



CITY COUNCIL REGULAR MEETING

OCTOBER 31, 2016

5:30 PM

SULLIVAN CHAMBER

~MINUTES~

MEETING Monday, October 31, 2016
TIME 5:33 PM
PRESIDING OFFICER Mayor E. Denise Simmons

CALL TO ORDER

Attendee Name	Present	Absent	Late	Arrived
Dennis J. Carlone	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Leland Cheung	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Jan Devereux	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Craig A. Kelley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
David P. Maher	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Nadeem A. Mazen	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Marc C. McGovern	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Timothy J. Toomey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
E. Denise Simmons	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

PRESENTATIONS

None

PLEDGE OF ALLEGIANCE

MOMENT OF MEDITATION

Offered in memory of Sylvia Gilman

SUBMISSION OF THE RECORD

On motion of Councillor Carlone the submission of the Minutes for the Regular Meeting of October 17, 2016 and the Roundtable/Working Meeting of October 24, 2016 were accepted on a voice vote of six members.

Mayor Simmons announced that the meeting was being audio and video recorded.

PUBLIC COMMENT

Kade Crockford, 47 Jullian Street, Dorchester, ACLU, spoke on the issue of drones. She explained the principles that the ACLU finds important when communities are considering new surveillance technologies and regulations for technologies. She stated that under the Federal Aviation Administration rule, cities are able to impose their own regulations as it relates to taking off and landing. Cities do not have control of the airspace. This cannot be regulated. She further stated that anytime a City Police Department is going to consider new surveillance technology there should be a robust public process where the technology is discussed in a democratic fashion, on-going transparency on how the technology is used and on-going oversight and accountability.

Stedman Bass, 6 Shepard Street, spoke on the issue of wood smoke in his neighborhood. He stated that the wood smoke in his neighborhood is severe. He complained about not being able to open his window in the summer because of the smoke. He added that the more he researched the health impacts the worse wood smoke appeared. He stated that the owner of the restaurant responded to concerns from residents by installing a scrubber to remove particulate matter which has been documented as a negative, life-shortening pollutant. He estimated that the particulate matter emitted by the restaurant is equivalent to 1-2 million cigarettes a year. This is significant pollution and a health threat. He concluded that he is not a fan of the wood smoke that his being emitted.

Carole Perrault, 9 Dana Street, spoke on the Policy Order regarding the future of Harvard Square, landmarking of the Kiosk and the revision of the consultant service for the Kiosk RFP. This is more than about the preservation of bricks and mortar; it is about what is valued as a community and how passed to future generations. Who gets to decide what the community values are. She commented on future development projects coming before “we the people.” She stated that public engagement is misleading. An example is the Kiosk RFP Consulting Services. She urged the City Council to support the Policy Orders.

Suzanne Blier, 5 Fuller Place, spoke on the Policy Order to landmark the Kiosk. She supported the late Policy Order to extend the timeline and the framework for the consultant for the Kiosk. She favored keeping the process open and as many people involved is important. She noted the array of commercial endeavors that have closed in Harvard Square and the reasons for this situation. She encourage using models from other places and keeping ground floor retail. Mayor Simmons requested Councillor Devereux to suspend the rules to bring the late Policy Order before the City Council.

Councillor Devereux moved suspension of the rules in order to dispense with the regular order of business to bring forward a late Policy Order for discussions.

Councillor Kelley was recorded in the negative on this matter. He stated that he does not see the timeliness of this and late orders circumvent the democratic process.

The question now came on suspension of the rules and the roll was called and resulted as follows:

YEAS:	Councillors Carlone, Devereux, Maher, Mazen, Vice Mayor McGovern and Mayor Simmons	- 6
NAYS:	Councillor Kelley	- 1

ABSENT: Councillor Cheung and Toomey
the rules were –
Suspended.

- 2

Mayor Simmons stated that the late Policy Order was before the City Council which reads that the City Manager is requested to revise and reissue the Kiosk consultant RFP to extend the due dates for questions and bids to January 1 and January 31, 2017, to allow the City adequate time to broadly advertise and promote the consultant contract in order to solicit bids from a larger, more diverse applicant pool, and the task force has the opportunity to meet at least once before questions and bids are due.

At this time Mayor Simmons resumed Public Comment.

Patricia Sakata, 19 Shepard Street, spoke about the Shepard Restaurant being given unilateral, unfair negative representation and felt she had to speak on their behalf. She stated that she trusts the City Health Inspectors and officials to ensure that all are safe. She spoke about the restaurant owner's effort to rectify the situation. She stated that the Shepard Restaurant is an extension to her living room. She brings family and friends to the restaurant. She stated that adjustments to the smoke stack have been made on several occasions. She stated that there is noise from college students. She embraces the restaurant as part of the neighborhood.

Steven Miller, 92 Henry Street, informed the City Council that a petitioner would be brought forward with many signatures. He spoke about Policy Orders relating to increasing street safety for bicyclist and pedestrians. He stated that enough is known about the strategies that make roads safer. Cambridge does not need to restudy what needs to be done. He noted that it will take until the spring to roll things out. It does not make any sense not to put out some pilots soon in November or December to learn over the winter what works. He urged the City Council, City Manager and City Departments to move forward rapidly.

Andy Husbands, 32 Cedar Avenue, Stoneham stated that he is the Pit Master Chef of the Smoke Shop in one Kendall Square. He stated that his restaurant is built around a wood fire concept. He added that there needs to be a resolution to the situation. He expressed his concern about banning all wood burning cookery and mandatory placing scrubbers in Cambridge when there have been no complaints against the Smoke Shop and many other restaurants who use wood. He stated that banning wood stoves would mean his restaurant would close immediately and the one hundred workers would be out of a job. He further added that scrubbers would put restaurants into financial ruin. He spoke about the history of the dining scene in Cambridge.

Ann Tuan, 36 Roberts Road and Sam Chrissy, 1 66A Elm Street introduced themselves. Mr. Chrissy stated that the petition being submitted to the City Council today represents the voices of 1898 Cambridge residents and an additional 1482 residents of neighboring Cities who use the streets every day to ride to work, school and to shop. He stated that these are the voices of parents who want to make sure that their children come home from school safely. These are also the voices of students who attend the universities,

people who work in the City that make Cambridge the Hub of Technology and Science. All are asking that they can ride the streets of Cambridge without fear and danger. He noted that gathering the signatures for the petition was easy. He stated that the petitioners are asking the City to follow through on its commitment to enact safety improvement to bicycle infrastructures across the City starting by having separate bike lanes on all major thoroughfares.

Ezra Rudel, 205 Rindge Avenue, represented CRLS BIKES, a high school bike advocacy group. He stated that recently 279 bikes were counted locked outside of CRLS. There are a lot of student bikers who are cycling down Cambridge Street, Massachusetts Avenue and Broadway that are unsafe for bikers. He noted that the City Council passed a Policy Order for protected bike lanes on Massachusetts Avenue, Cambridge Street and Broadway to be installed by November 1, 2016. He noted that immediate action needs to be taken; we cannot continue to talk about this. He stated that if the flex-post bike lanes do not work they can be replaced because it is not permanent.

Ruthann Rudel, 205 Rindge Avenue, spoke on bike infrastructure in Cambridge. She wanted the transportation infrastructure changed in order to provide safe space for bicyclist. She commented on the tragedies that have occurred on Cambridge's streets recently. She noted that these tragedies were preventable. She stated that there is a public health emergency and the streets are not adequate for cyclists. She spoke about other states that have installed protected bike lanes. She stated that she is asking the City to build out the infrastructure that is outlined in the Cambridge Bike Plan produced by the Community Development Department and in the short term to provide one route across the City from the Western edge to Kendall Square to Lechmere that is protected to ride in now.

Marilee Meyer, 10 Dana Street, stated her support of the Harvard Square land marking of the Kiosk which needs protection beyond an amenable lease and flexible conservation district. She is in support of public meetings on Equity's plan for the Abbott building which should also be landmarked and plans that would ruin the character of Harvard Square and cause many potential businesses to close. She stated that status, use and design of the Kiosk is building revealed as a calculated procedure behind the scenes. This is a public property owned by the people. She added that Community Development Department is under the impression that the public has been duly notified on the Kiosk plan since 2014. She stated that the plans by the Harvard Square Business Association has sparked this protest. She spoke about the Policy Order for the consultants for the Kiosk. The RFP requested a plan by Tuesday, November 8, 2016. She spoke about other areas of criteria for the task force. She noted that the diverse community has been missing from any involvement under the guise of controlled community workshop. She stated that public involvement is a must in the procedure involving Harvard Square.

Debra Zucker, Shepard Street, urged the City Council to pass Calendar Item # 4 to ban wood burning commercial ovens and to give the tools to act and protect the residents of

the City. She spoke about the situation that exists now since a new restaurant opened sixteen months ago. She stated that the smoke impacts residents and homeowners. She spoke about the extensive data that exists about the known hazards of wood smoke. She stated that the smoke is more toxic and carcinogenic than cigarettes. She noted that there are many diverse and successful restaurants in Cambridge that are able to operate and thrive without causing nuisance to surrounding residences. She stated that as resident she should be able to have a home free of penetrating smoke and should be able to open her windows and walk down the street and breathe fresh clean air. She stated that commercial wood burning stoves have no place near residential homes. She urged resolution of this egregious situation.

Patricia Whelan, 6 Shepard Street, stated her support for the Policy Order on the health impacts of commercial wood fired ovens in Cambridge. She stated that health and well-being of her neighbors and herself are being impacted by the commercial wood smoke. She stated that there is solid research regarding the harm this causes. She urged the City Council to adopt the Policy Order so that the City can determine a permanent solution to the public health threat caused by commercial wood burning ovens.

Robin Chase, 40 Cottage Street, supported the bike petition. She stated that she has done work on federal, state and local levels on autonomous vehicles. She agreed that Cambridge should work with Boston on this. She stated that car manufacturers are stating that they will be selling autonomous vehicles by 2020. She commented that autonomous vehicles will change the economics of whether we want to own a car. This will dramatically reduce the cost of the trip. This opens the opportunity for stores on wheels. She stated that there are a lot of policy implications around this. She spoke about share autonomous vehicles as shared public transit system. This would transform low income residents access to transportation and provide jobs. She recommended that the City Council create a task force to look at land use issues and community values on how we want our roads to be used.

Rene Becker, 25 Manassas Avenue, spoke on the issue of the City Council banning of wood fired grills. He stated that there are a dozen restaurants that cook over a wood or charcoal fire. He stated that one restaurant has cooked with a wood fire for over thirty years. He stated that none of the restaurants were required by the Inspectional Services Department to declare a wood fire grill or oven or even a smoker. He stated that he was told that there is ancillary system in place in case of a fire. He noted that when neighbors complained about the smoke from the restaurant on Shepard Street he made every effort to reduce and cleaned the exhaust. He stated that he was told that particulate was the issue. He installed scrubbers which is the latest technology available. He was told that with the installation of the latest technology he would be released from the risk of further enforcement by Mr. Lipson. He stated that he has done all that the City required and more and are being told that this is not enough. He asked if all the other restaurants that use wood fired grills would be required to shut down their restaurants. He stated that focusing on Shepard Street seems to be selective enforcement of the Public Health Code. He has repeatedly asked for scientific analysis.

The City Council cannot make a decision without this scientific analysis. He stated that if Shepard is to shut down the wood fired grill the restaurant will be forced to shut down.

Tom Brush, 167 Church Street, Watertown stated that he operates Filipe's Taqueria in Harvard Square which has a wood grille which has the venting system on the roof. The restaurant has a roof deck and during the nice weather the deck is full during business hours. He explained that he has had no complaints about the smoke which dissipates quickly. He requested consideration on the impact of this Policy Order on the individual restaurants.

Klaus Lowenstein, 872 Massachusetts Avenue, spoke about bike safety, bike lanes and roadway improvements. He stated that there are many problems with cyclists, such as no helmets, no observing traffic laws and cycling through traffic lights and no lights. He noted that pedestrians are at risk. He suggested bike education at the schools and universities, for cyclists and pedestrians.

Abhishek Syal, 29 Park Drive, Boston, stated his support for the Harvard Square landmark study. He wanted to understand the impact of the Kiosk and Harvard Square on the international visitor. He stated that many visitors disembark from the Red Line in Harvard Square of which many are international visitors. The first thing seen by these visitors is the Kiosk and it is the first item photographed. He spoke about the importance of photographs.

Vivek Sikri, 64 Allston Street, spoke about bike safety. He stated that what can be changed overnight is to enforce the bike laws. He commented that bike lanes in Cambridge are meaningless; they are ignored. He added that without enforcement it is pointless to build more bike lanes. He spoke about cabs, buses and Uber vehicles being in the bike lanes. He stated that ten years of dialogue is enough it is time to start acting now. He stated that he did not want to risk his life while the City pontificates.

Susan Regis, Co-owner of the Shepard Restaurant, stated that this is the first restaurant she has owned. She stated that the restaurant is in her neighborhood. She explained that the restaurant was designed on sustainability, in food, employees and the community. She stated that the owners have listened to the concerns of the neighbors and have acted on them. There has been a tremendous improvement. She read a letter from Jason Pugatch, a neighbor.

Ellen Mass, 104 Inman Street, President of the Friends of the Alewife, spoke on the 115 acres of the most populated areas with wild animals and birds and the center of the City's natural resources. She commented that the Policy Order addresses protecting the natural resources and the animals. She stated that there is a fishing path that goes along Little River; the path is natural where people have come to study ecology, zoology and biology. She spoke about protecting the reservation by limiting new pathways that might be cut through the center or the edges to be used as short cuts to the T stops. She

noted that there will be 5,000 new housing units in this area. Ms. Mass presented the City with the last painting by Sylvia Gilman of the Reservation.

Nick Follett, 19 Shepard Street, stated his opposition to the Policy Order on wood burning ovens and supported the Shepard Restaurant. He stated that he had more problem with fumes from the buses and delivery trucks. He stated that he does not hear any noise from the scrubbers when he is walking to and from his apartment. He stated that the complaints are baseless and without merit. He spoke about the various banks and cell phone stores in the area and that the Shepard Restaurant is a community businesses. He stated that eliminating this restaurant would be a major blow to the community. He stated that this is a rash decision without a thorough examination of all the aspects involved. He stated that if none of the City's Ordinances have been infringed how we have come to this decision. He asked how many other restaurants use this same method of cooking.

Ron Axelrod, 26 Shepard Street, spoke about the complaints received relating to the Shepard Restaurant. He suggested that the City Council order a stop on all wood cooking restaurants in Cambridge. He stated that scrubbers have been installed in the exhaust to remove any particulates in response to the concerns of the neighbors. He stated that he believed that this City Council is wrong for two reasons. This does not refer to any criteria and could create an issue for any other fire burning in the City. Secondly, this sends a frightening message to all who want to invest in the community. He stated that when he walks by the restaurant he does not see any difference in the smell or particulates. He added that he smells his neighbors burning fireplaces and barbeques all the time. He stated that restrictions on wood burning in restaurants could place a restriction on wood burning fireplaces. He commented that the restaurant is a local grown business and is concerned what the Policy Order says about the social contract of the City. He stated that if the City yields to a few residents it sends a frightening message to all who want to invest in the City.

Gary Mello, 324 Franklin Street, spoke on Committee Report # 1 regarding the drought and the use of MWRA water during the shortage. He noted that the October rains will not cure the long term problem. He stated that the City Councillors may state that the purchase of MWRA water is the primary reason for the full operation of the water plant. This is not that simple. Cambridge is paying the full MWRA water rate due to our own impertinence. He stated that management should obtain comparable water and sewerage costs for residential properties from other communities. He spoke about the cost of the water plant in regard to its output. He added that the water plant is Cambridge's biggest electric user. He stated that Cambridge does not own and operate an independent water system. He stated that every other community around Cambridge recognizes superior MWRA water is the way to go. Cambridge should join. He stated that poor choices over decades should not compel us to stay with the highly vulnerable water shed.

Tracy Wax, Director of Membership and Community Relations, Kendall Square Association, stated that she was speaking on behalf of Cambridge Business Coalition

representing the business associations in the City. She stated that the Coalition was in opposition to Calendar Item # 4 to ban wood fired oven. She stated that an outright ban would be detrimental to the restaurant industry in Cambridge.

Keren Schlomy, 175 Richdale Avenue, spoke on Calendar Item # 4 regarding wood fired ovens. She noted that this matter would be placed in the hands of the most knowledgeable departments and staff the responsibility of identifying public health issues for the use of wood fired ovens and recommending to the City Council the most appropriate actions to address the impacts. She stated that there is no reason to not let this process go forward. She noted the public comments made by residents who have been impacted by this situation. She noted that those who have commented about being impacted by the smoke live within 200 feet of the source of the smoke. She spoke about the noise from the scrubbers that violate the City's night-time noise ordinance and these violations have been documented by City staff. She stated that scientific studies show that smoke interferes with normal lung development in infants and children and other illnesses.

Abra Berkowitz, 253 ½ Broadway, spoke on Policy Order # 3 regarding the future of Harvard Square. She stated that this is an opportunity for collaboration and transparency. It is a good idea to bring all to the table to discuss the future of Harvard Square and could transform relations for all stakeholders. She urged passage of the Policy Order.

Susan McLucas, Bicycle Riding School, Somerville, spoke on bicycle safety improvements in Cambridge. She noted that Cambridge was the first City to install bike lanes. She urged the City to make bike lanes more protected and other cities follow this example.

Kim Wilson stated that she is a small business owner in Harvard Square. She challenged the City Council to take a look at what is happening in Harvard Square and to recognize that it is becoming a place where small businesses are struggling to survive. She urged the City Council to look at other best practices and communities where there are success stories.

Paul McDonald, owner of Leavitt and Pierce, stated that what he is seeing happen to Harvard Square is discouraging. He spoke of business that have left the square only to be replaced by chain stores. He added that retail has changed. He stated that Harvard Square needs to be made vibrant and unique and worth the trip. He stated that the square has eight banks, tons of fast food restaurants and cell phone stores.

Laura Donahue, 90 Putnam Avenue, owner of Bob Slate Stationery, spoke on the future of Harvard Square. She urged passage of the Policy Order. She stated that the issue for her is the scale of the square and any development of this scale affects all in the square. This transfers risk to the rest in the square and we will pay for what does not go well in this project. She stated that this has to be discussed as a community. She stated that customers do come to Harvard Square for what they want and for their specialty items.

She stated that money is muscling away the free economy. She commented that we are Harvard Square, not the buildings.

Lisa Campoli, 3 Berkeley Place, stated that she lives and works in Harvard Square. She noted that all are concerned with the chain stores moving in and pushing out the local businesses and having a negative effect on Cambridge. She opposed the wood burning ovens.

Dennis Coveney, 50 Washburn Avenue, stated that he has seen Harvard Square change since the 1970's. He spoke about the small businesses trying to survive in Harvard Square.

Susan Corcoran, owner of Black Ink, Brattle Street, spoke about what Equity One stated at the last meeting with them. She stated that the representative from Equity One stated that they were going to activate retail in Harvard Square. She commented that she is personally offended by this remark. Business have been activated in Harvard Square without the help of Equity One. She stated that they will be ruining Harvard Square and the businesses and employees of the businesses in Harvard Square.

I. RECONSIDERATION LIST

There are no Reconsideration items.

II. CITY MANAGER'S AGENDA

1. Transmitting Communication from Lisa Peterson, Acting City Manager, relative to the appropriation of the Cultural Investment Portfolio grant from the Massachusetts Cultural Council in the amount of \$7,500 to the Grant Fund Historical Commission Salaries and Wages account (\$7,000) and the Grant Fund Historical Commission Other Ordinary Maintenance account (\$500), to be used to continue to support part-time archives assistants, who maintain the public archive of Cambridge history.
CMA 2016 #307

RESULT:	ORDER ADOPTED [7-0-2]
YEAS:	Councillor Devereux, Councillor Kelley, Councillor Maher, Councillor Mazen, Vice Mayor McGovern, Councillor Toomey, Mayor Simmons
ABSENT:	Councillor Carlone, Councillor Cheung

2. Transmitting Communication from Lisa Peterson, Acting City Manager, relative to the transfer of \$25,000 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 2016 #308

RESULT:	ORDER ADOPTED [7-0-2]
YEAS:	Councillor Devereux, Councillor Kelley, Councillor Maher, Councillor Mazen, Vice Mayor McGovern, Councillor Toomey, Mayor Simmons
ABSENT:	Councillor Carlone, Councillor Cheung

III. CALENDAR

CHARTER RIGHT

1. That the City Manager is requested to consult with the appropriate personnel to determine the feasibility of replacing the City Hall elevator with a newer, more reliable system.

POR 2016 #262

Mayor Simmons

CHARTER RIGHT EXERCISED BY COUNCILLOR MAHER ON OCTOBER 17, 2016.

Councillor Maher moved adoption of the following order, the question being on adoption, to wit:
(HERE INSERT ORDER FOR CALENDAR ITEM # 1)

The order was -

RESULT:	ORDER ADOPTED
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2. That the City Manager is requested to consult with the appropriate individuals in order to create or procure a portrait of Barbara Ackermann with the goal of unveiling this portrait for display in the Sullivan Chamber by March 2017.

POR 2016 #274

Mayor Simmons

CHARTER RIGHT EXERCISED BY COUNCILLOR MAHER ON OCTOBER 17, 2016.

Councillor Maher moved adoption of the following order, the question being on adoption, to wit:
(HERE INSERT ORDER FOR CALENDAR ITEM # 2)

The order was -

RESULT:	ORDER ADOPTED
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3. That the City Manager is requested to confer with relevant City staff and report back to the City Council on all issues having to do with the testing for any presence of chromium-6 in Cambridge's drinking water and any relevant plans to deal with this issue.

POR 2016 #273

Councillor Kelley, Councillor Devereux, Mayor Simmons

CHARTER RIGHT EXERCISED BY COUNCILLOR MAHER ON OCTOBER 17, 2016.

Councillor Kelley stated that chromium-6 is a pollutant that is not directly regulated. It is a public safety water pollutant in California. Cambridge has a small amount in our water, but is higher than in some communities.

The following order was now considered, the question being on adoption, to wit:
(HERE INSERT ORDER FOR CALENDAR ITEM # 3)

The order was -

RESULT: ORDER ADOPTED

4. That the City Manager is requested to report back to the Council as soon as possible with an outline for drafting possible legislation and other recommendations for interim actions to identify and address the public health impacts of any commercial wood-fired ovens currently operating in the city and/or to ban the use of wood-fired ovens by commercial establishments.

POR 2016 #271

Mayor Simmons

CHARTER RIGHT EXERCISED BY COUNCILLOR TOOMEY ON OCTOBER 17, 2016.

Councillor Kelley stated that he liked the order as is, the original Calendar Item # 4. He stated that this is requesting information to explore the issue and that the City Manager report back with possible solution to the immediate problem for the neighbors. This is identifying the problem and asking the experts in the City to go out and find a solution. He asked Mayor Simmons to explain her substituted text. Mayor Simmons stated that before she speaks on her substitution she recognized Councillor Devereux.

Councillor Devereux commented that this order is not a personal attack on anyone. She noted that the order does not call for an outright ban on all wood fired cooking for commercial establishments. This is to request the experts to consider all of the options for the relief of these residents. She explained that she visited one of the residences and was appalled at the situation at the conditions the resident has to live with. She added that the family has a child with a respiratory condition. She stated that this is a public health issue. The question is can anyone live next to this restaurant.

Councillor Carlone stated that the restaurant is an asset but taking in smoke constantly is different than walking by the restaurant. He added that zoning was started to limit smoke from industry invading the adjacent neighborhood. He stated that the difference in this situation is the building height. This may only affect lower story buildings. He acknowledged that the restaurant owners have gone through enormous expenses to remedy this situation in the hope of solving the problem. He stated that in the end this comes down to being a health issues.

Vice Mayor McGovern stated that he preferred the substitution offered by Mayor Simmons.

Mayor Simmons stated that when she read the original order she was stunned and felt that the order went too far. She stated that she did not know if the action of the one restaurant is as egregious as the public has testified. She stated that the original order was too broad and it banned the use of commercial wood burning ovens and she was unsure whether there is a need to do this. She felt her substitution was a compromise.

Vice Mayor McGovern expressed his concerns. He stated that in terms of the health issue he is unsure of what evidence states that this is still a problem. He added that the Health Commission is conducting a hearing on this matter to look at what are the health risks. He stated that he would support in the substituted text for the Health Commission to review if there is a health risk and work out a solution. He commented that this is about one restaurant in the City and we cannot do zoning for one restaurant and to have a city-wide ban would result in collateral damage for many restaurants. He stated that if Mayor Simmons substitute does not pass he wanted to strike out from the original order the words and/or to ban. He stated that if it is found that the other restaurants are creating a health risk then it can be addressed. This is about one neighborhood and one restaurant and the issues should be resolved with this one restaurant and not do a ban across the City.

Councillor Maher stated that he would support the substitute offered by Mayor Simmons. He stated that the City Council is in receipt of a community dated October 18, 2016 from Acting City Manager Peterson about the steps that the City has taken. He stated that this is premature to him and that the language in the substitution is less controversial. He did agree that this has to do with the unique nature of the building being one story. He stated that the Public Health Department should be looking into this issue. He stated that the City can continue to work with the restaurant owner to see what further steps could be taken.

Councillor Toomey asked if the substitution has been moved or is the City Council discussing both orders. At this time Mayor Simmons moved the amendment by substitution, which reads as follows: (HERE INSERT AMENDED CALENDAR ITEM # 4).

Councillor Toomey stated that many comments have been received about the general air quality from wood burning stoves. He stated that it is his intention to amend that the Health Department also look at the affects from residential wood burning stoves as it pertains to air quality.

Councillor Mazen stated based on Councillor Devereux's comment about her visiting a residence was greeted by a harsh living condition this should be enough for the City Council from a public health and constituent services perspective. He stated that for so many people to say that they are experiencing this interruption into their daily lives and quality of life signifies that there is a clear issue that needs to be resolved. He stated that both perspectives on this issue are valid. He stated that the goal was for children to sleep in their home without smoke. He stated that there is a way to useful mitigate this situation. He commented that he did not understand the amendment being offered about residential wood burning stoves. There has been no problem with residential wood burning stoves. Councillor Toomey commented that residential would emit as much as a commercial and he is asked the Health Department while they are looking into the commercial to include the residential wood burning stoves. He is just looking for information. Councillor Mazen stated that in this instance this is about commercial exhaust placed in the apartments of those living adjacent to the restaurant with a large commercial volume of consistent smoke. He stated that this is the scope of the discussion and to open this up broadly confuses the situation. This misdirects the staff inquiry. He was hoping that this could be processed with the neighborhood first and the establishment second and come to terms with what the restaurant will need to succeed. He commented on the threshold of success.

Councillor Kelley stated that the original order submitted was vetted through the City Manager's office. This was modified by the City staff and where they suggested that this should start.

Mayor Simmons stated that she would not support the order as written. She stated that her amendment addresses the intent of the order.

Councillor Devereux stated that this language was vetted by the City Solicitor. She stated that one of the problems to address the situation caused by one restaurant is that another restaurant could open in a similar location and there would be no ability to address a future problem. She stated that she was advised by City staff to leave open the possibility of an ordinance. She spoke about the amount of wood burned daily by the restaurant. The standard of threshold should be that the residents should be able to live in the homes in peace. She wanted the language from the original order to remain and she would add the two WHEREAS paragraphs from the Mayor's amendment. She stated that the word "ban" could be changed to "restrict." She stated that an ordinance is needed to protect other residents in other areas if a similar restaurant opens in another area. She spoke about the concern for the predictability for the residents. She commented that the science is well known that wood burning has detrimental effects to health. She preferred to keep the language from the original order and change "ban" to "restrict."

Mayor Simmons stated that the substituted order does not seek to do what the makers are proposing but it removes language that she finds difficult. She stated that she would leave her substitute order and it will rise or fall on its merits.

Councillor Carlone stated that in the substituted order it is inappropriate to study the short and long term merits because this has already happened. He stated that when it comes to the issue of health it is on the shoulders of the City Council and the restaurant. If this is not dealt with in the proper way it could escalate into legal suits. He stated that for everyone's sake the more that is done quicker, the better. He stated that another issue is the value of real estate. He noted that there are few laws about private fire places. He stated that there are cities that ban backyard barbequing. He supported the original Policy Order.

Vice Mayor McGovern stated that he is questioning the fact that the restaurant has installed new machinery and the statement made that this is the equivalent to one million cigarettes being disbursed. He noted that no one was questioning about the issue of public health. He stated that the bigger issue is the effect on other establishments. He stated that maybe the City Council should wait until the Public Health Department has their hearing to see if this is a public health risk. He would prefer to wait until the findings of the Public Health Department and then make a decision.

Councillor Devereux proposed a change to the text offered by Mayor Simmons. She did not want the amendment to include residential wood burning stoves if amended. She wanted to strike out the words "resolve the concerns of residents" in the substituted text and insert the words "to protect the health of residents whose air quality is being negatively impacted." She stated that the staff is waiting for the City Council to act on the policy order.

Mayor Simmons noted that only two amendments can be before the body at a time.

Councillor Toomey stated that his amendment relates to the public health because the residential chimney have not filtration compared to the commercial. His amendment is about public health and it is to get information.

The question now came on the amendment offered by Councillor Devereux to amend the substituted language offered by Mayor Simmons to strike out the words in the last paragraph "resolve the concerns of residents" in the substituted text and insert the words "to protect the health of residents whose air quality is being negatively impacted." The question now came on the amendment – and on a voice vote the amendment –

Carried on a voice vote of seven members. Councillor Toomey was recorded in the negative on this matter.

The question now came on the amendment offered by Councillor Toomey to add in the last paragraph the words “and residential units utilizing wood burning stoves” after the word “stoves.’ The question now came on the amendment and the roll was called and resulted as follows:

YEAS: Councillor Maher, Vice Mayor McGovern, Councillor Toomey and Mayor Simmons - 4
NAYS: Councillors Carlone, Devereux, Kelley and Mazen - 4
ABSENT: Councillor Cheung - 1

and the amendment –
Failed.

Councillor Kelley expressed concern with the possibility of both the original Policy Order and Substituted Amendment as amended not passing the City Council would leave the meeting with nothing. This is not where he wanted to be. He stated that he would vote for the substituted amendment.

The question now came on the amendment by substitution submitted by Mayor Simmons and amended by Councillor Devereux, which reads as follows:
(HERE INSERT AMENDED ORDER FOR CALENDAR ITEM # 4)

The order was -

RESULT:	ORDER ADOPTED AS AMENDED BY THE AFFIRMATIVE VOTE OF SIX MEMBERS. COUNCILLORS KELLEY AND TOOMEY VOTED IN THE NEGATIVE.
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5. City Council opposition to any pathway or other intrusion which might be developed through the woods, marshes, or Bordering Land Subject to Flooding (BLSF) or other natural resource habitat to create a pedestrian trail to the Alewife T stop from areas west and north of Little River and to any other development which could in any way impact the 100-year flood plain which is predicted to experience such flooding every 30 years, and wetlands, BLSF, or bordering vegetated wetlands (BVW), associated with the Alewife Reservation.

POR 2016 #270

Councillor Kelley, Councillor Devereux

CHARTER RIGHT EXERCISED BY COUNCILLOR KELLEY ON OCTOBER 17, 2016.

Councillor Kelley submitted an amendment by substitution which clarifies and narrows the original order. He stated that he wanted the Conservation Commission of both Belmont and Cambridge to know that as a body the City Council is opposed to the granting of any permitting that would result in new pathways from the new communities through the lands under jurisdiction to the Alewife T stop.

Councillor Carlone stated that is the pathway is along the roadway where there is no sidewalk is one thing, but if it is through the open areas then he supports the substitute.

The question now came on the amendment by substitution and on a voice vote the motion to amend by substitution –
Carried.

The question now came on adoption of the order as amended by substitution which reads as follows:

(HERE COPY AMENDED ORDER FOR CALENDAR # 5)

The order was -

RESULT: ORDER ADOPTED AS AMENDED BY SUBSTITUTION
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6. That the City Manager is requested to direct the City Solicitor and the appropriate staff to draft an ordinance to require that gas pumps be labeled with a “purely factual and uncontroversial” environmental warning about fossil fuels’ effect on climate change.

POR 2016 #276

Councillor Devereux

CHARTER RIGHT EXERCISED BY COUNCILLOR TOOMEY ON OCTOBER 17, 2016.

Councillor Devereux stated that she is strongly in favor of doing this. The opinion from the City Solicitor states that this can be done without challenge on the First Amendment issues. This legislation is being considered in other states. She spoke about changing the social norms though point of purchase labeling. This is an issue for climate change. This will not take a lot of staff time. She requested her colleagues to support her.

Councillor Kelley stated that if one does not know that burning gasoline has an effect on climate change putting a label on a surface will have no impact. This creates an illusion that the City is doing something good when nothing is being done. He disagrees that this has a negligible effect on City staff.

Councillor Carlone noted that this is simple and can be done overnight.

Councillor Mazen stated his support. He stated that the labeling on cigarettes precipitated a much larger societal discussion which precipitated advertising and many other issues which led to a much impact on medical research. If this has any impact at all we will find out in the future.

Councillor Kelley suggested that comparing this labeling and the awareness that it would lead to and cigarette labeling and awareness is not a great comparable. He stated that he failed to see the benefit and further stated that this will not happen overnight.

Vice Mayor McGovern noted that when he puts gas in his car he is not thinking about climate change. The labeling just gets the conversation going. If this is a way to get people thinking about this – why not.

Mayor Simmons supported the intent. She noted that people are not paying attention to the degree that they might. She spoke about the cost versus education. She expressed her concern about prioritization of the work. She questioned if the City is printing these labels and mandating that gas stations install the labels.

Councillor Maher stated that he does not support this Policy Order. He stated that he felt that Massachusetts is becoming a regulatory state. He stated that the importance of the work that is being done is being diminished. He stated that there is overload on the gas pumps. He asked who would

enforce this and what the fines are for not complying. He stated that not everything is reacted to by an ordinance in the City of Cambridge.

Councillor Devereux addressed the mono-lingual issue raised by Mayor Simmons. The label is primary a graphic label. She noted that Cambridge has a dwindling number of gas stations. She commented that the enforcement would be outlined in the ordinance. She stated that she is sensitive to the staff feeling overwhelmed. She added that if the staff cannot keep up with the work then the City needs to look at needing more staff. She stated that everyone needs to think about their actions with climate change.

Councillor Kelley stated that coming into this meeting there are twenty-six Awaiting Report Items, four more on the Calendar and more from the current Policy Orders if approved. He added that if the gas pumps are dwindling this is less important. This is not a useful expenditure of City resources.

Mayor Simmons stated that she would not support this Policy Order.

The question now came on adoption of the order and the roll was called and resulted as follows:

YEAS: Councillors Carlone, Devereux, Mazen and Vice Mayor McGovern - 4
NAYS: Councillors Kelley, Maher, Toomey and Mayor Simmons - 4
ABSENT: Councillor Cheung - 1

and the order –

RESULT:	ORDER FAILED OF ADOPTION [4-4-1]
YEAS:	Councillor Carlone, Councillor Devereux, Councillor Mazen, Vice Mayor McGovern
NAYS:	Councillor Kelley, Councillor Maher, Councillor Toomey, Mayor Simmons
ABSENT:	Councillor Cheung

ON THE TABLE

7. An application was received from CareWell Urgent Care, requesting permission for a sandwich board sign in front of the premises numbered 601 Concord Avenue.

APP 2016 #29

TABLED ON A MOTION BY COUNCILLOR DEVEREUX ON APRIL 25, 2016.

RESULT:	NO ACTION TAKEN	Next: 11/7/2016 5:30 PM
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8. An application was received from Esmeralda, requesting permission for a sandwich board sign in front of the premises numbered 54 Church Street.

APP 2016 #30

TABLED ON A MOTION BY COUNCILLOR DEVEREUX ON APRIL 25, 2016.

RESULT:

NO ACTION TAKEN

Next: 11/7/2016 5:30 PM

9. The City Manager is requested to confer with the appropriate departments to organize regular suppers on the second Saturday of each month, starting on the 13th of August, with free food for the Cambridge community in open public spaces throughout the various Cambridge neighborhoods.

POR 2016 #184

Councillor Mazen

CHARTER RIGHT EXERCISED BY COUNCILLOR MAZEN ON JUNE 20, 2016. TABLED ON A MOTION BY COUNCILLOR BY COUNCILLOR MAZEN ON JUNE 27, 2016.

RESULT:

NO ACTION TAKEN

Next: 11/7/2016 5:30 PM

10. An application was received from the Boston Ballet, 19 Clarendon Street, Boston, requesting permission to hang twenty-three temporary banners on electrical poles in Harvard Square. These banners will promote the Boston Ballet's The Nutcracker. The temporary banners will be hung from November 17 to January 3, 2017. Approval has been received from the Electrical Department.

APP 2016 #51

CHARTER RIGHT EXERCISED BY MAYOR SIMMONS ON AUGUST 1, 2016.

TABLED ON MOTION OF COUNCILLOR TOOMEY ON SEPTEMBER 12, 2016.

RESULT:

NO ACTION TAKEN

Next: 11/7/2016 5:30 PM

11. A communication was received from Donna P. Lopez, City Clerk, transmitting a report from Councillor Dennis J. Carlone and Councillor Leland Cheung, Co-Chairs of the Ordinance Committee, for a public hearing held on September 22, 2016 to discuss the zoning petition filed by Jane W. Heatley, President of the William Noyes Webster Foundation, Inc. to amend Section 20.700, Medical Marijuana Overlay Districts by extending the district.

CRT 2016 #54

TABLED ON MOTION OF COUNCILLOR CHEUNG ON OCTOBER 17, 2016.

RESULT:

NO ACTION TAKEN

Next: 11/7/2016 5:30 PM

IV. APPLICATIONS AND PETITIONS

1. An application was received from Season To Taste Catering LLC, requesting permission for an awning at the premises numbered 2447 Massachusetts Avenue. Approval has been received from Inspectional Services, Department of Public Works, Community Development Department and abutters.

APP 2016 #88

RESULT: ORDER ADOPTED

2. An application was received from Manning Apartments LLC, Cambridge Housing Authority, requesting permission for a curb cut at the premises numbered 237 Franklin 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 2016 #89

RESULT: ORDER ADOPTED

3. An application was received from Anish Shah, requesting permission to widen an existing curb cut at the premises numbered 341 Pearl 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 2016 #90

RESULT: ORDER ADOPTED

4. An application was received from Caffe Nero, requesting permission for a projecting sign at the premises numbered 589 Massachusetts Avenue. Approval has been received from Inspectional Services, Department of Public Works, Community Development Department and abutters.
APP 2016 #91

RESULT: ORDER ADOPTED

V. COMMUNICATIONS

1. A communication was received from Cayla Saret, 407 Broadway, regarding bike safety.
COM 428 #2016

RESULT: PLACED ON FILE

2. A communication was received from Anne Marie Biernacki, 7 Newport Road, in support of the policy orders supporting bike lanes and other infrastructure in Cambridge.
COM 429 #2016

RESULT: PLACED ON FILE

3. A communication was received from Susan Greenhalgh, 17 Royal Avenue, regarding bicycle safety.
COM 430 #2016

RESULT: PLACED ON FILE

4. A communication was received from Ginger Ryan, 35 Crescent Street, regarding bike safety.
COM 431 #2016

RESULT: PLACED ON FILE

5. A communication was received from Carol Lee Rawn, 59 Larchwood Drive, urging support for protected bike lanes.
COM 432 #2016

RESULT: PLACED ON FILE

6. A communication was received from Randy Stern, Kenwood Street, regarding policy orders on cyclist safety.
COM 433 #2016

RESULT: PLACED ON FILE

7. A communication was received from Deborah New, 14 Cambridge Terrace, regarding safe streets.
COM 434 #2016

RESULT: PLACED ON FILE

8. A communication was received from Jen Davison, Associate Director, Academic and Development Coordination, Harvard University, Alumni Affairs and Development, 124 Mount Auburn Street, regarding bike safety concerns.
COM 435 #2016

RESULT: PLACED ON FILE

9. A communication was received from Rosha Forman, 77 Pearl Street, in support of a bike lane on Pearl Street.
COM 436 #2016

RESULT: PLACED ON FILE

10. A communication was received from Christine M. Casalini, regarding safe streets for everyone.
COM 437 #2016

RESULT: PLACED ON FILE

11. A communication was received from Vivek Sikri, 64 Allston Street, regarding safe streets, bike lanes and bike safety.
COM 438 #2016

RESULT: PLACED ON FILE

12. A communication was received from Robert J. La Tremouille, regarding Communication #6 of October 17, 2016, Michael Turk, concerning Harvard's relation to tenant regulation in the City of Cambridge.
COM 439 #2016

RESULT: PLACED ON FILE

13. A communication was received from Megan Brook, 103 Inman Street, regarding electric powered leaf blowers.
COM 440 #2016

RESULT: PLACED ON FILE

14. A communication was received from Jo M. Solet, 15 Berkeley Street, regarding electric powered leaf blowers.
COM 441 #2016

RESULT: PLACED ON FILE

15. A communication was received from Marcie Whichard, Vice President, Industry and Public Affairs, Petco and Maureen Kats, Senior Counsel and Government Affairs, PetSmart, clarifying the intent of their previous letter and amendment proposal regarding "Restrictions of the Sale of Animals in Stores."
COM 442 #2016

RESULT: PLACED ON FILE

16. A communication was received from Ellen and Robert Pinsky, 8 Maple Avenue, regarding new regulations for short-term rentals.
COM 443 #2016

RESULT: PLACED ON FILE

17. A communication was received from Robert J. La Tremouille, Individually, and as Chair, Friends of the White Geese, regarding the governmental destruction on the Charles River, late 2016, part 2.
COM 444 #2016

RESULT: PLACED ON FILE

18. A communication was received from Preston Gralla, 19 Beech Street, in support of landmark designation for Harvard Square's Out-of-Town news kiosk.
COM 445 #2016

RESULT: PLACED ON FILE

19. A communication was received from James M. Williamson, 1000 Jackson Place, regarding landmark designation for the historic Harvard Square Out-of-Town News kiosk.
COM 446 #2016

RESULT: PLACED ON FILE

20. A communication was received from Patricia Sakata and Nick Follett, 19 Shepard Street, regarding the Shepard Restaurant: wood burning stove policy.
COM 447 #2016

RESULT: PLACED ON FILE

21. A communication was received from John Pitkin, 18 Fayette Street, regarding landmark designation for the historic Harvard Square Out-of-Town News kiosk.
COM 448 #2016

RESULT: PLACED ON FILE

22. A communication was received from Abhishek Syal, Secretary, Our Harvard SQ, transmitting support for landmark designation for the Harvard Square kiosk.
COM 449 #2016

RESULT: PLACED ON FILE

23. A communication was received from Astrid and Doug Dodds, 73 Wendell Street, regarding the Harvard Square kiosk.
COM 450 #2016

RESULT: PLACED ON FILE

24. A communication was received from Caroline James, 114R Beacon Street, in support of initiating a landmark designation study for the Harvard Square kiosk.
COM 451 #2016

RESULT: PLACED ON FILE

25. A communication was received from Carole L. Perrault, 9 Dana Street, regarding landmark designation for the Harvard Square kiosk.
COM 452 #2016

RESULT: PLACED ON FILE

26. A communication was received from Richard Miner, 2 Hemlock Road, in support of the wood fired grill at Shepard.
COM 453 #2016

RESULT: PLACED ON FILE

27. A communication was received from Jodi C. Rand, transmitting a petition to create a memorial for Dorothy Steele at Fresh Pond.
COM 454 #2016

RESULT: REFERRED TO POLICY ORDER #9 ON MOTION OF MAYOR SIMMONS

28. A communication was received from Steedman Bass, 6 Shepard Street, in support of the ban of commercial wood burning stoves in Cambridge due to the deleterious public health impact.
COM 455 #2016

RESULT: PLACED ON FILE

29. A communication was received from Andy Husbands, 1 Kendall Square, regarding wood cookery and American BBQ is America's true cuisine and expressing concern about banning wood cookery.
COM 456 #2016

RESULT: PLACED ON FILE

30. A communication was received from Ivan Bereznicki, 9 Wendell Street, in support of the restaurant on Shepard Street.
COM 457 #2016

RESULT: PLACED ON FILE

31. A communication was received from Marilee Meyer, 10 Dana Street, in support of land marking the Kiosk.
COM 458 #2016

RESULT: PLACED ON FILE

32. A communication was received from Deborah Zucker, 3 Shepard Street, urging the City Council to pass the ban on commercial wood burning stoves.
COM 459 #2016

RESULT: PLACED ON FILE

33. A communication was received from Patricia Whelan, regarding the negative health impacts caused by commercial wood burning stoves.
COM 460 #2016

RESULT: PLACED ON FILE

34. A communication was received from Rene Becker, 25 Manassas Avenue, regarding the efforts made to reduce and clean the exhaust at the Shepard Restaurant.
COM 461 #2016

RESULT: PLACED ON FILE

35. A communication was received from Nick Follett, 19 Shepard Street, expressing support for the restaurant on Shepard Street.
COM 462 #2016

RESULT: PLACED ON FILE

36. A communication was received from Ronald H. Axelrod, 26 Shepard Street, in opposition to the Policy Order to ban commercial wood burning stoves.
COM 463 #2016

RESULT: PLACED ON FILE

37. A communication was received from Gary Mello, 324 Franklin Street, regarding the Committee Report on the drought situation and purchasing MWRA water.
COM 464 #2016

RESULT: PLACED ON FILE

38. A communication was transmitted by Tracy Wax on behalf of the Cambridge Business Coalition, in opposition to regulating or banning wood fired ovens in commercial establishments.
COM 465 #2016

RESULT: PLACED ON FILE

39. A communication was received from Keren Schlomy, 175 Richdale Avenue, relating to commercial establishments operating wood-fired ovens.
COM 466 #2016

RESULT: PLACED ON FILE

40. A communication was received from Kevin Lee, 3 Shepard Street, in support of banning wood fired commercial ovens.
COM 467 #2016

RESULT: PLACED ON FILE

41. A communication was received from Ruth Ryals, 115 Upland Road, regarding the Policy Order on commercial wood fired ovens and supporting restaurants operating wood fired grills in the City.
COM 468 #2016

RESULT: PLACED ON FILE

42. A communication was received from Carol Weinhaus, 271 Concord Avenue, in support of the Shepard Restaurant and the Hi-Rise Bakery.
COM 469 #2016

RESULT: PLACED ON FILE

43. A communication was received from Kristin Mahon, 267 Concord Avenue, in support of the Shepard Restaurant.
COM 470 #2016

RESULT: PLACED ON FILE

44. A communication was received from Jason Pugatch, 34 1/2 Shepard Street, regarding the wood burning commercial oven at the Shepard Restaurant.
COM 471 #2016

RESULT: PLACED ON FILE

45. A communication was received from Klaus Lowenstein, transmitting recommendations for bicycle education.
COM 472 #2016

RESULT: PLACED ON FILE

VI. RESOLUTIONS

1. Resolution on the death of Elisabeth J. "Betty" Johnson.
Councillor Maher and entire membership.
RES 2016 #343

RESULT: ORDER ADOPTED

3. Welcoming Reverend and Mrs. Coplin back to Cambridge.
Mayor Simmons and entire membership.
RES 2016 #345

RESULT: ORDER ADOPTED

4. Best wishes for a successful fundraiser to the Syrian American Medical Society.
Mayor Simmons and entire membership.
RES 2016 #346

RESULT: ORDER ADOPTED

5. Resolution on the death of Mr. Maurice Lee Anderson
Mayor Simmons and entire membership.

RES 2016 #347

RESULT: ORDER ADOPTED

6. Congratulations To The Rainbow Times.
Mayor Simmons and entire membership.
RES 2016 #348

RESULT: ORDER ADOPTED

NON-CONSENT RESOLUTIONS

2. Resolution on the death of Incoronata "Millie" (Colella) Centanni.
Councillor Toomey and entire membership.
RES 2016 #344

Vice Mayor McGovern stated that Millie was an honoree at the Italian luncheon and an Italian American who contributed to the life of the City.

Councillor Toomey comment on Millie Centanni, her family and her great ability as a cook. She is A great loss to all.

Mayor Simmons noted that Millie sparked up when she received the award.

RESULT: ORDER ADOPTED

VII. POLICY ORDER AND RESOLUTION LIST

1. That the City Manager is requested to confer with the Cambridge Health Department and the Cambridge Prevention Coalition to discuss applying for a Youth Opioid Prevention grant to help further their work educating Cambridge youth on the dangers of opiates.
POR 2016 #279
Councillor Toomey

RESULT: ORDER ADOPTED

2. That the Public Safety Committee hold a public hearing to hear about the various uses of drones in Cambridge and any concerns residents may have about them, with the goal of recommending guidelines for a municipal ordinance that would protect the public safety and the privacy of residents.
POR 2016 #280
Councillor Devereux, Councillor Kelley

RESULT: ORDER ADOPTED

4. That the City Manager take the necessary measures to ensure that all Department Heads and legislative leaders are fully aware of, engaged, and given opportunities to participate in the City's ongoing cultural competency trainings and programs.

POR 2016 #282

Mayor Simmons

RESULT: ORDER ADOPTED

7. That the Regular City Council meeting of November 28 be scheduled as Roundtable/Working Meeting to discuss Universal Pre-K.

POR 2016 #285

Mayor Simmons

RESULT: ORDER ADOPTED

Next: 11/7/2016 5:30 PM

9. That the City manager provide an update on Dorothy Steele Dedication.

POR 2016 #287

Mayor Simmons

RESULT: ORDER ADOPTED

11. That the City Manager confer with relevant City Departments to create a Commonwealth Connects category for residents negatively impacted by short-term rental activity.

POR 2016 #289

Councillor Kelley

RESULT: ORDER ADOPTED

12. That the City Manager is request to confer with the City of Boston to include Cambridge in the autonomous vehicle initiative as a partner.

POR 2016 #290

Councillor Mazen

RESULT: ORDER ADOPTED

NON-CONSENT POLICY ORDERS AND RESOLUTIONS

3. That the Chair of the Economic Development and University Relations Committee be and hereby is requested to schedule a hearing as soon as is feasible to invite representatives of Equity One, Colliers International, Dow & Stearns Trust, Harvard University, Gerald Chan from Morningside Group, the Historical Commission and the Harvard Square Business Association to share their thoughts about the future of Harvard Square on the record, for business owners to share their concerns, and to provide the community with an opportunity to weigh in on this important discussion.

POR 2016 #281

Mayor Simmons, Councillor Devereux

The following order was now considered, the question being on adoption, to wit:
(HERE INSERT ORIGINAL ORDER # 3)

Councillor Devereux stated that the topic of Harvard Square has caused such concern and it seems that everything is happening at once in Harvard Square. She moved to amend aforementioned order to add to the list of invitees Gerald Chan from Morningside Group.

Councillor Carlone questioned what the plan for Harvard Square is. He noted that there is no overall strategy.

Vice Mayor McGovern stated that the Harvard Square Business Association should be at the hearing. He spoke about preserving the character of Harvard Square. Harvard Square has changed over the years.

Councillor Carlone spoke about what is not wanted in Harvard Square; the sameness. The uniqueness of Harvard Square is the little shops.

Councillor Mazen stated that to the extent that the City does not scrutinize and plan developers will always have the opinion that they can jam through anything that they want. He commented that it will take little planning to understand what the hope is for each square. He stated that developers need to know that the City does have plans. The developers need to ask how they can fit into the fabric of the community before purchasing property in the City.

Vice Mayor McGovern stated that as the discussion occurs about the character and what is being preserved in Harvard Square all age groups should be included in the discussion.

The question now came on the amendment – and on a voice vote the amendment –
Carried.

The question now came on the adoption of the order as amended, which reads as follows:
(HERE INSERT AMENDED ORDER # 3)

The order was -

RESULT:	ORDER ADOPTED AS AMENDED ON AN AFFIRMATIVE VOTE OF SIX MEMBERS.
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5. That the City Council go on record in support of asking the Cambridge Historical Commission to initiate a landmark designation study process on the Harvard Square kiosk.

POR 2016 #283

Councillor Devereux, Councillor Mazen, Vice Mayor McGovern, Councillor Carlone

Councillor Devereux noted that Kiosk in Harvard Square is not landmarked. This order asks the City Council to go on record to support initiating a landmark designation study.

The order was –

RESULT: ORDER ADOPTED ON THE AFFIRMATIVE VOTE OF SIX MEMBERS.

6. That the City Manager coordinate with the Traffic, Parking and Transportation Department and any other necessary departments, be it city or state, to determine which pedestrian crosswalks are in need of additional on street signage.

POR 2016 #284

Councillor Carlone, Vice Mayor McGovern, Councillor Cheung, Mayor Simmons

Councillor Carlone stated that all are concerned with bike, pedestrian and vehicular safety. He noted that there are no signs at crosswalks going to schools.

The order was -

RESULT: ORDER ADOPTED ON THE AFFIRMATIVE VOTE OF SEVEN MEMBERS.

8. The City Manager coordinate with the Finance Department, Cambridge Redevelopment Authority, and community stakeholders to outline a proposed system of governance, management, and stakeholder engagement for the Foundry, to be discussed in a public forum with the Council and community.

POR 2016 #286

Councillor Mazen, Councillor Devereux, Vice Mayor McGovern, Councillor Carlone

Councillor Toomey stated that Councillor Cheung requested that he exercise his Charter Right on this matter.

RESULT: CHARTER RIGHT EXERCISED BY COUNCILLOR TOOMEY ON OCTOBER 31, 2016

10. That the City Council acknowledges that said residents and other users desire the City to immediately enact safety improvements to bicycle infrastructure, starting with separated bike lanes on all major city thoroughfares.

POR 2016 #288

Councillor Mazen, Councillor Devereux

The following order was now considered, the question being on adoption, to wit:
(HERE INSERT ORIGINALORDER # 10)

Councillor Mazen stated that there was consistency and support for this. He stated that the submitted petition is a little less than 1,900 signatures. The petition is requesting quicker applications of the short term measures. It is unclear how the City will synthesize these items. The petition and the community are clear on what they want, but the City is unclear about the outcome.

Councillor Kelley stated that the City cannot underestimate the frustration in the bike community over the fact that nothing has been done. He would like to explore the City making Oxford and Sherman Streets safer bike routes. He stated that he is concerned with a protected bike lane with mid-block connectors on Massachusetts Avenue may not work. He spoke about bike accidents that occurred two years ago at the site of the Speedway Gas Station on North Massachusetts Avenue and nothing has changed. He added that the City is behind on this and cyclists are done on this matter. He spoke about this being turned into a productive discussion and spoke about testing the options. He stated that things were promised, not done and have just disappeared. He stated that he understands the frustration and fear. The City has done a poor job of managing this. He stated that the City cannot have a review after every couple of yards of improvements made. This needs to move faster. He commented that this is a big problem and the City Manager is going to have to provide resources for this.

Councillor Devereux noted that bikes are allowed on the sidewalk except in the commercial districts. She stated that cyclists are not required to wear helmets. Those under sixteen are required to use helmets. She noted that a public comment was made to rethink the public process around street changes and improvements because the stumbling block is what happens to parking.

Mayor Simmons asked if the makers of the motion wanted the petition attached to the Policy Order. Councillor Mazen stated that he would bring forward interim and short term measures that the City is already considering. He has heard that these should be held to the spring. The petition does not want the City to wait. He stated that the City should bring a plan forward for the short term measures. Councillor Mazen moved that the petition be attached to this Policy Order and that the matter be referred to the Neighborhood and Long Term Planning Committee hearing to be held on November 2, 2016.

The following order was now considered the question being on adoption, to wit:
(HERE INSERT AMENDED ORDER #10)

The order was -

RESULT:	ORDER ADOPTED AS AMENDED AND REFERRED TO NEIGHBORHOOD AND LONG TERM PLANNING COMMITTEE HEARING TO BE HELD ON NOVEMBER 2, 2016
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VIII. COMMITTEE REPORTS

1. A communication was received from Donna P. Lopez, City Clerk transmitting a report from Councillor Jan Devereux, Chair of the Health and Environment Committee for a public hearing held on September 28, 2016 to discuss the ongoing drought and the impact on the Cambridge water supply, what restrictions on water use may be appropriate to consider and what public outreach is needed on water conservation measures.

CRT 2016 #58

Councillor Devereux suggested the public view the PowerPoint presentation submitted by the Water Department because it contained valuable information. She noted that the City Council would be updated monthly from the Water Department as to the status of the water supply, MWRA issues and what conservation measures are being taken.

The report was –

RESULT: REPORT ACCEPTED, PLACED ON FILE

In connection with this matter the following order was now considered, the question being on adoption, to wit:

13. That the City Manager is requested to instruct the Managing Director of the Water Department to provide monthly updates to the City Council on the drought situation .

POR 2016 #291

Councillor Devereux

The order was -

RESULT: ORDER ADOPTED

2. A communication was received from Paula M. Crane, Deputy City Clerk, transmitting a report from Councillor Nadeem Mazen, Chair of the Neighborhood and Long Term Planning, Public Facilities, Arts and Celebration Committee, for a public hearing held on August 29, 2016 to discuss different models for campaign finance reform and publicly-funded municipal elections in Cambridge, and will focus on receiving feedback from the community.

CRT 2016 #59

Councillor Mazen stated that this is on increasing voter engagement. This report is about publicly financed elections. This will remove special interest money from the election and create an even playing field to have fewer networks and connections to high status economic families who have donated to high level campaigns. This will allow someone to compete on the municipal election stage to come and reach some threshold for signatures or small donations. Such a candidate would have public funding. This makes races more equitable.

The report was –

RESULT: REPORT ACCEPTED, PLACED ON FILE.

In connection with this matter the following order was now considered, the question being on adoption, to wit:

14. That the City Manager is requested to confer with the City Solicitor to determine which public campaign finance options are legal for municipal elections in Cambridge and to report back.

POR 2016 #292

Councillor Mazen

The order was –

RESULT: ORDER ADOPTED

3. A communication was received from Paula M. Crane, Deputy City Clerk, transmitting a report from Councillor Nadeem Mazen, Chair of the Neighborhood and Long Term Planning, Public Facilities, Arts and Celebration Committee, for a public hearing held on August 25, 2016 to discuss improving voter turnout for the municipal elections in Cambridge through voter reward options and will focus on receiving feedback from the community.

CRT 2016 #60

Councillor Mazen stated that this report is about voter incentives and feedback. The trend across the country is low voter turnout. He just commented that incentives has increased voter turnout in other cities. He noted that socio-economics and past voting history affects who votes.

RESULT: REPORT ACCEPTED AND PLACED ON FILE

LATE RESOLUTIONS

7. Resolution on the death of Louise V. Selma
Mayor Simmons and entire membership.
RES 2016 #349

RESULT: ORDER ADOPTED

8. Extending the City Council's Appreciation to volunteers and performers of Diwali 2016.
Mayor Simmons and entire membership.
RES 2016 #350

RESULT: ORDER ADOPTED

9. Resolution on the death of Isabel L. Kilfoyle.
Councillor Maher and entire membership.
RES 2016 #351

RESULT: ORDER ADOPTED

10. Wishing Marylinn Brass a Happy 75th Birthday.
Vice Mayor McGovern and entire membership.
RES 2016 #352

RESULT: ORDER ADOPTED

11. Congratulations to Boston Casting for 25 years of Excellence in Casting.
Mayor Simmons and entire membership.
RES 2016 #353

RESULT: ORDER ADOPTED

12. Congratulations to Mary Grassi on her 20th anniversary on the Cambridge Family Literacy program.
Councillor Toomey and entire membership.
RES 2016 #354

RESULT: ORDER ADOPTED

Mayor Simmons moved suspension of the rules in order to introduce late Policy Orders and Resolutions and the roll was called and resulted as follows:

YEAS:	Councillors Carlone, Devereux, Kelley, Maher, Mazen, Vice Mayor McGovern, Councillor Toomey and Mayor Simmons	- 8
NAYS:	None	- 0
ABSENT:	Councillor Cheung	- 1

and the rules were –

Suspended.

LATE POLICY ORDERS AND RESOLUTIONS

15. That the City Manager is requested to revise and reissue the Kiosk consultant RFP to extend the due dates for questions and bids to January 1 and January 31, 2017, to allow the City adequate time to broadly advertise and promote the consultant contract in order to solicit bids from a larger, more diverse applicant pool, and the task force has the opportunity to meet at least once before questions and bids are due.
POR 2016 #293
Councillor Devereux, Councillor Mazen, Councillor Carlone

Councillor Devereux stated that she was surprised to see the RFP in the Chronicle in light of all the discussion about the Kiosk, whether to landmark it. She stated that when she saw the due date for questions was November 8 and final applications due on November 17th she was disturbed. She spoke about the violation to the spirit of trust for this process. The City has agreed to appoint a task force, but has not been appointed yet. She commented that it was premature to issue an RFP and to hire a consultant before the Task Force has had an opportunity to convene. She is requesting that the City Manager reissue the RFP and to give it a longer lead time. She wanted firms from the outside that have not participated in the place-making. She added that the scope of services set the bar low for new ideas and public involvement and she would like a fresh perspective to come in.

Councillor Maher supported the motion but felt that two of the ORDERED paragraphs do not comply with 30B. This is an issue legally. The City Manager and the staff can review and advise on this.

Councillor Mazen commented that Utile did a public presentation and there must be some way that the City Council could have a presentation. He hoped that the City Manager asked for feedback from the community and policy makers as they adjudicate the process.

Vice Mayor McGovern commented that he does not want any misunderstanding by the public that they get to vote, pick and choose who does this.

Councillor Devereux stated that the intent was to ensure that the task force has a vote who is going to be overseeing this process. She added that she believed that the task force meetings are public meetings. She stated that it would be a more transparent process as to what are the qualifications of the firms that bid. She stated that there is language in the RFP that the City does not want new ideas. The bar for public participation is being set very low.

RESULT: ORDER ADOPTED

IX. COMMUNICATIONS AND REPORTS FROM CITY OFFICERS

1. A communication was received from Mayor E. Denise Simmons, informing the City Council they may go into Executive Session on Monday to discuss on-going contract negotiations with the prospective City Manager.

COF 2016 #38

Vice Mayor McGovern moved to proceed to Executive Session to discuss on-going contract negotiations with the prospective City Manager.

The Chair has determined that it would be detrimental to the city to discuss the contract negotiations in open session.

She stated that any votes taken in Executive Session will be roll call votes.

Mayor Simmons announced that the City Council would not reconvene in open session and would adjourn from Executive Session.

The roll was called to move to Executive Session and resulted as follows:

YEAS:	Councillor Carlone, Councillor Devereux, Councillor Kelley, Councillor Maher, Councillor Mazen, Vice Mayor McGovern, Councillor Toomey, Mayor Simmons
ABSENT:	Councillor Cheung
RESULT:	VOTE TO MOVE TO EXECUTIVE SESSION CARRIED [8-0-1]

EXECUTIVES SESSION OCTOBER 31, 2016 CITY MANAGER NEGOTIATIONS

Mayor Simmons opened the Executive Session at 9:18 PM in the Ackermann Room.

Present were: Mayor Simmons, Councillors Carlone, Devereux, Kelley, Maher, Mazen, Vice Mayor McGovern, Councillor Toomey, City Clerk Donna P. Lopez and Attorney John Foscett, Deutsch Williams.

Absent: Councillor Cheung



Councillor Maher moved that the City Council authorize Attorney Foskett to proceed with the following negotiations:

Salary	\$292,500
Contract length	50 months
Annual increases	2.5% to be paid in July
Life insurance	\$250,000

On this question the roll was called and resulted as follows:

YEAS:	Councillors Carlone, Devereux, Kelley, Maher, Mazen, Vice Mayor McGovern, Councillor Toomey and Mayor Simmons	- 8
NAYS:	None	- 0
ABSENT:	Councillor Cheung	- 1

and the motion to authorize Attorney Foskett to proceed with the negotiations – Carried.

At 9:40 PM Mayor Simmons moved adjournment and the roll was called and resulted as follows:

YEAS:	Councillors Carlone, Devereux, Kelley, Maher, Mazen, Vice Mayor McGovern, Councillor Toomey and Mayor Simmons	- 8
NAYS:	None	- 0
ABSENT:	Councillor Cheung	- 1

and the meeting adjourned at 9:40 PM.

ADJOURNMENT

On a motion by Mayor Simmons to adjourn from Executive Session the roll was called and resulted as follows:

YEAS:	Councillors Carlone, Devereux, Kelley, Maher, Mazen, Vice Mayor McGovern, Councillor Toomey and Mayor Simmons	- 8
NAYS:	None	- 0
ABSENT:	Councillor Cheung	- 1

The motion to adjourn at 9:40 PM –
Carried.

APPENDED INFORMATION

AWAITING REPORT LIST

- 16-19. Report on hygiene products in public restrooms.
Councillor Cheung, Mayor Simmons (O-4) from 3/14/2016
- 16-24. Report on what additional measures can be taken to ensure that pedestrians are able to safely cross at the intersection of Cameron Avenue and Massachusetts Avenue.
Mayor Simmons (O-2) from 4/4/2016
Referred back to the City Manager on June 6, 2016 by Mayor Simmons.
- 16-26. Report on the possibility of the City Council implementing a zoning change, on the permitting of all new restaurants where a wood-fired oven is used as a significant method of food preparation.
Councillor Kelley, Councillor Devereux, Councillor Carlone (O-5) from 4/4/2016
- 16-42. Report on plans for the former Riverside Community Health Center on Western Avenue, including transfer of ownership of the building to the City and the process for determining future usage.
Vice Mayor McGovern (O-1) from 5/2/2016
- 16-47. Report on ways to improve the public noticing of proposed building demolitions consistent with the outreach used for variances and special permits and to consider extending the amount of time to consider whether a property is historically significant.
Councillor Carlone, Councillor Devereux (O-6) from 5/23/2016
- 16-50. Report on the use of City office and meeting space for non-City appointed functions by non-City officials.
Councillor Kelley (O-4) from 6/6/2016
- 16-51. Report on the City's policies and best practices in the use and supervision of City Council interns.
Councillor Kelley (O-5) from 6/6/2016
- 16-52. Report on the City's use of push-button caution lights at crosswalks and to determine any decrease in pedestrian legal rights should they be hit.
Councillor Kelley (Calendar Item #3) from 6/13/2016
- 16-53. Report on the feasibility of either using City funds to subsidize the cost of installing and removing air conditioning units from Cambridge Housing Authority-owned apartments at a reduced cost.
Mayor Simmons (Calendar Item #4) from 6/13/2016

- 16-55. Report on the feasibility of placing sunscreen dispensers containing broad spectrum sunscreen of SPF 30 or higher at Cambridge parks and playgrounds.
Vice Mayor McGovern (Calendar Item #6) from 6/13/2016
- 16-56. Report on creating Sobering Centers and a Cold Weather Plan prior to the winter of 2016.
Councillor Cheung, Mayor Simmons, Vice Mayor McGovern (O-7) from 6/20/2016
- 16-58. Report on outreach efforts to survey the City's small business owners to determine how many of these businesses expect to remain in their current locations over the next half decade.
Mayor Simmons (O-4) from 6/27/2016
- 16-64. Report on reinstating trash and recycling pick up for small businesses.
Councillor Toomey, Councillor Maher (O-8) from 8/1/2016
- 16-66. Report on how traffic laws pertaining to crosswalks are currently enforced throughout the City and whether there can be stricter laws to ultimately increase pedestrian safety.
Mayor Simmons (O-12) from 8/1/2016
- 16-68. Report on implementing a nomination based "Artist of the Month" program along with a \$2,000 grant and to remove the long-form application in favor of a nomination-based system.
Councillor Mazen (O-15) from 8/1/2016
- 16-69. Report on the necessary resources needed to survey, plan and restore the Cambridge mural at Rindge Field.
Councillor Mazen (O-16) from 8/1/2016
- 16-70. Report on what measures the City can take to reimburse the filing fees for individuals who have successfully contested their civil traffic tickets issued in Cambridge in court.
Mayor Simmons (O-3) from 9/12/2016
- 16-71. Report on the feasibility of creating a temporary jobs program geared toward Cambridge's homeless population and/or determine the feasibility of awarding homeless with priority in the City's 9-week temporary jobs program.
Vice Mayor McGovern, Mayor Simmons, Councillor Cheung, Councillor Mazen (O-8) from 9/12/2016
- 16-72. Report on resolving the audio and visual issues in the Sullivan Chamber.
Councillor Devereux, Mayor Simmons, Councillor Carlone, Councillor Mazen (O-10) from 9/12/2016

- 16-74. Report on producing a new status report that reviews the Harvard Square Conservation District's effectiveness since 2005, and that considers whether new zoning regulations may be necessary to fulfill the community's goals.
Councillor Devereux, Councillor Carlone (O-18) from 9/12/2016
- 16-75. Report on a suitable replacement for the crumb-rubber turf used on City playgrounds.
Councillor Cheung (O-3) from 9/19/2016
- 16-76. Report on implementing an electronic public comment display in the Sullivan Chamber, listing the speaker's name and affiliation as well as a timer.
Councillor Cheung, Mayor Simmons, Councillor Mazen (Calendar Item #1) from 9/26/2016
- 16-77. Report on measures to prevent future bicycle accidents and fatalities and making streets safer for bicyclists, motorists, and pedestrians.
Mayor Simmons, Councillor Kelley (O-2) from 10/17/2016
- 16-78. Report on the design of a pilot system of flex-post separated bike lanes and intersections along Massachusetts Avenue, Hampshire Street and Cambridge Street for bike safety.
Vice Mayor McGovern, Councillor Devereux, Councillor Kelley (O-3) from 10/17/2016
- 16-79. Report on further restricting the routes of travel and delivery hours of oversized trucks on City Streets.
Councillor Devereux, Councillor Carlone, Vice Mayor McGovern (O-11) from 10/17/2016
- 16-80. Report on developing an over-arching work plan for policy orders from the October 17th meeting that pertain to bicycle safety.
Mayor Simmons (O-14) from 10/17/2016