

Common Council Actions

COMMON COUNCIL

ACTION

SEPTEMBER 23, 2003

NORWALK, CONNECTICUT 8:00 PM DST, COUNCIL CHAMBERS

ALL COMMON COUNCIL ACTIONS TAKEN AT THIS MEETING TO APPROVE EXPENDITURES AND CONTRACTS OR TO ACCEPT BIDS AND OTHER PROPOSALS REQUIRING THE EXPENDITURE OF CITY FUNDS ARE SUBJECT TO THE AVAILABILITY OF FUNDS.

The regular meeting of the Common Council of the City of Norwalk was held on Tuesday, September 23, 2003, in the Common Council Chambers, City Hall, 125 East Avenue, Norwalk, Connecticut. The Mayor, Alex A. Knopp, called the meeting to order at 8.10 pm. There was a minute of silence to remember Ruth Gregg from the tax assessor's office, who sadly passed away.

I. ROLL CALL

Betsy Bain	Jeanette Olmstead Sawyer
Kenneth Baker	Christopher Perone
Fred Bondi (absent)	Kevin Poruban
Carvin Hilliard (absent)	Judith Rivas
Barbara Hudgins	Douglas Sutton
William Krummel	Peter Wien (absent)
Bruce Kimmel	William Wrenn
Matthew Miklave	

There were twelve (12) members present at Roll Call.

II. ACCEPTANCE OF THE MINUTES

A. Regular meeting of September 9, 2003

**** MS. OLMSTEAD-SAWYER MOVED APPROVAL OF THE MINUTES AS AMENDED**

The following corrections were made to the minutes of September 9, 2003:

Page 2, second paragraph from the bottom, second line, replace the word Education with Estimate. Page 11, last paragraph, delete the period and complete the sentence with "if we do nothing at all and leave a deficit in that department's account".

**** MOTION PASSED TEN VOTES IN FAVOR, TWO ABSTENTIONS (MR. PERONE AND MR. WRENN) BY VOICE VOTE.**

I. **PUBLIC PARTICIPATION**

No members of the public wished to speak this evening.

II. **MAYOR**

A. **REMARKS**

The Mayor had no remarks this evening.

B. **RESIGNATIONS AND APPOINTMENTS**

There were none this evening.

I. **COUNCIL PRESIDENT**

A. **CONSENT CALENDAR**

**** MR. MIKLAVE MOVED APPROVAL FOR THE FOLLOWING ITEMS TO BE INCLUDED ON THE CONSENT CALENDAR.**

I. REPORTS: DEPARTMENTS, BOARDS AND COMMISSIONS

A. BOARD OF ESTIMATE & TAXATION

- 1.** RESOLVED, that a sum not to exceed \$14,202 be and the same is hereby transferred from Contingency to the Information Technology Department to pay for an expected shortfall due to a severance payment. Acct. # 01-0600-5110

VII. COMMON COUNCIL COMMITTEES

A. RECREATION, PARKS & CULTURAL AFFAIRS

- 1.** Authorize the Mayor, Alex Knopp, to execute an agreement with the Maritime Aquarium for the use of Veterans Park for parking during the period of November 1, 2003 through April 15, 2004 Monday – Friday.

B. PUBLIC SAFETY & EMERGENCY PREPAREDNESS COMMITTEE

1a. Authorize the Mayor, Alex A. Knopp, to execute a contract to Anderson Electric Inc. for the supply and installation of an Emergency Generator for the Fire Department for a total amount not to exceed \$42,002.00. Acct #01-3153-5790

1b. Authorize the Fire Chief to issue change orders on contract for a total not to exceed \$4,200.00

2a. Authorize the Mayor, Alex A. Knopp, to execute any and all documents necessary to apply for and accept grant funds from the State of Connecticut, Department of Transportation under the 2003 Thanksgiving/Christmas/New Years DUI Enforcement Program.

2b. Authorize the Mayor, Alex A. Knopp, to execute any and all agreements and instruments necessary to implement the 2003 Thanksgiving, Christmas/New Years DUI Enforcement Grant Program funding.

C. LAND USE AND BUILDING MANAGEMENT COMMITTEE

- 1a.** Authorize the Mayor, Alex A. Knopp, to execute a contract with American Landmark Restoration Corp. for the Lockwood Mathews Mansion Museum veranda roof

and structure repair and replacement project for a total not to exceed \$183,880.00. Acct. #09006310 5777 C0186.

1b. Authorize the Land Use and Building Management Committee to issue change orders on contract for a total not to exceed \$18,388.00. Acct # 09006310 5777 C0186.

1. Authorize the Mayor, Alex A. Knopp, to execute a lease agreement with Mr. Valentine D. Dowd for Apartment Unit #1 at 35 Smith Street in the amount of \$450 per month, retroactive from July 1, 2003 to June 20, 2004.
2. Authorize the Mayor, Alex A. Knopp, to execute a lease agreement with Mr. Richard A. Winfield for Apartment Unit #2 at 35 Smith Street in the amount of \$450 per month, retroactive from July 1, 2003 to June 30, 2004.
3. Authorize the Mayor, Alex A. Knopp, to execute an agreement with Yankee Gas Services Company for the installation of separate gas service to Ben Franklin Center for Crystal Theatre. Crystal Theatre is responsible for all capital and utility costs.

**** MOTION PASSED UNANIMOUSLY.**

B. OTHER GENERAL COUNCIL BUSINESS

There was no other council business this evening.

VI. REPORTS: DEPARTMENTS, BOARD AND COMMISSIONS

A. NORWALK FACILITIES CONSTRUCTION COMMISSION

1a. Approve the Partial Guaranteed Maximum Price (Partial GMP) for the Early Bid Packages for Gilbane Building Company's contract for the Brien McMahon High School/Center for Global Studies Improvement Project in the amount not to exceed (amount to be determined). Acct. #09025010-5777-C0237 and #09035010-5777-C0237

1b. Establish an allowance for Owner's Contingency in the amount of (amount to be determined) for the Early bid Packages. (Subject to NFCC approval at its special meeting on 9/22/03).

1c. Authorize the NFCC to issue change order on contract to adjust the Partial GMP for a total amount not to exceed

the Owner's Contingency allowance. (Subject to NFCC approval at its Special meeting on 09/22/02).

**** MR. KRUMMEL MOVED APPROVAL OF ALL THREE ITEMS**

**** MR. KRUMMEL MOVED TO AMEND THE MOTION BY SUBSTITUTING THE FOLLOWING LANGUAGE.**

1a. Approve the Partial Guaranteed Maximum Price (Partial GMP) for the Early Bid Packages *and authorize the Mayor, Alex A. Knopp, to execute any and all necessary documents with* Gilbane Building Company's contract for the Brien McMahon High School/Center for Global Studies Improvement Project in the amount not to exceed **\$16,646,835.00**. Acct. #09025010-5777-C0237 and #09035010-5777-C0237.

1b. Establish an allowance for Owner's Contingency in the amount of **\$1,165,278.00** for the Early bid Packages.

1c. Authorize the NFCC to issue change order on contract to adjust the Partial GMP for a total amount not to exceed the Owner's Contingency allowance.

Mr. Krummel stated that the figure of \$16,646,835.00 is based on the early bid package and the amount includes the cost of the work, a construction contingency of 5% and the construction manager's fee. He stated that it was important that they move ahead with this project in order to meet the schedule. Mr. Krummel stated that the Brien McMahon Adhoc Committee and the Norwalk Facilities Construction Commission had reviewed this and both committees voted unanimously that this action is to go ahead.

Ms. Bain reported that the bid is higher than they liked. She stated that the Adhoc Committee would review all aspects of the project to look for areas where savings or modifications could be made so the ultimate project will come in on budget. She added that this is only one area that has come in higher; there is still time to look at areas of savings so they would not have to come back to the Council for additional appropriations.

Mr. Kimmel stated that he had some serious concerns. He asked (Ms. Bain) if she believed that savings could be found and what are the consequences of taking a little more time to see if they can reduce the initial cost.

Ms. Bain replied that the area that caused the overage was the price for the concrete (per unit). She continued to say that the architect and construction manager have already identified areas of savings in the amount of approximately \$800,000. She said as they go forward if they have identified areas where, if need be, they can achieve savings. Ms.

Bain said this is something they must go forward with as they do not have the ability to redesign at this point to achieve savings.

She said they are on a fast track in order to meet re-accreditation visit in 2005.

Mr. Kimmel asked if she had confidence in the other estimates. He noted his concern in that if this was an indication that the overall project has come in under estimate.

Ms. Bain explained further that this was one issue regarding the concrete and the cushion that the bidder added was for winter installation. If all of the packages were off then there might be more reason for concern.

Mr. Kimmel said he was glad that this could be pinpointed and noted that he would not be voting against the funding for the school project. He said he hoped they would not go down the same road as West Rocks and Brookside. From his experience, Mr. Kimmel said there are times when money can be saved by slowing the project down to look at it carefully and make up the time.

Mr. Krummel remarked that this particular project had had more attention paid to good estimating than any other project in the city before. He assured Mr. Kimmel that they have made a strong impression on the construction manager's representatives that they must go over every detail in the rest of the project to make sure there are no surprises.

Mayor Knopp stated that this is the largest construction project in the city's history and it has received more detailed scrutiny than any other project in the past. Therefore, the experience at West Rocks and Brookside did not have the professional work at the same high level. Mayor Knopp stated that they should identify changes/deductions to save money. He said it would be unwise to delay the bids as they could go up even further. Mayor Knopp explained that the main change was due to the high costs to pour concrete in the winter because chemicals have to be added.

Ms. Bain added that Brien McMahon is already over crowded and the principal has urged for this to proceed.

**** AMENDMENT PASSED UNANIMOUSLY BY VOICE VOTE.**

**** MOTION AS AMENDED PASSED UNANIMOUSLY BY VOICE VOTE.**

A. CORPORATION COUNSEL

- 1. EXECUTIVE SESSION:** Authorization to settle claim: Karen LaPack v. City of Norwalk et al.

**** MR. MIKLAVE MOVED TO GO INTO EXECUTIVE SESSION TO DISCUSS CLAIM: KAREN LAPACK V. CITY OF NORWALK ET AL.**

**** MOTION PASSED UNANIMOUSLY BY VOICE VOTE.**

Members of the Common Council and Mr. Ciccarello went into executive session at 8.39 pm and reconvened into public session at 8.45 pm.

**** MR. MIKLAVE MOVED APPROVAL OF THE ITEM**

**** MOTION PASSED ELEVEN VOTES IN FAVOR, ONE VOTE OPPOSED (MS. OLMSTEAD-SAWYER) BY VOICE VOTE.**

VIII. RESOLUTIONS FROM COUNCIL MEMBERS

There were none this evening.

IX. MOTIONS POSTPONED TO A SPECIFIC DATE

There were none this evening.

X. SUSPENSION OF THE RULES

There were none this evening.

XI. ADJOURNMENT

**** MS. BAIN MOVED TO ADJOURN.**

**** MOTION PASSED UNANIMOUSLY BY VOICE VOTE.**

The meeting was adjourned at 8:50 pm.

ATTEST: _____ *Pam Stark, City Clerk*

