

MINUTES OF THE REGULAR MEETING
CITY OF STAMFORD, CONNECTICUT
URBAN REDEVELOPMENT COMMISSION
THURSDAY, APRIL 8, 2004

1. At 6:00M, Chairman Stephen C. Osman called the regular meeting to order. The following were in attendance:

Commissioners:

Stephen C. Osman, Chairman
James I. Nixon, Vice Chairman
Joel P. Mellis, Secretary/Treasurer
Neal M. Jewell
Edward J. Fuhrman

Staff:

Laszlo Papp, Executive Director
Rachel Goldberg, General Counsel
Durelle Alexander

2. Approval of Minutes

- (a) **February 11, 2004 Regular Meeting** - Commissioner Mellis made a motion to approve the minutes. The motion was seconded by Commissioner Jewell and carried. Commissioner Fuhrman abstained.
- (b) **March 15, 2004 Special Meeting** – Commissioner Fuhrman made a motion to approve the minutes. The motion was seconded by Commissioner Nixon and carried. Commissioner Jewell abstained.
- (c) **March 31, 2004 Special Meeting** – Commissioner Mellis made a motion to approve the minutes. The motion was seconded by Commissioner Jewell and carried. Commissioners Osman and Nixon abstained.

3. Announcements

None.

4. Correspondence

None.

5. Mill River Corridor

- (a) **River House Project Approval/Zoning Board Referral** – Attorney Goldberg reported that in accordance with Stamford Zoning Board regulations, River House filed its application for: (i) approval of site plans and/or requested uses at 35-49 West Broad Street and (ii) for a change in the Zoning Map from R-5/C-N to MRD. The Zoning Board, pursuant to the MRD regulation in the Stamford Zoning regulations, has referred applications to the Urban Redevelopment Commission for an Advisory Report. It was noted that the amendment to the Mill River Corridor Project Plan was approved on the Board of Representative's consent agenda at its April 7th meeting; further, that a public hearing has been tentatively scheduled by the Zoning Board for April 19, 2004.

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River House Principal Paxton Kinol distributed a copy of the new artist's rendering to show the modifications/corrections and exactly what is being built along with a copy of their landscape master plan (copies attached as part of these official minutes). Mr. Kinol said, "We plan to close on the land in June, remediate the site from the end of June through August, and hopefully break ground in mid-August of this year." Commissioner Fuhrman thanked the developers saying "they had been highly responsive to the URC's requests and now have a project that looks terrific." Following discussion, Commissioner Mellis made a motion to instruct the Executive Director to prepare an Advisory Report for the Zoning Board that recommends approval as of this date (April 8, 2004). The motion was seconded by Commissioner Jewell and carried unanimously.

Commissioner Nixon asked the developers if they had given any thought to their Percent for Art Program. The redevelopers said they were unaware of the policy and would review it with their Planning Consultant Rick Redniss before reporting back to the Commission.

6 Southeast Quadrant

(a) **Park Square West** – No report at this time.

(b) **Parking Garage & Demolition** – No report at this time.

(c) **Review of Proposals for Professional Services/Design Bid** - It was noted that at the last Commission meeting, the Executive Director was asked to review the pros and cons of the design/build concept versus more traditional methods. Executive Director Papp responded, "There are three approaches to consider: (i) design/build, which we were originally trying to institute; (ii) design & construction manager, in which case you would add to the professional design team a construction manager and, side by side with the engineers, the construction manager would come on board during the design process and at the end, the construction manager would propose a not-to-exceed upset price; and, (iii) the conventional approach – design/bid: complete the design, put it out to bid, select the contractor based on the bids. Each of these has some advantages and if we were a private enterprise and had the money available, I would probably recommend the design & construction manager approach. However, both that and the design/bid process would require a much higher initial commitment of fees than the design/build process because you would have to contract for the entire design process from schematic to working drawings in advance of the bonds being sold." Chairman Osman asked, "What would be the benefit of the construction manager approach?" Executive Director Papp responded, "The benefit of the construction manager is that the construction professional is on your team from day one working with you all the time. I don't think this process would take much more time. The design/bid, however, would take considerably more time. The design/build and the design & construction manager would not be substantially different in time. The big difference is money ... the exposure in money." Commissioner Fuhrman asked, "Is there an opportunity to offset the issues you're describing? Is it characteristic that you hire somebody to provide a separate set of eyes to assure things are being done in our best interest and managed carefully?" Attorney Goldberg responded, "That's one of the things the engineers do. Both LZA and Desman have these activities included this in their proposals – making sure that the Design/Build RFP proposals comply with our bidding requirements."

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Chairman Osman added, "Our Executive Director is a very highly qualified architect who can also help us to provide a service this office would not normally have." Executive Director Papp said, "I am quite confident that either of the two applicants for professional services will work with us and we will be able to control the process." Discussion continued. It was the sense of the Board, following recommendations by both the Executive Director and General Counsel, that the design/build process is the approach the Commission would like to pursue.

Commissioners Osman and Nixon recused themselves from further discussion re: agenda item 6(c). At 6:50PM, the gavel was turned over to Secretary/Treasurer Mellis to chair the next portion of the meeting.

6(c) Selection of Professional Services Design/Bid – Acting Chairman Mellis asked for questions and/or comments. Commissioner Fuhrman asked for clarification with regard to peer review (included in LZA's proposal and provided by Desman for an additional fee). Executive Director Papp responded, "The Connecticut code does not require an independent peer review." Attorney Goldberg suggested, for further clarification, that "we take a step back and discuss whose work is being reviewed by whom." Executive Director Papp responded, "The final engineering design is to be reviewed; i.e., the structural engineering which includes from the foundation to the structural system." Attorney Goldberg asked, "What documents specifically get reviewed?" Executive Director Papp responded, "The construction documentation ... and this is going to be done by the engineer of the design/builder. The design/builder is going to hire an engineer so there will be two sets of engineers – our engineer who we are selecting now and the design/builder's engineer who takes over. Both of the presenters, Desman & LZA, indicated they will develop the design up to a point. Desman estimated 30% completion and LZA estimated 60% completion. LZA intends to carry the engineering design further than Desman primarily because they are a structural engineering firm. From this point on (either 30% or 60%) that part of the design is handed over to the design/builder, who will complete the detailed drawings that will again be reviewed. I am confident that both LZA and Desman have adequate capabilities to make this so-called peer review." Commissioner Fuhrman asked, "If we said to Desman we do not want to pay for the additional peer review, would we be missing an important step in the process?" Executive Director Papp responded, "Not necessarily, if we were confident that the review could be done in-house." Commissioner Fuhrman asked, "What about the construction phase supervisor? What is usual ... what is needed?" Executive Director Papp responded, "In both instances, they recommend and we would insist on having a Clerk-of-the-Works as a full-time manager on the site. However, Desman for some reason would like to hire Robert Cavallo on top of that for periodic support. I don't think it is absolutely necessary to have that second layer and neither does LZA in their proposal."

Discussion continued. Executive Director Papp noted that, in his opinion, both firms might ultimately be involved in the garage project. He said, "I expect that we will see the firm that we do not select when we are doing the RFP for design/builders." Acting Chairman Mellis asked, "Can you review for us again what LZA has already done for this project?" Executive Director Papp responded, "LZA produced the schematic design, went through several revisions of that, worked with City departments to see the parameters of the design requirements, and is intricately familiar with all aspects of the requirements."

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Attorney Goldberg added, "They [LZA] have selected a team that is also familiar with not just the site, but things around the site and the intricacies of that."

Acting Chairman Mellis asked, "From a marketing standpoint, going back to the financing and the ability to attract investors, does one firm have more of a positive reputation, name recognition than the other?" Attorney Goldberg responded, "LZA is one of the top structural engineering firm in the United States and Desman is one of the significant builders of parking garages in the northeast coast. We are not asking either firm to become involved in the financing. I think ultimately the real issue is going to be two-fold when we go to sell bonds: (i) the bond rating, and (ii) the strength of our design builder and the confidence that the purchaser of the bond feels."

Following further discussion, Commissioner Fuhrman made a motion to authorize the Executive Director to enter into contract negotiations with LZA Associates. The motion was seconded by Commissioner Jewell and carried.

At 7:11PM, the gavel was handed back to Chairman Osman. Commissioner Mellis made a motion to address the remaining agenda items out of order. The motion was seconded by Commissioner Jewell and carried unanimously.

10. New Business

Attorney Goldberg reported that a proposed state law that would curtail eminent domain has passed a legislative committee. If passed, this bill would permit municipalities to take only vacant, abandoned or unimproved properties when the resulting project would be privately controlled. Properties acquired for uses such as schools, roads and parks would not be affected. Attorney Goldberg explained that this bill would have prevented projects such as Swiss Bank, the Stamford Town Center Mall, Landmark Square and the office towers on Tresser Boulevard, Park Square West, St. John Towers, and Bayview Towers. The Mayor has contacted Speaker of the House Moira Lyons requesting that this matter be referred back to committee for further consideration.

The remaining agenda items were tabled.

11. Adjournment

Commissioners have been asked to attend a meeting sponsored by the Stamford DSSD re: retail trends on Thursday, May 13, 2004 at 7:30AM at The Palace. The next regularly scheduled URC meeting will be held on Thursday, May 13, 2004 at 6:00PM.

There being no further business before the Board, Commissioner Nixon made a motion to adjourn. The motion was carried and the meeting was adjourned at 7:32PM.

Respectfully submitted,


Joel P. Mellis, Secretary/Treasurer



