charges. Councillor Kelley asked who the Civil Rights Officer in the Police Department is. He was told that the Civil Rights Officer is the Deputy Officer of the Office of Procedural Justice, and the Deputy Civil Rights Officer is from the Criminal Analysis Unit.

This item was placed on file.

4. Transmitting Communication from Louis A. DePasquale, City Manager, relative to the transfer \$85,000 from the General Fund Employee Benefits (Insurance) Salary and Wages account to the General Fund Police Judgment and Damages account will cover current and anticipated medical services for the remainder of the fiscal year, for personnel injured in the performance of their duties.

**CMA 2019 #331**

This item was adopted on the consent agenda.

5. Transmitting Communication from Louis A. DePasquale, City Manager, relative to the appropriation of \$649,200 from Free Cash to the Public Investment Fund Finance Extraordinary Expenditures account to support six EGov Projects that align with the new IT Strategic Plan goals.

**CMA 2019 #332**

During discussion, Councillor Zondervan expressed concerns about the RFID technology being funded in this allocation, noting that there are concerns about surveillance and possible access restrictions. Library staff responded that RFID technology is already in some libraries, and that it serves as a people counter, and ensures the library receives materials back. The City Manager added that this item is just an EGov request and will go through a procurement process that will be overseen by the City Solicitor to ensure compliance with the Surveillance Ordinance.

This item was adopted.

6. A communication transmitted from Louis A. DePasquale, City Manager, relative to Awaiting Report Item Number 19-125, regarding a report on the number of free MBTA passes issued to CRLS students in FY20.

**CMA 2019 #333**

In this term we worked with the Cambridge Youth Council on an initiative to provide free transit passes to CRLS students who qualify for free and reduced lunch. Cambridge does not provide bus service and students must provide their own transportation to school. Discounted passes are available to students, but this initiative makes those passes free for low income students. The City Manager

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reported that 500 out of a possible 800 CRLS students who qualify for the free transit pass have enrolled so far this year and the current program costs \$150,000 annually. Vice Mayor Devereux had asked several months ago if we could include charter school students, who are Cambridge residents, in the program. The City Manager reported they are working on this and that with all eligible students, the additional cost would be \$31,000 a year. Councillor Siddiqui and I praised the Cambridge Youth Council for their transit justice efforts. When I asked if the program was expected to have more participants next year, City staff answered that the program has grown routinely, that there is a rolling deadline to enroll in the program, and that there are outreach efforts to eligible students who have not yet enrolled in the program. Councillor Zondervan proposed expanding the program to include teachers and parents. Mayor McGovern noted that there needs to be a way to track eligible students who do not wish to take part in the program.

This item was placed on file.

7. Transmitting Communication from Louis A. DePasquale, City Manager, relative to the transfer of \$100,000 from the General Fund Employee Benefits (Insurance) Salary and Wages account to the General Fund Public Works Judgment and Damages account to cover medical bills and settlements for Public Works personnel injured in the course of their job

***CMA 2019 #334***

This item was placed on file on the consent agenda.

8. Transmitting Communication from Louis A. DePasquale, City Manager, relative to the appropriation of \$1,000,000 from Free Cash to the Public Investment Fund Public Works Extraordinary Expenditures Account to support the design and construction of Elm Street between Hampshire Street and the Somerville line, as part of the Complete Streets Reconstruction Program.

***CMA 2019 #335***

As a cycling alternative to using Webster Avenue from Prospect Street to Hampshire, the Traffic and Parking and DPW is proposing to create an alternative, safer cycling route on Elm Street from the Somerville Line to Hampshire Street, and this \$1M allocation would be for renovating the streetscape, making the sidewalks ADA compliant, adding a possible two way cycle lane. Preliminary meetings were held in mid-October of this year, and project consultants are aiming to hold community meetings in March, publish construction documents in August, and begin construction by early September. City staff remarked that a combination of protected bike lanes and low traffic/low volume streets will be examined in this project to determine the best course of action. This alternative is being proposed instead of completing Webster Ave from the Somerville Line to Cambridge Street which is a ¼ mile but consists of 9 commercial driveways, and heavy use by the tow lot across the street. City staff noted that once cyclists cross Cambridge, Columbia has no cyclist protections and that Elm Street is actually the safest route. I noted that cyclists will likely risk crossing through the area as the path of least resistance, even if it were less safe and that a comfortable and convenient solution for cyclists is needed to ensure that it does not happen. I also questioned if the \$1,000,000 would be enough funding for this project. City staff responded that this is a good estimate, and that the necessary funding would be re-evaluated closer to the construction phase. Councillor Toomey added that this is a tricky situation, as constructing separated bike lanes would result in a substantial loss of street parking. Councillor Kelley stated that he has seen two-way bike lanes on one-way streets in other parts of Cambridge, and that, while he appreciates protected bikes lanes, ice and snow accumulation can often make them dangerous for cyclists in the winter months.

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This item was adopted.

9. A communication transmitted from Louis A. DePasquale, City Manager, relative to Awaiting Report Item Number 19-156, regarding bicycle marking on Broadway.

**CMA 2019 #336**

Councillor Zondervan expressed concerns with this report, saying that door zone bike lanes put cyclists at risk of harm. He also noted that there needs to be education for cyclists and drivers, as many do not know that cyclists are not required to stay in bike lanes. Councillor Carlone mentioned that he had seen studies reporting that bike lanes in between the curb and parking space resulted in fewer conflicts than bike lanes that are an extension of the street. City staff responded that bike lanes placed in between the curb and parking create problems, as the additional space needed for plowing has a significant impact on parking and loading. Councillor Kelley voiced his agreement with Councillor Zondervan.

This item was placed on file.

10. A communication transmitted from Louis A. DePasquale, City Manager, relative to Awaiting Report Item Number 19-103, regarding a report on the potential for a traffic signal at the intersection of Massachusetts Avenue at Garfield Street.

**CMA 2019 #337**

Vice Mayor Devereux suggested organizing meetings with the Porter Square Neighborhood Association and the Agassiz Neighborhood Council to get their direct feedback on this matter. She also noted that constructing a crossing in this area would be good both for pedestrian safety and for the shopping district. Councillor Carlone stated that while this item may slow traffic, it is worth it to protect the safety of pedestrians. Councillor Kelley added that drivers often do not notice signals or signs in unexpected places.

This item was placed on file.

11. A communication transmitted from Louis A. DePasquale, City Manager, relative to Awaiting Report Item Number 19-153, regarding plans designed to mitigate the impact of the closing of Windsor House on Cambridge seniors.

**CMA 2019 #338**

This item was placed on file on the consent agenda (no discussion).

12. Transmitting Communication from Louis A. DePasquale, City Manager, relative to the appropriation of \$45,000 from Free Cash to the General Fund Human Service Programs Other Ordinary Maintenance account to support the Cambridge Nonprofit Coalition through the Cambridge Community Foundation.

**CMA 2019 #339**

This item was placed on file on the consent agenda.

13. Transmitting Communication from Louis A. DePasquale, City Manager, relative to the appropriation of \$15,000 from Free Cash to the General Fund Human Service Programs Other Ordinary Maintenance account to support the City Sprouts Youth Leadership Team.

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***CMA 2019 #340***

This item was placed on file on the consent agenda.

14. Transmitting Communication from Louis A. DePasquale, City Manager, relative to the appropriation of \$20,000 from Free Cash to the General Fund Human Service Programs Other Ordinary Maintenance account to support the College Success efforts of the Cambridge Housing Authority's Workforce Program.

***CMA 2019 #341***

The CHA Workforce Programs offers meaningful educational and professional programming and experiences to teens living in public housing. Workshops, paid work experiences, and a support network help ensure these teens learn the wide range of skills necessary for long-term success. Councillor Siddiqui praised this appropriation, citing the success of the program and the importance of the social mobility it provides.

This item was adopted.

15. Transmitting Communication from Louis A. DePasquale, City Manager, relative to the appropriation of the Low Income Heating Assistance Program grant in the amount of \$895,347.00 funded by the Federal Department of Health and Human Services and administered in Massachusetts by the Commonwealth's Department of Housing and Community Development to the Grant Fund Human Service Programs Salary and Wages account (\$134,573.00), and to the Other Ordinary Maintenance account (\$760,774.00) which will provide funding to operate the Low Income Heating Assistance Program (LIHEAP) serving Cambridge and Somerville.

***CMA 2019 #342***

This item was adopted on the consent agenda.

16. Transmitting Communication from Louis A. DePasquale, City Manager, relative to the appropriation of the Massachusetts Housing and Shelter Alliance grant funded by the Department of Housing and Community Development (DHCD) in the amount of \$10,111.10 to the Grant Fund Human Service Programs Salary and Wages account (\$1,501.10), to the Other Ordinary Maintenance account (\$6,610.00), and to the Travel and Training account (\$2,000.00). This is a supplement to the original appropriation of \$102,008.36, bringing the total contract to \$112,119.46 which will be used to increase the existing program budget for the Carey Men's Permanent Supported Housing Program operated by the Multi-Service Center.

***CMA 2019 #343***

This item was adopted on the consent agenda.

17. A communication transmitted from Louis A. DePasquale, City Manager, relative to the reappointment of the following person as a Constable for a term of three years, effective January 1, 2020: James Desrosiers

***CMA 2019 #344***

This item was adopted consent agenda.

## II. CALENDAR

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### CHARTER RIGHT

1. That the City Manager is hereby requested to work with any and all appropriate departments to locate an area in East Cambridge, preferably near the current location, to set up a temporary, fenced-in dog park until construction on a new permanent dog park can be built as part of the Tim Toomey Jr. Park project.

**CHARTER RIGHT EXERCISED BY MAYOR MCGOVERN ON DECEMBER 9, 2019  
POR 2019 #384**

Mayor McGovern explained that the current fenced-in dog park in East Cambridge is being closed. As the closest fenced-in dog park is in Cambridgeport, which is not a feasible distance for many residents, Mayor McGovern argued that creating a temporary fenced-in dog park would be great for the community.

This order was adopted.

### ON THE TABLE

2. A communication transmitted from Louis A. DePasquale, City Manager, relative to the Surveillance Use Policy and related documents.

**PLACED ON THE TABLE ON DECEMBER 9, 2019**

**CMA 2019 #319**

No action was taken.

### UNFINISHED BUSINESS

3. A communication transmitted from Louis A. DePasquale, City Manager, relative to Awaiting Report Item Number 18-108, regarding a report on offering early voting in City Council and School Committee Elections. **PENDING RESPONSE FROM LEGISLATURE**

**CMA 2018 #286**

No action was taken.

4. That the proposed Special Permit Criteria amendments to Article 19 of the Cambridge Zoning Ordinance (as attached) be referred to the Ordinance Committee and the Planning Board for hearing and report. **PASSED TO BE SECOND READING ON DECEMBER 9, 2019 TO BE**

**ORDAINED ON OR AFTER DECEMBER 23, 2019**

**POR 2019 #206**

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No action was taken.

5. A revised Petition Has been received from Stephen R. Karp, Trustee of Cambridge Side Galeria Associates trust to amend the Cambridge Zoning Ordinance by adding a new Section 13.100 to Article 13.00 of the Zoning Ordinance and to amend the Zoning Map to add a new PUD-8 District overlay that certain area (which includes parcels and portions of ways and streets) labeled as "PUD-8 district". **PASSED TO BE SECOND READING ON NOVEMBER 26, 2019 TO BE ORDAINED ON OR AFTER DECEMBER 16, 2019**  
**APP 2019 #67**

During discussion, Mayor McGovern, Councillors Kelley, Siddiqui, Simmons, Toomey, and I expressed why we supported the petition, while Councillors Carlone and Zondervan and Vice Mayor Devereux explained why they would not support the petition. Those in favor of the petition praised how the community benefits would have a positive impact in the neighborhood surrounding Cambridgeside. Those against the petition argued that the community benefits proposed did not justify the effects granting the petition would cause. Councillor Zondervan suggested an amendment that would change the trigger for a \$5,000,000 contribution to the East End House from occupancy of the third building to payment at a time no later than January 1, 2025. Other Councillors expressed frustration both with the suggestion of an amendment so late in the application process when the petitioner would not be able to respond to the feasibility of the date, as well as the seemingly random nature of the date proposed. This amendment failed to pass. Several Councillors, both voting for and against this petition, expressed concern with how the special permitting process is conducted. Some emphasized that the process was anti-planning, while others stressed that it is difficult to refuse the much-needed community benefits developers must offer in this process. This item was amended to include the text of Communications From Other City Officers #1, Communications #9, and the Commitment Letter received by the City Council. After being adopted, Mayor McGovern moved to reconsider. This failed, meaning the decision to adopt this item is permanent.

This item was passed to be ordained as amended.

### III. APPLICATIONS AND PETITIONS

1. An application was received from Terry Drucker, requesting permission for a curb cut at the premises numbered 43 Cottage Street; said petition has received approval from Inspectional Services, Traffic, Parking and Transportation, Historical Commission and Public Works. Response has been received from the neighborhood association.

***APP 2019 #93***

During discussion, Councillor Zondervan stated that he could not support this project as it would result in less open green space, as the curb cut would be constructed in a space currently covered in grass, and that the amount of parking space laid out in the petition appeared to be too large. Councillor Carlone explained the additional space was likely to accommodate disabled or elderly residents who may need more space to get in or out of vehicles. Then voicing his own concerns, Councillor Carlone that the 2 feet space clearance seemed too small, and recommended a space clearance of 3-4 feet. Vice Mayor Devereux inquired on whether the Council would be able to ask for such a change, but there was not a ready answer.

This application was approved.

2. An application was received from Scott Kenton, requesting permission for a curb cut at the premises numbered 9 Pine Street; said petition has received approval from Inspectional Services, Traffic, Parking and Transportation, Historical Commission and Public Works. No response has been received from the neighborhood association.

***APP 2019 #94***

Due to concern that no response had been received from the neighborhood association or abutters, Councillor Zondervan exercised his charter-right (no action was taken, and it will be discussed and voted on at the next City Council meeting).



## VI. POLICY ORDER AND RESOLUTION LIST

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1. Zoning Amendment Articles 2.00 and 4.32 regarding opposition to permitting on-demand mobile fueling services to operate in Cambridge.

**Vice Mayor Devereux, Councillor Kelley, Councillor Carlone, Councillor Zondervan**  
**POR 2019 #349**

Councillor Zondervan explained that this order asks the City Solicitor to review the proposed language of the zoning amendments and provide a legal opinion. This order was amended to include updated proposed zoning amendments.

This order was adopted as amended and passed to a second reading.

2. Cancel Regular City Council Meeting Monday December 30, 2019

**Mayor McGovern**  
**POR 2019 #386**

This order was adopted on the consent agenda.

3. That section 11.202(b) of Article 11.000, entitled SPECIAL REGULATIONS, of the Zoning Ordinance of the City of Cambridge, be amended the table as follows: January 28, 2020 (Annual Adjustment)  
\$19.10 per square foot

**Councillor Zondervan, Councillor Siddiqui, Councillor Carlone, Mayor McGovern**  
**POR 2019 #387**

Mayor McGovern and Councillor Zondervan voiced that the \$19.10 amount is not the final amount, but is meant to be quickly put into place as a broader discussion on the amount is held.

This order was referred to the Ordinance Committee and Planning Board for report and recommendation.

4. That the Cambridge City Council ask for assistance and a report from the Attorney General's office on the prevalence of these type of phone scams and fraud in the Commonwealth of Massachusetts and Cambridge specifically to determine patterns to better direct outreach efforts; and that the City Manager work with the Department of Human Services, the Police Department and other relevant departments to strengthen current education programs and efforts targeted at this vulnerable population to avoid future instances of scams and fraud.

**Councillor Mallon, Councillor Toomey, Councillor Simmons**

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### ***POR 2019 #388***

I initiated this policy order after we became aware that 3 elderly residents fell victim to phone scams, and that two residents lost over \$20,000. Phone scams and fraud are a major problem, especially for elderly residents who may lose substantial amounts of money from these scams. By having this report, patterns with these scams, such as when they are most likely to occur, could be identified, so resources to prevent these scams can be better allocated. Mayor McGovern added that the Middlesex County District Attorney could serve as a valuable resource on this issue, as her office has done a lot of work on phone scams. He also noted that some scam victims may feel embarrassed and not report the fraud, but that it is important that they do report. Councillor Zondervan asserted that there should be more active at the federal level to protect people from phone fraud.

This order was adopted.

5. That all items pending before the City Council and not acted upon by the end of the 2018-2019 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 on the Calendar under "Unfinished Business" during the 2018-2019 City Council term, along with any other pending matters on the Calendar listed as "Unfinished Business," 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 McGovern**

### ***POR 2019 #389***

Councillors named items on the "Awaiting Report List" that they wanted to see carried over into the next City Council term.

This order was adopted.

6. That the City Manager instruct the City Solicitor to provide and update on the previous two orders requesting draft legislation for a Real Estate Transfer Fee Home Rule petition

**Councillor Carlone, Councillor Zondervan, Councillor Siddiqui**

### ***POR 2019 #390***

Councillor Carlone said that there has been a lot of ongoing discussions regionally on the option of municipalities instituting a Real Estate Transfer Fee. While this fee generally applies to commercial and residential transactions, Mayor McGovern noted that the projected revenue of only commercial transactions could be high enough in Cambridge that residential transactions could be excluded. Mayor McGovern and Councillor Toomey were added as co-sponsors.

This order was adopted as amended.

7. That the City Manager be and hereby is requested to confer with the CPSD Superintendent to ensure that the CPSD budget is enough to meet the educational needs of all children in Cambridge rather than a formulaic increase over past CPSD budgets.

**Councillor Kelley**

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### ***POR 2019 #391***

Councillor Kelley began the conversation by pointing to specific examples of how the achievement gap is demonstrated in Cambridge Public Schools, citing the differences in scores between white and black students taking the eighth-grade math MCAS. This, Councillor Kelley said, indicates that there has to be a needs-based budget, rather than a simple formulaic increase. Councillors Carlone, Siddiqui, and Zondervan voiced their agreement. Councillor Simmons then asserted that money is not the problem in Cambridge Public Schools, but that there needs to be an emphasis on solutions to the achievement gap. She also noted that it is problematic to address the issue with the mindset that underprivileged or underrepresented students cannot achieve in school.

This order was adopted.

### 8. Continued Anti-Bias Training in 2020 and Beyond

**Councillor Simmons**

#### ***POR 2019 #392***

This order was adopted.

### 9. Removing Sackler Family Name from Harvard University Museum

**Mayor McGovern**

#### ***POR 2019 #393***

Councillor Carlone suggested that the entire Council co-sponsor this order, as it would make the item more powerful. Councillor Kelley raised concerns over the process of submitting policy orders to condemn, saying that a lot of people make money in ways the Council may not agree with or like. Councillor Simmons responded by saying that this is the instituted mechanism through which the Council can formalize their opinions on controversial issues. Vice Mayor Devereux added that this order is especially relevant given the recent media attention the Sackler family has gotten due to their contributions to the start and continuation of the opioid epidemic. The entire Council was added to this order.

This order was adopted as amended.

## VII. COMMUNICATIONS AND REPORTS FROM OTHER CITY OFFICERS

1. A communication was received from City Clerk Anthony I. Wilson, Esq. transmitting a communication from John E. Twohig, Executive Vice President of New England Development, regarding the proposed CambridgeSide PUD-8 District.

***COF 2019 #73***

***This item was brought forward with Calendar Item #5.***

2. A communication was received from Councillor E. Denise Simmons regarding an "End of Term Report from the Housing Committee".

***COF 2019 #74***

***This item was placed on file on the consent agenda.***

3. A communication was received from Vice Mayor Devereux.

***COM 958 #2019***

***This item was placed on file on the consent agenda.***