PARKING AUTHORITY MINUTES

AUGUST 27, 2003

ATTENDANCE: Urban Mulvehill, Chairman; Stephen Bentkover; Troy Jellerette; Burt Shatz.

STAFF: Ed Schmidt, Assistant to the Mayor; Kathryn Hebert and Martin Overton, DPW.

OTHERS: Luis Garcia; Robert Cavello, Westview Group, LLC.; Norman Goldman, Desmond & Associates; Robert Lux, Klewin Building Company; Robert Hoffman, Diversified Technologies; Kim Walkway, Maritime Place LLC; Robert Koch, The Norwalk Hour;

CALL TO ORDER

Chairman Mulvehill called the meeting to order at 7:40 p.m. and introduced Mr. Luis Garcia, approved by the Common Council on July 31, 2003 to become the newest member of the Authority.

Mr. Garcia said that he was born in South American but has proudly lived in Norwalk for the past 33 years. A graduate of Syracuse University, Mr. Garcia said that he received his architectural degree 20 years ago and has been a licensed architect for 13 years. He said that he was interested in joining the Authority because with his background he felt certain that his expertise would be helpful to the Authority in their decision-making processes.

Mr. Schmidt said that the City Clerk or Assistant City Clerk would need to swear Mr. Garcia in before he would be able to vote as a member of the Authority.

APPROVAL OF MINUTES

July 22, 2003

The following corrections were made:

On page 1, the spelling of Mr. Bentkover's first name should be changed to "Stephen" from "Steven."

On page 2, Cluster 2A, second to last sentence: "400" should be changed to "many."

On page 5, delete the sentence "Mr. Bentkover mentioned the amount of voided tickets due to defective meters" which appears after the first paragraph.

**** MR. BENTKOVER MOVED TO ACCEPT THE MINUTES OF JULY 22, 2003 AS CORRECTED.**
**** MOTION PASSED UNANIMOUSLY.**

DISCUSSION - MARITIME GARAGE CONSTRUCTION PROJECT

As Project Manager, Mr. Cavello provided a status update on the construction project at Maritime Garage. He said that the project this is 65% - 70% complete and everything is moving along well in the field. Work will begin at North Water Street by the end of the month. They are waiting for steel and fabrication. New trades - masonry and concrete block - are on site. The electrical is progressing under ground. The window and wall systems are expected to be delivered on September 15 and 25. Roofers worked on Towers II and III. Otis Elevator is on site waiting for the Stairs to be moved out of Tower I. Mr. Cavello said that weather permitting, changing of the roads will begin at the end of September or early October. It is expected that a temporary Certificate of Occupancy for a portion of the Garage wall be ready by November 25. He said that the issues are being worked out, one by one. Test pits have been installed along Marshall Street for the underground utilities. The storm sewer has been connected. Curbing, part of the site work package, still needs to be installed; Mr. Overton said that this will cause a slight disruption in traffic flow on Marshall Street because of its configuration.

Mr. Overton said that as in the past, some of the work operations will be split up due to the upcoming inclement weather months.

Mr. Shatz asked about the signage. Mr. Cavello said that the signage package was sent to the Authority members on August 1 and only Mr. Jellerette responded. The members discussed the colors for the scheme and the type face and height of the lettering that will be used. Mr. Goldman said that the floors of the parking garage have been color coded for pedestrian and vehicular traffic, and they will match the paint strip numbers in the elevator lobby and stairwell. Mr. Cavello said that the signs will be made of galvanized metal and the letters, made of aluminum with acrylic, will be applied to the metal. Mr. Shatz remembered the problem encountered during construction of the Yankee Doodle Garage. Mr. Cavello said that the garage is sample and in his opinion the signage is sophisticated so there should be no problem.

Mr. Bentkover asked about speed bumps inside the garage. Mr. Overton said that there were no plans to install speed bumps since it was thought they cause tripping. Mr. Bentkover thought the garage was too long not to have speed bumps. Mr. Shatz agreed that there should be some way to limit speed within the garage. Mr. Overton said that if the Authority wanted speed bumps installed there would be an additional cost which would need to be reviewed. He said that he would bring this information to the next meeting.

Mr. Bentkover asked if the ticket machine had been purchased. Mr. Overton said that the specs were included in the bid package. Mr. Goldman explained how the ticket machine would operate on entry and exit from the garage. The card with a magnetic strip on it was highly complex and would allow information to be fed back into a computer system for catalog and tracking purposes, and provide a printout of revenue generated. He said that the system is currently in use, successfully, at the Morgan Street Garage in Hartford.

AMENDMENT TO AGREEMENT WITH KLEWIN BUILDING COMPANY

Mr. Overton spoke about the $337,045 increase in the GMP for improvements to the parking garage. The reason for the increase was due to change orders for electrical. The private portion of $215,000+ was for the ticket area fit-out and the FF&E which included millwork, computer cabinets, etc. He said that by resolution, the Common Council approved $250,000 to be added to the Aquarium's existing debt to the City. The increase was above and beyond the scope of what Klewin Building was asked to perform. Mr. Cavello said that this is not part of the GMP. Mr. Schmidt said that the additional $250,000 is a loan being added to the current Aquarium debt. Chairman Mulvehill said that this is consistent with the Mayor's discussion on the subject. Mr. Overton said that the private portion is paid for by Maritime Place LLC.

**** MR. BENTKOVER MOVED TO AUTHORIZE THE NORWALK PARKING AUTHORITY, ACTING BY AND THROUGH ITS CHAIRMAN, URBAN MULVEHILL, TO EXECUTE AN AMENDMENT TO THE AGREEMENT WITH KLEWIN BUILDING COMPANY FOR CONSTRUCTION MANAGEMENT SERVICES, AS CONSTRUCTOR OF THE MARITIME PARKING GARAGE AND TO INCREASE THE GUARANTEED MAXIMUM PRICE (GMP) FOR IMPROVEMENTS FOR THE MARITIME PARKING GARAGE FROM $13,550,057 (PUBLIC GMP $11,557,740; PRIVATE GMP $1,992,317) TO $13,887,102 (AN INCREASE OF $337,045). THIS INCLUDES A PUBLIC PORTION OF $215,315 FOR THE MARITIME TICKET AREA FIT-OUT AND FF&E AND PRIVATE PORTION OF $121,730.**
**** MOTION PASSED UNANIMOUSLY.**

AMENDMENT TO THE DEVELOPER AGREEMENT

Mr. Overton introduced Mr. Robert Lux, Project Executive with Klewin, and said that they are doing a fabulous job. Mr. Overton said that within the contract there is a contingency for the public portion. In the contract documents there are savings of approximately $275,000 that will accrue into the contingency. However, this amount does not include what was not part of the original agreement. Mr. Overton said that if the drawings are changed for good reason, and this results in an increase in the cost, the contingency is used. If change orders are needed for what is not in the original scope, the contingency cannot be used. Mr. Bentkover asked if the Authority was informed of the changes that would be made. Mr. Shatz said that the changes were never dealt with as extras but rather expenditures. He didn't realize they were overages. Mr. Bentkover agreed, saying that there was no previous discussion dealing with change orders over and above the actual project costs. He felt as though the Authority had been led down a primrose path. Mr. Schmidt explained that as the project nears completion the contingency reduces. He said that the $275,000 is governed by the contract between Klewin and the Parking Authority. He commented that it is nice to have a project be under budget as it progresses. Mr. Overton said that checks and balances are in place to control the flow of money.

Regarding costs associated with items on the change order list, Mr. Schmidt said that during previous meetings, the Authority discussed having an emergency security system in the garage, and this was part of the original specs. It was thought that two cameras would be sufficient but an additional one is now needed.

Mr. Robert Hoffman spoke about change estimate number 86 on the sheet of out of scope changes in the public project component. He said that design changes to the lighting and electrical panel board comprised the largest single change order charge. Upon a further review he made of the design drawings he realized that there was no emergency lighting. They are required by law to provide a safe means of ingress and egress and by omission were never put in the original project scope. Chairman Mulvehill said that if the emergency lighting was part of the original scope, the entire GMP would have been higher; there was no additional cost due to the error of omission. Mr. Jellerette asked if there was any profit built into the omission. Mr. Overton said that there wasn't but that a premium is paid if something that is necessary is discovered after the bid has gone out. He said that in an attempt to gain confidence, the designer was asked for a cost estimate and Klewin was asked to verify it. In addition, a third party peer review was sought. Mr. Lux said that the amount quoted by the supplier can be challenged if that is what the Authority wants. Mr. Schmidt said that there is no net net cost to the City if the change is handled in the way being presented. It is not considered an add-on to the City and in his opinion the price was fair. Mr. Bentkover said that it seemed that the City would be paying more for the cost of the omission. Mr. Overton said this was not true. Mr. Lux said that Klewin continues to meet with the electricians and some of the costs do decrease.

The Authority continued to discuss the meaning of the items on the change order sheets. Mr. Cavello said that bids were sent out at 85% of the documents. As the documents came closer to finalization, modifications were needed. These were brought to his attention at the end of May and the documents were developed in June. Work has been proceeding; the project needs to continue moving forward.

Mr. Overton talked about the design revisions. Mr. Kim Morque of Maritime Place LLC said that a structural design change was made not to have balconies on the building for aesthetic reasons. As a result, window systems needed to be changed but this actually resulted in a savings.

Mr. Overton said that a few other changes were made which will add significant benefit to the public sector. One of these was the addition of handicap push buttons at the entrance to the stairs.

Mr. Bentkover wondered in general, how much extra the project was going to cost since it was bid at 85% rather than 100%. Mr. Cavello said that the contingency reflects what he thought was needed at 85% completion. Mr. Overton said that Klewin competed against O & G Industries for the job. Mr. Schmidt urged everyone to keep the big picture in mind, saying the market was right at the time the plans were going out to bid. This can be proved by having the project come in within budget. He said that Klewin gave the City a competitive GMP and they were able to pay out trades for $275,000 which is less than what was anticipated. Trades were extremely competitive, and the project is moving quickly. It will be complete within 13 months. This was one of the reasons why the costs were so reasonable. Mr. Overton said that if everything goes as planned, about $72,000 should be able to be brought back. He said that a construction manager takes the risk for the contract on behalf of the City in getting the job completed. He has no obligation to pay for out of scope work from his contingency. There has to be a way to pay for change orders another way.

Mr. Schmidt said that the Authority could have a "sense of the meeting resolution," non-binding, where the Law Department is asked to draft proposed modifications of the contract to authorize up to $72,000 for additional design work. This would allow the money to be accessible for design purposes. If the Authority agreed that this was the sense of the meeting, the item would be placed on its next agenda for a formal vote. Mr. Overton said that this project, and others, could not go to the wire without a contingency. Every last dollar could not be allocated. There must be a buffer for the construction manager. If the money is not spent, it is returned. Mr. Schmidt asked how much money would be needed for the out of scope design work. Mr. Goldman said that he did not know. Accordingly, Mr. Schmidt thought that a special meeting should be scheduled to discuss this information further once more facts became available. Mr. Lux said that at present, the amount is approximately $338,000+. Mr. Overton said that what remains is underground and it is nearly impossible to be certain what will be found. Mr. Bentkover asked for further discussion of the cost calculations. Mr. Lux said that what is being sought is an increase in the total price with a contingency amount remaining the same. Mr. Schmidt said that it was important to note this would be a City contingency; under the existing contract it is an owner contingency. Mr. Overton said that the contractor cannot take the money home but it should be there in case he needs it.

Mr. Schmidt said that since this issue has just arisen it would be reasonable to ask the Finance Department to authorize the City to fund the contingency. The money will come from either the City's budget or the Parking Authority's budget. Mr. Bentkover asked to discuss the downside, saying that major problems could still be uncovered.

Mr. Lux said that electrical fixtures need to be ordered. The electrical contractor will have to be release an additional 1,500 man hours so that he is ready to staff up to complete the work on time. As such, there is a sense of urgency. Mr. Schmidt reiterated his earlier recommendation ...there should be a sense of the meeting that there will be an owner's contingency established in the amount of $338,000+ and that the Finance Department will be asked for its advice on financing and the Legal Department would be asked for their advice on the sense of the meeting. Once the information is available, a special meeting could be held to officially adopt the resolution. He added that the construction manager has done a good job and the City should have an equally respectful relationship to finish the job.

Chairman Mulvehill said that a special meeting would be scheduled for September 10th. He passed a sense of the meeting resolution that an owner's contingency will be established to cover the cost of out of scope changes that have been requested and incorporated into the project. The funds would cover out of scope changes from the existing contingency fund for the contractor on an ongoing basis. Further, the anticipated owner contingency should be in the amount of $336,861.61. The Authority members agreed.

Mr. Bentkover requested that the cost information about installation of speed bumps be made available at the special meeting.

STATE LEGISLATIVE CHANGES

Ms. Hebert said that there is a proposed ordinance change regarding payment of fines for parking violations. It was really a cash flow issue and not a big deal. She said that further information would be available at the Authority's Special Meeting set for September 10, 2003.

DISCUSSION - OPERATION PARKING FACILITIES

The Authority members entered Executive Session at 9:45 p.m. and reconvened into Public Session at 10:00 p.m.

The Authority discussed briefly the tasks and responsibilities of the DPW employees. Ms. Hebert said that there are sixty employees who handle maintenance at all of the City's parking facilities. Chairman Mulvehill said that there is discussion about privatization of some of the duties. He asked Ms. Hebert to have the DPW provide a monthly report by date, location and man-hours spent on each location, as well as a job description of what was done. Ms. Hebert said that there is a huge problem of garbage strewn all over the City and that hopefully with the new Litter Ordinance will help alleviate some of the problem. Ms. Hebert said that she had met with DPW, Parks and the Police Department to discuss these operations. There are miscellaneous newspaper flyers randomly scattered in the parking garages that are very difficult to pick up and that basically must be picked up manually at this point. She said that the Department is not allowed to hire summer or temporary help per a union contractual agreement. Over the last ten years the Department has lost about 40 positions.

ACTION ON ANY ITEM DISCUSSED HEREIN

There was no specific discussion on this agenda item.

NEXT PARKING AUTHORITY MEETING

A Special Meeting was scheduled for September 10, 2003; the next regular meeting of the Parking Authority was set for Wednesday, September 24, 2003 at 7:30 p.m. in the Public Works Conference Room.

As there was no further business to be discussed, the meeting was adjourned at 10:15 p.m.

Respectfully submitted,

Carol A. Wiggins for
Telesco Secretarial Services