

CITY OF BRIDGEPORT
CONTRACTS COMMITTEE

TUESDAY, MAY 10, 2011

6:00 P.M.

ATTENDANCE: Council members: Paoletto; Co-chair, M. McCarthy, Lyons

NON-COMMITTEE: Council President McCarthy (*sat in to make a quorum*)
Council member Walsh

CITY STAFF: E. Lavernoich, OPED; D. Norton, Director Finance

CITY ATTORNEY: Mark Anastasi

Co-chair Paoletto called the meeting to order at 6:15 pm.

Approval of Committee Minutes of April 12, 2011.

**** COUNCIL MEMBER M. McCARTHY MOVED TO ACCEPT THE MINUTES**
**** COUNCIL MEMBER T. McCARTHY SECONDED**
**** MOTION PASSED UNANIMOUSLY**

74-10 Proposed Sales and Leasing Agreement with AMS Real Estate,
LLC.

Mr. Lavernoich reviewed the resolution to authorize the Mayor to enter into a brokerage contract with (AMS Real Estate). He explained that the contract was initiated during the fall y Mike Feeney and then OPED took over. The contract is related to asset management and there were three (3) respondents. The selection committee consisted of: the Tax Assessor, the former Deputy CAO, Alana Kabel and Max Perez, OPED. The committee evaluated the three submissions based on criteria to determine relevant experience and then they were ranked – *he submitted the ranking sheet for review*. He

stated that a Bridgeport firm was eventually selected. They then brought the results to the Board of Estimates who evaluated the agreement and they thought it was satisfactory. He noted that the agreement isn't lengthy and it boils down to a 6% real estate commission for Mr. Frazinelli's firm.

Council member T. McCarthy asked if only three firms applied and only one Bridgeport real estate agency. Mr. Lavernoich said yes.

Council member M. McCarthy made a request to amend the resolution that after the 12-month initial engagement, he would like to add an option for the firm to enter into a third year agreement, i.e., a second 12-month extension. Mr. Lavernoich clarified that the request was to amend the resolution to include two, twelve month engagements. He stated that if the firm receives approval during the 12-month engagement, they will be eligible for the commission.

Council member Lyons asked when the RFQ went out. She questioned why there was only real estate agency that bid. Mr. Lavernoich said they advertised in the CT Post on October 3, 2010.

Council member M. McCarthy asked if AMS would have the option to co-broker to another agency. Mr. Lavernoich said yes. If they approve and close the transaction, then the firm will receive the commission. However, the city isn't responsible for paying a commission to the co-broker.

Council M. McCarthy questioned if the firm produced a buyer within the 12-month term and they didn't close until after they introduced the buyer; will there be a time limit on when they get paid. Mr. Lavernoich said they most likely will be paid when the buyer is produced.

Council member Walsh asked about the five or six properties that were listed in the RFQ. Mr. Lavernoich said the listing hasn't been finalized yet. He explained that each transaction will be presented to the city council first.

Council member Walsh asked when the transactions are presented, will they be free and clear and fully owned by the city, in terms of the title. He emphasized that he didn't want to hear about any of the properties having liens. Mr. Lavernoich said he believed it will be a property that the city owns without any dispute of ownership.

Council member Walsh asked Mr. Lavernoich if he had any insight as to why a property was selected without going out to RFQ. Mr. Lavernoich said they could still enter into development agreements with strings attached. However, they are also looking for quality capable parties and good development plans for the properties. He added that certain properties might not merit full RFP solicitations.

Council member M. McCarthy asked if the city can still chose to deal with another property. Mr. Lavernoich said they will be able to add additional properties to the list if they elect to do so.

Council member T. McCarthy stated that he liked the idea. However, he questioned if the party is on the list for a 12-month period without actual development taking place, what happens. Mr. Lavernoich said they would still pay the commission.

Council member Lyons stated that she had an issue with the limited number of real estate agents selected. She expressed that she didn't agree with the amendment that was suggested.

Council member M. McCarthy commented that there were many residential brokers, but there weren't that many commercial real estate brokers to choose from.

Council member Walsh questioned what role price will play when they get a potential buyer and attach strings. He wanted to know what will happen if the price goes down. Mr. Lavernoich said the broker will be motivated to get the highest price. And strings will possibly be proposed on the use. But the price will be a factor and the strings attached could potentially reduce the price.

Council member Walsh said he didn't have a problem with the concept; however, he felt the city gives up a lot. He said he would feel better if the city had room to negotiate, rather than leaving it to a real estate agent. He stressed that they should be careful going forward to avoid getting the short end of the stick. Mr. Lavernoich said they could ask for restrictions on the use and the time to complete a project. He said these were pertinent facts that could be brought before the city council.

Council member T. McCarthy stated that he would support the amendment as long as it's clear that the city could walk away without a 100% obligation. He said he doesn't want the city to incur any liability from walking away if the project isn't working out. City Attorney Anastasi clarified it would entail a mutual option that was agreed upon.

Mr. Lavernoich read how the amended resolution should read as follows: *"A 12-month engagement, which may be extended via mutual agreement for up to two (2) additional twelve month (12-month) periods; and..."*

Council member M. McCarthy stated that since the realtor is a Bridgeport based business, this weighed in his decision to support the amendment.

Council member Lyons asked the number of real estate agencies that bid in Bridgeport. Mr. Lavernoich said there were probably dozens and some were smaller firms. He said he wasn't sure if there were any larger firms in Bridgeport.

**** COUNCIL MEMBER M. McCARTHY MOVED TO AMEND THE RESOLUTION RE: "A 12-MONTH ENGAGEMENT, WHICH MAY BE EXTENDED VIA MUTUAL AGREEMENT FOR UP TO TWO (2) ADDITIONAL TWELVE MONTH (12-MONTH) PERIODS; AND...**

**** COUNCIL MEMBER T. McCARTHY SECONDED**

**** MOTION PASSED WITH THREE VOTES IN FAVOR AND ONE VOTE IN OPPOSITION (COUNCIL MEMBER LYONS)**

**** COUNCIL MEMBER M. McCARTHY MOVED TO APPROVE AS AMENDED**

**** COUNCIL MEMBER T. McCARTHY SECONDED**

**** MOTION PASSED WITH THREE VOTES IN FAVOR AND ONE VOTE IN OPPOSITION (COUNCIL MEMBER LYONS)**

***Not on consent calendar**

75-10 Parks Master Planning Services: MNB124105 (Professional Service Agreement) with Sasaki Associates, Inc.

Steve Laden approached the committee to present the item. He stated that he was there on behalf of Charles Carroll to request approval for the resolution to authorize the Mayor to enter into a contract for a citywide park system master plan. He said they put out to RFQ last April and thirteen (13) firms participated. The short list was five (5) firms. The selection committee consisted of: a representative from OPED; the Mayor's representative and a representative from the Parks Department. Among the selection committee, they interviewed thirteen firms, narrowed it down to five firms and Sasaki Associates Inc. was chosen. The purpose of the plan is to implement ways to expand open space, enhance existing parks and establish connections within the parks, by means of trails and paths. They are looking to get the plan done within six months. He commented that he was excited to have a firm of this caliber provide better services for the city.

Council member Walsh asked the amount of the contract. Mr. Laden said the cost was \$278k.

Council member Walsh stated that the same firm conducted a study of the Pequonnock River and nothing was ever done as a result of the study. Mr. Laden said that study involved developing a plan for the city's riverfront, but it didn't specify a definite plan. However, other measures were taken, such as identifying the clean up of pollutants in the river.

Mr. Laden stated that part of an earlier task was to conduct an inventory of the parks and assess the operational costs to find gaps and ways to increase services and to City of Bridgeport

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make savings for those operationals. He clarified that they were looking for projects that can be implemented, as well as action items to better service residents for each park. He said they weren't looking to build extravagantly, they are looking to build what is affordable.

Council member Lyons asked out of the thirteen firms reviewed, did each one give a description of what they could accommodate in the RFQ process. Mr. Laden said the RFQ outlined the request for qualifications and other municipal parks they've done. They looked for backgrounds to determine how they were successful in other municipalities and how they will conduct a park plan. He noted that some of the respondents provided information on greenways. Overall, the firms answered to the specific needs requested.

Council member T. McCarthy asked where the funds for the study were coming from. Mr. Laden said it would come out of the capital fund.

**** COUNCIL MEMBER T. McCARTHY MOVED TO APPROVE**
**** COUNCIL MEMBER M. McCARTHY SECONDED**
**** MOTION PASSED UNANIMOUSLY**
***Consent calendar**

79-10 Proposed Amendment to the current Agreement between the Town of Stratford and The City of Bridgeport and their respective Water Pollution Control Authorities.

City Attorney Anastasi stated the chairperson of the WPCA was present and other representatives to address this item. *He referred to page 2 of the cover letter and he read the wording that was included.* He further referred to the 2-page document and he stated that in order to accommodate this particular property to tie into the Bridgeport system. He said right now, they have similar agreements for properties on the Bridgeport side to flow into our neighbor's system. He said it made engineering sense not to separate the flow patterns. The information also outlined ability to expand the service agreement, as long as it's done in writing with the committee's approval. He further noted that there were engineering problems to be discussed, which consisted of a 7500 sq. ft. property development that can tie into the Stratford system. He said it would be prohibitively expensive to dig up road etc. to allow the tie in. He went on to recall the motion that was made by the WPCA to agree on specific language that is acceptable to the committee and city council.

Co-chair Paoletto asked which development at Big Y he was referring to. Attorney Anastasi said it was the property 800 feet down on the right.

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Bob Camillo, principal of OWI Contractors, of General Contractors Construction Managers explained that when he went to the Town of Stratford to get a permit, he realized that the manhole didn't belong to Stratford, it belonged to the Town of Trumbull and didn't tie into Bridgeport's system.

Council member T. McCarthy asked what type of development was proposed. Mr. Camillo said the property is owned by Dr. Marcill Herball who will occupy the second floor of the facility and the lower level will be sublet to Dr. Tony Masco and optometrist; it will be strictly medical.

Council member T. McCarthy questioned because of the inconvenience and engineering issues, will some of Stratford's system run into Bridgeport's system. Mr. Camillo said more discharge is going into Bridgeport and Trumbull's system than Stratford's system. So there's basically no drainage coming from the building. He said the City of Bridgeport will receive the revenue for the sewers. Attorney Anastasi commented that Bridgeport WPCA is an enterprise.

Council member T. McCarthy questioned why they should support another development on our border without Bridgeport benefiting. Mr. Camillo said the property doesn't border Bridgeport, it borders Trumbull and the sewer system belongs to Trumbull. He explained that no one can figure out where the line is. He stressed that they are just looking to tie into the system.

Co-chair Paoletto emphasized that he thought they were doing them a favor by letting them tie into our system.

Council member M. McCarthy asked if the proposed tie in was 30 feet from the property line and will flow to exactly the same location that is 800 feet down the road. Mr. Camillo said it will tie into a combination sewer.

Council member M. McCarthy asked if this would be setting a precedent. Attorney Anastasi said the Stratford line doesn't flow to the Stratford treatment plant, it flows to the Bridgeport plant. He clarified that he will ascertain that they aren't creating any undue precedent. He thought the situation was a standalone item and the key piece would be the flow to Bridgeport, which entails technical information.

Council member M. McCarthy asked if a possible in-kind gesture be offered on behalf of the Town of Stratford for allowing the tie in; such as a reasonable amount contributed to the Bridgeport Parks Department or a children's program. Mr. Camillo said he could check into it. He noted that he doubted his client would have a problem with that.

Co-chair Paoletto said he would be comfortable with a monetary contribution to the Bridgeport Parks Department.

Council member Walsh asked if he had a ball park figure if they had to drill to accommodate what needs to be done. Mr. Camillo said it has to be line drilled and blasted at a cost in the six figures. He made it clear that he wasn't there for any financial gain. He recalled an incident in the past where they encountered problems tying into Bridgeport's system. He further expressed that he understood their concerns and he strongly stated that this wasn't a political issue.

Council member Lyons stressed that the point wasn't political and had to do with the fact that when people come to Bridgeport for a request, Bridgeport doesn't always benefit. She stated that she took offense to his remark about this being a political issue.

Attorney Anastasi stated that if this was a long term drilling project, they could impede traffic and disrupt commerce.

Council member Walsh disagreed that Bridgeport wasn't doing Stratford a favor. He felt that Bridgeport should at least be accommodated by 1-mill.

Attorney Anastasi stated that he wanted to talk to the WPCA's attorney Glenn Centaur to discuss the valid issues that came up tonight. He reiterated that he wanted to assure there is no disruption to the residents and he noted that the project is 90% complete.

Co-chair Paoletto said he couldn't fathom how the problem was missed all these years to get the project going. Mr. Camillo said there was development going on in the area and when this project was designed, it reflected where the tie in was, there wasn't any design error. The information just showed the manhole tie up and to get the permit to do the work.

Council member T. McCarthy suggested that the item be tabled to obtain more information and then have Mr. Camillo return to address the committee.

Mr. Camillo asked how much time would be needed. He stated that he was ready to hand the keys over so he could get paid. Council member Lyons responded that those were his problems, not the committee's.

Council member T. McCarthy explained that the item was added to the agenda to address the issue and the city council accommodated the matter in a rushed manner.

Council member T. McCarthy recapped the committee's request for additional information as follows: 1) Mr. Camillo should go back and talk to the owner about equity

sharing to Bridgeport 2) City Attorney Anastasi will advise the committee with information from the WPCA attorney, in terms of any potential problems with the Town of Trumbull combined WPCA and question the specifics 3) City Attorney Anastasi will find out what impact the project will have with ongoing discussions with the Town of Stratford in terms of regionalization 4) Assure that they aren't inappropriately changing the terms of the project with the City of Bridgeport 5) What the Town of Trumbull is paying the Town of Stratford for taxes. He believed the answers to these questions could be turned around within a week.

**** COUNCIL MEMBER T. McCARTHY MOVED TO TABLE
** COUNCIL MEMBER LYONS SECONDED
** MOTION PASSED UNANIMOUSLY**

ADJOURNMENT

**** COUNCIL T. McCARTHY MOVED TO ADJOURN
** COUNCIL LYONS SECONDED
** MOTION PASSED UNANIMOUSLY**

The meeting adjourned at 7:35 pm.

Respectfully submitted,

Diane Graham
Telesco Secretarial Services