

Common Council Actions

COMMON COUNCIL

ACTION

OCTOBER 8 , 2002

NORWALK, CONNECTICUT 8:00PM 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, October 8, 2002, in the Common Council Chambers, City Hall, 125 East Avenue, Norwalk, Connecticut. Mayor Alex Knopp called the meeting to order at 8.15pm and led the assembly in reciting the Pledge of Allegiance.

I. ROLL CALL

Betsy Bain	Jeanette Olmstead-Sawyer
Kenneth Baker	Christopher Perone
Fred Bondi	Kevin Poruban
Barbara Hudgins	Judith Rivas (8.40)
William Krummel	Douglas Sutton
Bruce Kimmel	Peter Wien
Joseph Mann	William Wrenn
Matthew Miklave	

Fourteen (14) members were present at Roll Call.

II. ACCEPTANCE OF MINUTES

A. Regular Meeting of September 24, 2002

The following corrections were made:

Page 8, first paragraph, correct third sentence to read: conduct a ground penetrating **radar** survey.

Page 8, fourth paragraph, last sentence, to delete the word safe and replace it with **state**.

Page 8, fifth paragraph, correct the spelling of Thompson and Gilbane.

Page 9, second paragraph, correct to **co-chairman**.

Page 9, last paragraph, delete the word Services and replace with **Partnership**, also to delete the word and.

**** MR. KIMMEL MOVED APPROVAL OF THE MINUTES AS AMENDED.**

**** MOTION PASSED BY VOICE VOTE, FOURTEEN VOTES IN FAVOR.**

III. PUBLIC PARTICIPATION

There was no public participation this evening.

IV. MAYOR

A. RESIGNATIONS AND APPOINTMENTS

There were none this evening.

B. REMARKS

Mayor Knopp announced that as a major initiative serving the city's information technology and telecommunication programs, they have proposed a citywide plan to be developed. There will also be a Telecommunication and IT Committee to oversee the proposal and work with the upgrade; he stated that John Linqvist would chair the Committee, other members include Stuart Opdahl, Craig Reichenbach and from the Council, Kevin Poruban.

V. COUNCIL PRESIDENT

Mr. Mann read the following items to be included on the Consent Calendar.

VII. COMMON COUNCIL COMMITTEES

A. PUBLIC WORKS COMMITTEE

1a. Authorize the Mayor, Alex A. Knopp, to execute an Agreement with FGB Construction, Inc. for Project No. RD 2002-3, Proposed Improvements to Flax Hill Road-Phase 2, for a sum not to exceed \$931,633.

1b. Authorize the Director of Public Works to issue Orders on Contract to FGB Construction, Inc., for Project No. RD 2002-3, Proposed Improvements to Flax Hill Road-Phase 2, for a sum not to exceed \$93,163.

Account No. 09 01-02-03 40 21 5777 C0021, 09 00-01-02-03 40 60 5777 C0045

2. Approve the Fourth Taxing District property extensions.

D. PLANNING COMMITTEE

1. Authorize the Mayor, Alex A. Knopp to execute the "Certified Resolution of the Legislative Body" to file an application with the State of Connecticut Department of Economic & Community Development to apply for funding in an amount not to exceed \$10,000,000 in conjunction with the Reed Putnam Urban Renewal Project.

2. Approve the Common Council resolution authorizing the extension of time for the acquisition of property using the power of eminent domain on 51 West Avenue, 31 Putnam Avenue and 25 Putnam Avenue.

4. Authorizing the Mayor, Alex Knopp to execute the "Entry Permit" and "Railroad Support Personnel and Payment Agreement" with Metro-North Railroad.

**** MR. MANN MOVED APPROVAL OF THE CONSENT ITEMS.**

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

B. OTHER GENERAL COUNCIL BUSINESS

1. Appointments: Thomas Aikenhead –Oak Hills Authority

Jane Walters – Oak Hills Authority

**** MR. MANN MOVED TO APPOINT THOMAS AIKENHEAD AS A MEMBER OF THE OAK HILLS AUTHORITY, TERM EXPIRES JUNE 2, 2005.**

Mr. Wrenn said that he has known Mr. Aikenhead for about five years and he is one the most community minded and hard working volunteers he has ever met. As a resident of the Oak Hills neighborhood and someone who has demonstrated a deep concern for the environment, Mr. Wrenn said that Mr. Aikenhead will add to the needed balance of the authority, something that has been missing for the past few years. He added that he strongly supports this nomination.

Mayor Knopp thanked Mr. Aikenhead for his service as a representative of the West Norwalk neighborhood; and stated that he has been on many Boards including the Conservation Commission, he is very active in the West Norwalk Association, although he is not a representative.

**** MOTION PASSED, THIRTEEN VOTES IN FAVOR WITH ONE ABSTENTION (MR. MIKLAVE) BY VOICE VOTE.**

The Common Council gave Mr. Aikenhead a round of applause.

**** MR. MANN MOVED TO APPOINT JANE WALTERS AS A MEMBER OF THE OAK HILLS AUTHORITY, TERM EXPIRES JUNE 24, 2005.**

Ms. Bain stated that she wanted to endorse the nomination of Ms. Walters to the Oak Hills Authority because as a former president of the Women's Golf Association, she will bring a different perspective to the Authority.

**** THE MOTION PASSED THIRTEEN VOTES IN FAVOR WITH ONE ABSTENTION (MR. MIKLAVE) BY VOICE VOTE.**

The Mayor stated that they would take the agenda out of order; he asked if there was any objection to this. There were none.

VII. COMMON COUNCIL COMMITTEES

A. PLANNING COMMITTEE

a. Approve the Guaranteed Maximum Price in the amount of \$11,557,740 for the construction of the public portion of the improvements for the Maritime Parking Garage on Parcel #5.

b. Approve the Guaranteed Maximum Price in the amount of \$1,992,317 for the construction of the private portion of the improvements for the Maritime Parking Garage on Parcel #5 which amount will be funded by Maritime Place LLC.

a. Approve a ten percent (10%) contingency on the private portion improvements in the amount of \$199,232.

**** MR. MIKLAVE MOVED APPROVAL OF ITEMS, VII, D a,b,c**

Mr. Miklave said this is an amendment to the action that the Council took on September 10, 2002 and on that day they approved a guaranteed maximum price for \$11,557,000 for the public portion of the Maritime Parking Garage (parcel 5). He said that represents a substantial cost savings of approximately \$2,000,000 and in the process of putting the final contract together it was determined that it would be more efficient and expeditious to include in the city's portion of the contract, the private improvements that will be built on that property in the amount of \$1,992,000. Mr. Miklave said that part of the contract is completely reimbursed to the city by the Spinnaker Development Company. He noted that this is not additional money being paid by the city; it is putting two contracts together, so there is one contract to administer and one project to go forward.

Mr. Miklave stated that item c is a 10% contingency, in the event that the price of the private portion varies at all; he said that contingency will be paid full by Spinnaker.

Mayor Knopp agreed with the statements made by Mr. Miklave and reiterated that there were two contracts, one between the parking authority and the contractor and one between Spinnaker and the contractor. The Mayor said after discussion with the Law Department they concluded that it would be best to have one contract to include both; this would also make administration much easier.

Ms. Bain stated that she wished to distinguish between appropriation and authorization. The Mayor said they are authorizing the entire amount and appropriating the money they need to spend.

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

A. LAND USE AND BUILDING MANAGEMENT COMMITTEE

1a. Approve Design Option "D" for Brien McMahon High School/Center for Global Studies improvement project.

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

Mr. Krummel said before starting a discussion, he would like to point out that in the audience from Fletcher Thompson were Joe Costa, the Project Director, Mike Schrier, the Project Manager, Steve Kononchik, an officer from Gilbane, Stuart Opdahl, Alan Lo and Joe Rodriguez the Principal from Brien McMahon School.

Mr. Krummel said he was very excited by the result of the feasibility study; he said it was initiated in April 2002 as a means of determining the best possible alternate in this complex project. He said they have a very comprehensive study report that has been prepared by Fletcher Thompson and Gilbane, he noted that it was well worth reading, not only for its information on the project but also because of the way it reflects on the condition of the other buildings in the school system. The first portion of the report is a very thorough examination of the condition of Brien McMahon High School, which is over 40 years old. He knows that Mr. Opdahl is in the process of looking at all the other buildings in the school system right now to determine what needs to be done to correct the years of lack of attention to the physical facility of the school system. Mr. Krummel said this is a very important consideration because he suspected there are a lot of costs that they will be confronted with, not only in the operating budget but also in the capital budget.

Mr. Krummel said the feasibility study has included keeping the budget costs within budget and having a project schedule that will meet certain critical dates. He said as part of the necessity to meet those critical dates, they are proposing a fast-track program and maximizing the design for state reimbursement. The school will be in full operation during the construction and he said they had to consider swing space and the use of portables providing for a magnet school, the center for global studies. This will be the first in the state, unique, a school within a school. He said, there was a balance of renovation versus new construction for the best, more cost effective project.

Mr. Krummel said they are on the right track, this is an important document and the recommendation of the feasibility study is Option D that includes the new addition to the rear of the existing Brien McMahon facility as well as renovation and re-building of the present high school. Mr. Krummel said Option D has the advantages of being the lowest project cost, it will meet the schedule for the accreditation visit in the Fall

of 2005 and it will be the simplest construction that will allow the use of the addition for swing space and for housing programs that will be critical for the accreditation visit. In addition Option D uses the least amount of portables, only 12.

Mr. Krummel stated that the total project cost will be \$66,233,000 (estimated). It is estimated that the state reimbursement for the project will be \$24,456,000, leaving a debt to the city of \$41,736,000. He said this is less than the two capital budget appropriations that the Council has made for the Brien McMahon project, so they are well within budget.

Mr. Krummel said the Land Use Committee and the Board of Education have looked at this and recommended Option D.

Mr. Wrenn said he was pleased to support this item. He said he went to the last Land Use Committee meeting and Public Information Session and was very impressed with the plans that were presented. He said along with everyone else there was a very positive feeling about the project, however the only concern he had, which was shared with some of the neighbors, were traffic issues, safety, screening as well as adequate landscaping. He hoped that the neighbors will be well represented and their concerns will be heard by the Adhoc Committee.

Mr. Kimmel said some years ago he toured Brien McMahon and prior to that he had been there a few times, but never had a thorough understanding of the classrooms. He said as a teacher he was appalled by what he saw especially the science labs; basic safety issues were not being addressed.

Ms. Rivas joined the meeting at 8.40pm.

Mr. Kimmel said having seen the school in that condition and having seen the plans, he said this project is well over-due. He said looking at that area of town, they are cleaning up Flax Hill Park, Flax Hill Road and rebuilding Brookside School, they are now looking at Soundview Road. Mr. Kimmel said now with the improvements on Brien McMahon High School, this part of town is getting a nice makeover. He continued to say that other sections of town, he listed Putnam, Wall Street and West Avenue and now Brien McMahon; and said after a few years the whole city will have a different flavor.

Mr. Mann wanted to confirm the way the school was (and he spoke with first hand experience as he had been a student at the school) and said the improvement is long overdue. He said he is excited and it certainly needs the work and he is proud to be part of the effort. He said every effort is

being taken to address the concerns of the neighbors and residents that live close by.

Ms. Olmstead-Sawyer agreed with Mr. Mann and said that due to the conditions of the school the students that were turned out of the school had produced some magnificent work. She said she was excited that the science department was getting such a transformation and was happy to see the project going forward.

Ms. Bain said that her husband and two children had graduated from the Brien McMahon School. With regard to the concern of the neighbors, that is the job of Ad Hoc Committee as they go forward.

Ms. Bain said what they were adopting was a concept plan, they are now moving into the actual drawing and design of the details. She said their intent is to reach out to the community, the staff, faculty and parents before the designs are well on their way and to understand all concerns and plans.

Mr. Krummel said he would like to back up the comments of Ms. Bain due to their experience on working at Brookside. He said the work of the Ad Hoc committee is a very important part, especially while a construction project is going on and the school is in full operation. He said up until now the Ad Hoc Committee, co-chaired by Ms. Bain and Ms. Bishop-Pullan has been meeting regularly and effectively with the design team to provide an outstanding project. Mr. Krummel added that during a hearing one of the design team used the phrase, that they expect Brien McMahon to be "the pride of the community", he said that says it all.

Mayor Knopp added that the renovation and expansion will be the largest construction project in the city's history. He said all of the work to date shows that the construction process is fundamentally different as it has many more protections and safe guards against run-away spending, incompetent design and flawed construction. Mayor Knopp stated that they had anticipated that a project of this size would have caused a lot of controversy. In fact there were relatively few members of the public that came to the Public Information Session held at Brien McMahon High School. He said this is because the community feels that this is being handled thoroughly and is within the best interests of the city.

Mayor Knopp said last week, himself, Dr. Corda, Mr. Vetter and Mr. Rodriguez endorsed Option D, because they felt it was the option that would cause the least amount of disruptions, it would accomplish the educational specifications it will be completed earliest and has the lowest projected cost. He said for those reasons they endorsed Option D.

Mayor Knopp stated that all of the neighbors that came to the Public Information Session (despite having reasonable concerns) also expressed support for the project and the design. He said neighbors left feeling assured that their concerns would be heard and taken into account. Mayor Knopp stated that Mr. Rodriguez has met with many of the neighbors on issues such as refuse in the parking lot caused by children eating lunch in their cars; this is because there is not enough room in the cafeteria for them.

Mayor Knopp said this is also the first time in the city's history that this kind of project has been done using a feasibility study and what this shows is that under this new approach to construction management, they are getting a more and more professional review of the process instead of waiting until the end and going through punch lists or disputes. He said by having Gilbane do a feasibility review of the plans prepared by Fletcher Thompson there is a greater check and balance on cost issues and feasibility.

Mayor Knopp added a word of caution with reference to how Brien McMahon at this stage differs from the Maritime Parking Garage and the guaranteed maximum price. He said they are not yet at the stage of this contract where there is a guaranteed maximum price; they do not get to this stage until the construction Management Company consults with its sub-contractors on bids on all the individual elements. The reason for the feasibility study is to keep the guaranteed maximum price within the budget. Mayor Knopp stated that if it was not within the budget he wanted to be very clear in pointing out that the Board and City will go back and address the design of project because there are a limited amount of capital funds available for all of the construction projects. He said while they are doing as much of the process upfront they have to make sure the cost of design fits within the budget.

Mayor Knopp said that Gilbane is the entity that has been selected by the city of New Haven for a ten year, one billion dollar school program. They are managing all of the schools, so they bring a lot of experience managing this project.

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

1b. Authorize the Mayor, Alex A. Knopp, to execute an amendment to Fletcher Thompson's architectural services contract for the Brien McMahon High School/Center for Global Studies improvement project, for a total not to exceed \$3,775,000.00 for Architectural Fee plus \$100,000.00 for reimbursable expenses. Details for the terms of the agreement shall be as approved by the Land Use and Building

Management Committee. Acct. #'s 09025010 5777 C0237 and 09035010 5777 C0237

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

Mr. Krummel stated this is a very satisfactory arrangement with Fletcher Thompson for their fee for the project. He said early last year they had said that the architectural fee would be in the range of 7-7 ½% of the construction cost and this fee was negotiated to the 7% level of the estimated construction cost. He thought that this was a very satisfactory rate and the Land Use Committee has approved and they would like to recommend it to the Council.

Mr. Krummel addressed the other part of the motion, (the \$100,000 for reimbursable expenses) he said he believed that was a first also because instead of having the conventional day to day filing of reimbursable expenses, they have put together all the expected reimbursable expenses into one amount of \$100,000. The architect will be able to draw down on upon those monies, which will save bookkeeping time.

**** MR. KRUMMEL MOVED TO AMEND THE MOTION BY DELETING THE LAST SENTENCE.**

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

The Mayor asked for further discussion on the motion, as amended.

Mr. Kimmel stated that Fletcher Thompson have always been really well prepared, well qualified and the only firm interviewed to understand the financial possibilities of a magnet school within a high school; the previous council were very impressed with that. He said there were a number of figures going around and over a period of time and with much discussion the end result was 7%; he added that he was very pleased with this figure.

Mayor Knopp asked Mr. Krummel if Fletcher Thompson will be applying part of the fee for the feasibility study to the regular services for reimbursement.

Mr. Krummel said that was correct. When they negotiated with a fee with Fletcher Thompson for the feasibility study, they said approximately a third of the cost of the feasibility study would be applied to their fee for the remainder of the project. They felt that approximately one third of the work in the feasibility study is part of the conventional design construction phase.

The Mayor thanked Mr. Krummel

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

1c. Authorize Fletcher-Thompson Inc. to proceed with the Schematic Design, Design Development and Construction Document phases of the project.

**** MR. KRUMMEL MOVED APPROVED APPROVAL OF THE ITEM.**

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

B. FINANCE COMMITTEE

Accept and Approve the Report of the Claims Committee Dated October 2,2002.

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

Mr. Miklave recused himself and left the meeting.

**** MOTION PASSED BY FOURTEEN VOTES IN FAVOR, ONE RECUSAL (MR. MIKLAVE).**

Mr. Miklave joined the meeting.

D. PLANNING COMMITTEE (Continued)

1. Approve the attached "Certified Resolution of the Legislative Body" authorizing the Mayor to file an application and to take certain other actions in conjunction with a grant request not to exceed \$10,000,000 from the Connecticut Department of Economic & Community Development in conjunction with the Reed Putnam Urban Renewal Project.

WHEREAS, pursuant to Special Act 01-2 Section 28 (d) (1) of the Connecticut General Statute the Connecticut Department of Economic and Community Development is authorized to extend financial assistance for economic development projects; and

WHEREAS, it is desirable and in the public interest that the City of Norwalk make an application to the State for \$10,000,000 in order to undertake the Reed Putnam Urban Renewal Project III and to execute as Assistance Agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE Common Council of the City of Norwalk.

1. That it is cognizant of the conditions and prerequisites for the State Assistance imposed by Special Act 01-02 Section 28 (d) (1) of the Connecticut General Statutes.
2. That the filing of an application for State financial assistance by The City of Norwalk is in an amount not to exceed \$10,000,000 is hereby approved and that Mayor, Alex Knopp is directed to execute and file such application with the Connecticut Department of Economic and Community Development, to provide such additional information, to execute such other documents as may be required, to execute an Assistance Agreement with the State of Connecticut for State financial assistance if such an agreement is offered, to execute any amendments, decisions, and revisions thereto, and to act as the authorized representative of The City of Norwalk.

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

Mr. Miklave stated that this is the second part of the \$20,000,000 bond authorized by the State of Connecticut for the infrastructure and development of the Reed Putnam project. He said they authorized \$10,000,000 last year and the second part of the authorization they are doing at one time so the Mayor can make a request for the issuance of bonds.

**** MOTION PASSED UNANIMOUSLY 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**

** MR. MANN MOVED TO ADJOURN.

** MOTION PASSED UNANIMOUSLY BY VOICE VOTE.

The meeting was adjourned at 9.10pm.

ATTEST: _____

Pam Stark, City Clerk

