PARKING AUTHORITY MINUTES

December 18, 2002

ATTENDANCE: Urban Mulvehill, Chairman; Amy Jimenez; Troy Jellerette; Stephen Bentkover

STAFF: Kathryn Hebert, Public Works Department
Jack Miller, Finance Director

OTHERS: Robert Cavello; David Panico, Richard Thivierge.

1. CALL TO ORDER

The meeting was called to order at 7:45 pm.

2. APPROVAL OF MINUTES FROM NOVEMBER 20, 2002

Mr. Mulvehill noted for the record that Bob Keyes did not vote on any of the items since he had not been sworn in.

The following changes were made to the minutes:

Page 1 - under Discussion:

Paragraph 1 insert as last paragraph:

"With reference to the numbered items in the document".

Paragraph 3 - second sentence replace "little fuel oil" with "a little lead from old fuel oil or gasoline."

Paragraph 4 - global replacement of Spiniker to Spinnaker.

Page 2:

Paragraph 2 - first sentence - remove "could authorize the garage", replace with:
"has been given permission to build on City property.

Second sentence - replace "their lease" with "a lease".

Item 7 - after property insert "and the State need to clarify its rights for access to the billboard".

Remove "because they need" and replace with "the City needs". Insert after "easement" "to the State for access to the billboard."

Item 8 - replace "they have $1.3 million" with the "City has $1.3 million".

Remove "getting close to their" and replace with "the need for the EECD."

Remove "but the monies they need to build, will require their approval" and replace with "money is needed to complete the project."

Paragraph 9 - first sentence replace "some sense of receiving the bonding" with "some sense of confidence in receiving the bonding".

Page 4:

First paragraph, remove first sentence.

Paragraph 5 - insert as last sentence after "budgeted cost" - "Next a discussion occurred concerning the testing bids."

Paragraph 9 - Insert after "inspection" in first sentence "and now $67,000 is being recommended".

Page 5:

Second paragraph, first sentence, add "estimate" before "costs".

Third sentence, add after "special testing" add:

"with specific quotes vs. other types of tests with an estimated cost. Mr. Overton explained that the estimate was for lab test and the specific figures were for the services of the bidder for designing and supervising the testing and planning and taking samples for submission to the laboratory.'

Third paragraph - insert after "Mr. Jellerette asked why":
"the other bids were not responsive."

Seventh paragraph, first sentence replace "big projects" with "large capital budget projects."

Page 6-

Seventh paragraph, first sentence replace "asked" with "indicated".

Page 7-

Sixth paragraph, first sentence after "land" insert "presently used for suitable parking."

**** MR. BENTKOVER MOVED TO APPROVE THE MINUTES AS CORRECTED.**
**** MOTION PASSED UNANIMOUSLY.**

3. APPROVE AND ADOPT THE ATTACHED RESOLUTION OF THE NORWALK PARKING AUTHORITY THE ISSUANCE AND SALE OF NOT EXCEEDING $10,000,000, NORWALK PARKING AUTHORITY REVENUE BONDS (MARITIME GARAGE PROJECT), SERIES 2002 AND AUTHORIZE THE CHAIRMAN OF THE NORWALK PARKING AUTHORITY, URBAN MULVEHILL, TO EXECUTE AND DELIVER ALL DOCUMENTS NEEDED ON BEHALF OF THE PARKING AUTHORITY IN CONNECTION WITH THE ISSUANCE AND SALE OF SUCH BONDS.

4. AUTHORIZE THE CHAIRMAN OF THE NORWALK PARKING AUTHORITY, URBAN MULVEHILL, TO EXECUTE THE GROUND LEASE BY AND BETWEEN THE CITY OF NORWALK AND THE NORWALK PARKING AUTHORITY RELATING TO THE MARITIME CENTER GARAGE WHEREBY THE PARKING AUTHORITY WILL LEASE FROM THE CITY THE REAL PROPERTY ON WHICH THE MARITIME CENTER GARAGE WILL BE BUILT IN ORDER TO ACQUIRE, INSTALL, CONSTRUCT AND IMPROVE THE PARKING GARAGE FACILITY ON SUCH PROPERTY.

5. AUTHORIZE THE CHAIRMAN OF THE NORWALK PARKING AUTHORITY, URBAN MULVEHILL, TO EXECUTE THE LEASE AGREEMENT BY AND BETWEEN THE NORWALK PARKING AUTHORITY AND THE CITY OF NORWALK RELATING TO THE MARITIME CENTER GARAGE IN ORDER TO PROVIDE FOR THE LEASE BACK OF THE MARITIME CENTER GARAGE PROJECT AND THE FINANCING OF THE CONSTRUCTION OF THE GARAGE PROJECT BY THE ISSUANCE OF REVENUE BONDS. UNDER THE LEASE THE PARKING AUTHORITY WILL LEASE THE GARAGE PROJECT TO THE CITY BASED ON SPECIFIED TERMS SET FORTH THEREIN.

Mr. Panico gave a presentation of items 3, 4, and 5. He stated that instead of a bond financing for the maritime garage they would have a lease. He stated that the City would own the property and given that it had already been determined that the Parking Authority would be the entity in charge of constructing the building, the thought was that they would do a lease financing where the land would be leased to the Authority first (ground lease).

Mr. Panico described from blue print how the cash would flow from the City to the Authority. He stated the City has a triple A rated community with strong revenues and there was a strong sense that the City would make its rent payments. Mr. Panico also stated that although the GO backing of the City was not behind the financing, the insurer and the investors have very high faith that the City would make the rent payments on the lease.

Mr. Jellerette asked how the underwriter was selected. Mr. Miller replied that he looked at a number of underwriters with experience in underwriting garages and bids were submitted, and the lowest bid was chosen.

Mr. Mulvehill asked if they were getting some benefit from the fact that they have a certain number of parking spaces pre-sold and a history of active use of an on ground parking for the Maritime Center which they were going to be replacing by this structure? Mr. Thivierge replied that this did not hurt and stated that Embach had to be convinced they would have recourse if the City doesn't make payments.

Mr. Mulvehill asked if anyone has pledged the land in which this garage would be built. Mr. Panico replied that the City could never lose title to the land and also stated that the only thing they could lose was the right to run the land down the building for 25 years subject to the ground lease.

Mr. Mulvehill asked if the City defaulted in the 15th year could the insured come in and decide that they rather have some other structure on the land and tear the garage down and decide to build a hotel? Mr. Panico replied that legally they probably could tear the garage down, but at the end of the lease term the land would become the City's.

Mr. Thivierge inserted that when there is a non-payment on a lease, history has proven that it was usually due to a political problem.

Mr. Jellerette asked who the trustee was? Mr. Panico replied J.P. Morgan.

Mr. Jellerette asked who chose the trustee? Mr. Panico replied the City.

The members reviewed the contracts presented.

Mr. Mulvehill stated that sub paragraph D on page 2 of the agreement where "personal property" is mentioned needed to be revised for specificity. Mr. Panico replied that this revision would be made.

Mr. Mulvehill also noted for the record that the Bond Council has indicated that the rates in the City Ordinance passed by the Common Council can be modified in the future.

****MR. BENTKOVER MOVED TO APPROVE ITEMS 3, 4, 5.**
****MOTION PASSED UNANIMOUSLY.**

6. AUTHORIZE THE CHAIRMAN, URBAN MULVEHILL, TO EXECUTE AN AMENDMENT TO THE AGREEMENT WITH REDNISS AND MEAD TO PROVIDE SURVEYING SERVICES IN CONNECTION WITH THE CONSTRUCTION OF THE MARITIME GARAGE FOR A SUM NOT TO EXCEED $2200.

ACCOUNT NO 09 01 09 10 5777 C0205

Ms. Herbert distributed a memo from Martin Overton describing the need for this amendment. She stated that Metro North engineers have requested that the City confirms that no movement of the catenary tower supports takes place as a result of the construction of the garage.

Mr. Cavello stated that this was critical to enable the contractors to continue with their work.

**** MS. JIMENEZ MOVED TO APPROVE ITEM 6.**
**** MOTION PASSED UNANIMOUSLY.**

DISCUSSION - OPERATING BUDGET FY 2003-04

Mr. Miller presented a draft of the Maritime garage budget. He stated that he needed more information and backup from Mr. Overton with regards to two line items: Osprey Environmental and FGB Construction.

Mr. Cavello inserted that he did not recall seeing those items as part of the soft cost.

Ms. Jimenez stated that she would like a full explanation for each line item and asked if this could be ready in 30 days. Ms. Herbert replied yes.

DISCUSSION - STATUS OF MARITIME GARAGE CONSTRUCTION PROJECT.

Mr. Cavello provided the following update:

Construction contract - Construction manager's and developer's agreement still needed to be executed.

Metro North Force Account - Entry permit for Metro North Force account still needed to be executed.

Metro North Railroad insurance - Klewin to reissue insurance for new Metro North requirements.

Surveyor - Work to commence (Redniss & Mead) pending completion of insurance reissue and the surveyor's proposal has been submitted for approval.

Transfer of architects and engineer's contracts to the City for the construction administration phase - Contracts have been forwarded to the City for transfer.

Prepare deed description and file new property map on land records for land taking - Deed description was approved by the State Treasurer and was prepared and signed by Department of Transportation. The fee of $1000 is required to release it to the City.

Easement for billboard off site - The Connecticut Department of Transportation requires an easement for existing billboards near I95 and Oyster Bend Park. Maps and a draft legal description were prepared and are awaiting Common Council approval.

Complete documents for construction/Review structural steel modifications for residential/commercial structures - Comments was distributed to Desman to be reviewed and incorporated.

Prepare bid package and form for DECD approval - Site; concrete and pre-cast concrete bids were received. Klewin to award these trades and remaining trade bids revision are due January 9, 2003.

Retain special inspection and testing vendor for construction phase - RFPs were received and award of contract is pending.

Obtain agency regulatory sign offs for building permit - Klewin to file for building permit and a signed code report is required.

Obtain Builders Risk insurance - Certificate has been provided.

Obtain coat guard buoy and arrange transfer - Klewin will make arrangements to obtain buoy.

Erect protective site fence - A temporary fence is in place (2/16/02).

Contract with vendor and remove unsuitable soils - This item has been completed.

Construction start - Letter to proceed was distributed to Klewin.

Complete residential construction documents for bidding - Design development documents was in progress and construction documents to be completed January 20, 2003.

Complete Maritime Aquarium ticket office for bidding - Schematic documents have been developed and design development documents to commence. Preliminary budget estimate is required by 1/10/03.

Complete parking ticket operation desk layout and operation with parking operator - Design development documents have been developed and a meeting with the operator is required.

Construction schedule - Update schedule to coincide with start of the work.

DISCUSSION - PARKING FACILITY STATUS REPORTS - PARKING AUTHORITY MEMBERS

This item was not discussed.

FOR INFORMATIONAL PURPOSES: PARKING PLAN FOR THE DIRECTOR'S VIEW FILM FESTIVAL ON FEBRUARY 13, 2003.

Ms. Herbert distributed these items for the members' reading.

ACTION ON ANY DISCUSSION ITEM DISCUSSED HEREIN.

These actions were noted above.

NEXT MEETING: WEDNESDAY JANUARY 22, 2002

The meeting was adjourned at 10:30 pm.

Respectfully submitted,

Gerda Adonis
Telesco Secretarial Services