PARKING AUTHORITY MINUTES

November 20, 2002

ATTENDANCE: Urban Mulvehill, Chairman; Stephen Bentkover, Troy Jellerette, Amy Jimenez, Bob Keyes (new committee member)

STAFF: Martin Overton, Public Works; Jack Miller, Finance Department Kathryn Hebert, Ann Twomey

CALL TO ORDER

The Chairman called the meeting to order at 8:05 p.m.

Mr. Mulvehill introduced and welcomed the new Parking Authority committee member Robert Keyes.

APPROVAL OF MINUTES - OCTOBER 23, 2002

Correction(s)
Page 5 - 5th paragraph from the top where it reads THE CHAIRMAN MOVED TO AUTHORIZE THE PARKING AUTHORITY TO CHANGE THE BOOT/TOW NOTICING POLICY**should read** THE CHAIRMAN MOVED TO AUTHORIZE THE PARKING AUTHORITY TO AUTHORIZE THE BOOT/TOW NOTICING POLICY

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

DISCUSSION - STATUS OF MARITIME GARAGE PROJECT

Mr. Overton distributed the Maritime Garage Project Milestones prepared by Mr. Cavello who works for the private developer. He reviewed the items as follows:

1. not done yet
2. done
3. done - but the insurance has not been posted i.e., the certificate has not been provided

Mr. Jellerette asked if the fences were put up yet. Mr. Overton said there are fences around the hulls; there is a traffic plan that calls for the fence to run down the road. He said the asphalt plant is closed up the second week of December and if it were closed before they need to begin work they would use a cold material and keep repairing.

Mr. Jellerette asked why it was contaminated. Mr. Overton said there was a little fuel oil.

Mr. Mulvehill noted the contract has been signed for Spiniker.

Mr. Overton continued to review the milestones:
4. same surveyor that Spinaker used for the site but they have not been retained yet
5. the architects and engineers under contract needs to be transferred so the Parking Authority is the signer, when this is done the documents get attached to the contract
6. a part of the garage would remain on state property and there is a process that includes the Attorney General's office but this may take four weeks
Mr. Mulvehill said the City of Norwalk owns the property but he has not seen anything that says the Parking Authority could authorize the garage. Mr. Overton said there should be something in their lease and it should be a standard process noting that this type of situation is expected to happen more than once.

7. parcel #3 is a piece of property along the river that Spinaker would build housing; it was deeded to the city for $1.00 and there is a billboard on the property and because they need the deed from the state and DOT for the property behind the garage there is a question of granting the easement.
Ms. Jimenez asked if the billboard intrudes. Mr. Overton said it's a big noticeable billboard situated at the northbound ramp at Exit-15. He said the bottom line is "quid pro quo" to grant the easement and then they get the deed. He further noted there are still conflicts with the drawings.

8. because the deed has not been approved the DECD cannot approve the plans, they have $1.3 million in the project so they could spend up to $11 million without getting close to their money but the monies they need to build, will require their approval.
Mr. Miller commented that according to the bond program they couldn't request the money without completing the work. He said if the project is completed and the money has not been approved it could be a problem.

Mr. Overton noted that the first bond commission meeting they could have gotten on would be in January. Ms. Jimenez asked if they meet year round. Mr. Overton said they meet the last week in the month.

Mr. Overton said there would be a period of time in March where they would be spending $1 million per month but they would know where the cash flow runs ahead of time.

Mr. Miller asked if the financial projections bear any costs and he noted that all that has been done so far is based on financing the other pieces.

Mr. Overton said they were not expecting DECD approval for the packages they currently have because they are not firmed up yet.

Ms. Jimenez asked if in discussions with the bonding authority, how does the Parking Authority have some sense of receiving the bonding. Mr. Miller said the city also is concerned about this; he said he is awaiting information from the Governor's office but

he has heard from the Mayor's and Redevelopment Office there is complete confidence it would be approved.

Ms. Jimenez asked at what point in the projection is the $1.3 million necessary. Mr. Overton said at the streetscape work.

Mr. Miller said they have the authorization for financing of approving a bridge wall that is included in the $1.3 million.

Mr. Overton said they have authorization to pay the contractor and they can't default on that.

Mr. Bentkover asked if having the $1.3 million by next year is reasonable. Mr. Overton said they need the money in place before acting on the bond issues; there's a gap between authorization and spending the money.

Ms. Jimenez asked if realistically this would be in six or seven months. Mr. Overton agreed it would probably be by June.

Mr. Jellerette said the funds are budgeted from the state and he asked if there was any chance it wouldn't be approved. Mr. Miller replied it has already been approved by the state. Mr. Overton added it's not likely it would be cut back.

Ms. Jimenez asked what it is attached to. Mr. Miller said the general assembly approved a larger grant for the Reed Putnam project and this is a piece of the money, they are now waiting for the next draw down of the $1.3 million. He said the stated has a keen interest in the project because they would reap a bigger tax revenue than the city would.

Mr. Overton further continued to review the milestones:

9. it was noted this item would be deferred until item 5 on the agenda was discussed
10. code report not available yet
Mr. Overton said there is a separate review of the engineering drawings and its in two parts.

Mr. Miller asked if the building inspection fee is within the GMP envelope. Mr. Overton said yes.

Ms. Jimenez asked if they could request a waiver. Mr. Miller restated the GMP is already included in the contract.

Mr. Overton noted there is a building permit for the base structure and another one for the spaces.

11. the city takes out the policy only to insure them, its considered a soft cost and protects the structure against fires etc.

Mr. Mulvehill mentioned a parking garage that collapsed in Maryland. Mr. Overton acknowledged he wasn't aware of this but he stated there are many systems in place to try to assure all safety measures are taken in conjunction with the structural engineer who tests and signs off on the building.

12. all paper in place and needs to be picked up
13. done
14. skipped through 17 (see comments below)
18. no information on the ticket area but he has a verbal from the architect stating if they need to move quickly they could hire Binefield

Mr. Mulvehill asked who is paying for this. Mr. Miller explained they have loaned money to the Maritime for other projects and they have repaid two loans; they are repaying based on a 10-year schedule. He suggested to the Mayor to extend the current loan to allow them to pick up $200k so their current level of repayment would remain the same.

Mr. Mulvehill asked if they could get a CO-Certificate of Occupancy even if the project is unfinished. Mr. Overton said they could but contractually they shouldn't.

· Mr. Overton returned to items 14 through 17 of the milestones and said all were done. He noted there would be two complete phase II site assessments using two different vendors.

Mr. Overton went on to say they have the GMP for the construction manager and it includes all his bids, they verified the bidders are acceptable and if there is no objection, the first three contracts that would be opened would be for:
· Site work
· Pre-cast concrete
He noted this is costing $7.3 million and this amount came within the budgeted cost.

Ms. Jimenez asked if there were any bidders that were found to be unacceptable to the city. Mr. Overton said none were unacceptable; bids were submitted by public response advertisement and the city has the option to accept the bid or not. Mr. Overton said if it was found a contractor had any kind of disparaging factors they were not satisfied with, they would be asked to explain these factors.

Ms. Jimenez asked the number out of the packages that were asked to bid. Mr. Overton said they were invited by letter and he has seen the bidders but again there is no one unacceptable.

Mr. Bentkover noted they couldn't look at the bid analysis until the contract is complete.

AUTHORIZE THE CHAIRMAN OF THE NORWALK PARKING AUTHORITY, URBAN MULVEHILL, TO EXECUTE AN AGREEMENT WITH SPECIAL

TESTING LABORATORIES, INC. TO PROVIDE SPECIAL INSPECTION AND TESTING SERVICES IN CONNECTION WITH THE CONSTRUCTION OF THE MARITIME GARAGE AND ASSOCIATED PRIVATE DEVELOPMENT AND PUBLIC IMPROVEMENTS FOR A SUM NOT TO EXCEED $67,000
Account No. 09 01 0910 5777 CO205

Mr. Mulvehill noted he was concerned about the special testing costs. He asked about the soft costs not part of the GMP that is a $40k item for inspections. He said that after reviewing it he was uncertain if this covered all testing or just portions. Mr. Overton referred to the statement of "special inspections" that is inclusive of the inspections as outlined where testing is required to verify the inspection by the process as indicated. Further review of inspections considered special tests was discussed further:
Mr. Bentkover asked why this wasn't put into the original budget. Mr. Overton said it was.

Mr. Mulvehill further questioned the other costs for testing. Mr. Overton said there contractor does not test his own work.
Mr. Mulvehill asked the difference between special tests and all the other tests. Mr. Overton replied they are all considered special tests.

Mr. Mulvehill asked for an explanation of costs. Mr. Overton reviewed certain areas of the various testing and explained accordingly. For example: he explained the water gauge process and how it is checked.
Mr. Mulvehill took some more time to ask for an explanation on the special testing process pointing out specific areas and why some appeared to be special tests vs. other type tests.

Mr. Jellerette asked why five other companies didn't come back and bid like the other contractors. Mr. Overton said they didn't. He reviewed and read responses from some of the bidders where one of them didn't outline the reimbursables.

The discussion returned to the topic of the special tests regarding the percentage that would be truly
allocated to testing. Mr. Miller noted they couldn't exceed the project authorization. Mr. Overton added there has been a thorough review of all the tests overall.

**** MR. BENTKOVER MADE A MOTION AUTHORIZE THE CHAIRMAN OF THE NORWALK PARKING AUTHORITY, URBAN MULVEHILL, TO EXECUTE AN AGREEMENT WITH SPECIAL TESTING LABORATORIES, INC. TO PROVIDE SPECIAL INSPECTION AND TESTING SERVICES IN CONNECTION WITH THE CONSTRUCTION OF THE MARITIME GARAGE AND ASSOCIATED PRIVATE DEVELOPMENT AND PUBLIC IMPROVEMENTS FOR A SUM NOT TO EXCEED $67,000**
Account No. 09 01 0910 5777 CO205
**** MOTION PASSED WITH FOUR VOTES IN FAVOR AND ONE ABSTENTION (MR. KEYES)**

***It was noted for the record that out of the total authorized amount as to the private portion tested, all would be reimbursed.**

DISCUSSION - OPERATING/CAPITAL BUDGETS

Mr. Overton stated he didn't have much to report other than in the past years, the city has always shown big projects. He said if it is not the operation of the Parking Authority, showing the project for the next five years should be done next. He described another project when Amber Jacks was at the development community it was expressed they would like the city to participate in a public private partnership to develop more commercial space. He said there is a portion in back that could be developed.

Mr. Mulvehill asked if something is proposed for the back part of the space. Mr. Overton said yes and he referenced another property with old brick building structures. Mr. Mulvehill noted he assumes the Mayor and Redevelopment Agency has a sense of what is needed in this area. Mr. Overton agreed.

Ms. Hebert added that she spoke to Nick Patella who is coming up with a plan.

Ms. Jimenez noted there is a proposal to go to the Mayor regarding this.

Mr. Miller said it comes to him and the Mayor to tie into the Parking Authority; he felt it was premature to discuss this matter now noting that it was only on the agenda to let the committee know it is coming.

Ms. Jimenez said the proposal has tremendous potential for Norwalk noting that if there is so much private interest, perhaps they don't need the city. She said as it goes out, she hopes they would look at a project hat would generate more substantial income for the city.

Mr. Overton said the Mayor was approached by the SoNo Business Association and they have a broader agenda in asking how it fits in with the project, so they need to look at how the dynamics may be changed. Mr. Mulvehilll agreed the overall development would steer the dynamics and would be appropriate to look at it from a planning perspective. He said there is a resurgence of trying to improve the area and determining what is needed would dictate this.

Mr. Overton said once the place is made more attractive there is a continuous process of further improvements in other surrounding areas.

Ms. Jimenez asked if the capital budget was rolled forward. Mr. Overton replied it's a continuum.

Mr. Mulvehill asked if they had any sense of a short or long term solution for parking buses. Mr. Overton commented the land behind Maritime is so valuable.
Further discussion ensued regarding the bus issue.

Mr. Mulvehill asked if they could say the Parking Authority would be glad to address the parking component and participate as a service entity.

Mr. Bentkover asked if the issue of the spaces needed should be taken up by the Parking Authority i.e., should they address the current need or growth need say in two or three years. Mr. Overton said the need was directly related to land use and they can't really go beyond this. Mr. Mulvehill noted it's already a projection based on a certain square footage of space.

Ms. Jimenez noted the master plan is key and needs to be considered in determining the priorities to be addressed.

Mr. Mulvehill reiterated they should let the Mayor know they are available.

Mr. Miller briefed the committee on the operating budget as follows:
§ He said expenditures are being looked at and they are looking at a lease bond to finance the core of the costs at $7.7 million.
§ They will put off any principal payment until FY-05 so they should have monies that could be left alone for a while.
§ He stated they are using the lease bond structure to obtain insurance. They had changes to the ordinance to make it clear the Parking Authority had the authority to issue bonds.
§ The city would have to show an appropriation to pay the bonds, for example: the facility generates $600k of the net revenue and this portion goes into a fund to cover debt payments.
Mr. Miller stated the bond counsel would come in to apprise the committee of the details.

Mr. Miller further reviewed and said the insured has informed them of their requirements to secure their position; this had to be worked out with Spinaker's attorney and the city council and he expects they would have the final proposal on the lease and authorizations for finance, noting these items would be expedited as quickly as possible.
Mr. Mulvehill noted that whenever he is ready he should let the committee know.

Mr. Miller stated the other issue was concerning the sale of parcel-3 and how to undertake the financing, but there is some question of it being tax exempt and this needs to be discussed further. He said the contract doesn't take affect until the garage is finished.

Mr. Mulvehill asked for an explanation of this information. Mr. Miller explained they are trying to figure out how to make the garage tax exempt and it is contained in the Tax Act that it has to be used for private purpose and if it is certain tax rules apply.

Mr. Mulvehill asked what this meant in essence. Mr. Miller said they need only to finance the $7.7 million of the long-term bonds and the balance comes from the balance of land and state grant.

Mr. Mulvehill asked when the closing the sale of the land takes place. Mr. Miller said 60-days after completion, noting they would not be bought until then.

Mr. Miller summed up that financing may be put together and structured so they don't incur any financing costs in FY-04; the budget would generate some revenue and there may even be some excess left. He stated they are looking to plan all so when the debt is absorbed its on a local debt basis.

Mr. Miller further mentioned the deficit projected in that what was expected vs. what it actually may be differs.

There was some discussion on the fee structure. Ms. Hebert said they have the current rated for the temporary lot.
It was suggested that one option would be to have a discounted fee program i.e., the Maritime Aquarium would market to the customer to project the idea that if they are a customer, they get a discounted fee.

It was decided that December 18 would be a good target date for Mr. Miller to update on:
· The lease agreement
· The resolution
· Parking fees
· The bond writer representative would be present form the counsel

Ms. Hebert asked if they could meet earlier on December 18 possibly at 7:30 p.m. The Chairman and all the members agreed. She then asked if this could be the scheduled time for all future meetings. All agreed.

INFORMATIONAL PURPOSES

· Film Festival
Ms. Hebert spoke about the Film Festival and said it was planned for February 13, 2003 and the SoNo Business Association would have a parking plan they will present.

· Amnesty Program - no discussion, requested that committee members read the letter from the Mayor regarding this program
· Meeting Schedule - as discussed above
· Articles of Interest - none

OTHER DISCUSSION

§ Mr. Bentkover mentioned the Wall Street lot and he suggested limiting it to 15 spaces to pick up 10 more spaces, but they need to determine if they should keep permanent parking. It was noted this item would be on the next agenda.

§ Ms. Hebert said she asked the structural engineer to come up with a capital budget for the Yankee Doodle Garage because it is 35 years old and she thought improvements for this should go in the capital budget before something happened.
Mr. Mulvehill asked if the fire department cleaning would be addressed. Ms. Hebert said she would inquire about this.

§ Ms. Hebert asked for a volunteer to put together a website for a link to the Parking Authority. Mr. Bentkover said he could refer someone to assist with this.

ADJOURNMENT

**** MR. MULVEHILL MADE A MOTION TO ADJOURN**
**** MOTION PASSED UNANIMOUSLY**

The meeting was adjourned at 10:15 p.m.

Respectfully submitted by,

Diane Graham
Telesco Secretarial Services