

**COMMON COUNCIL  
NORWALK, CONNECTICUT**

**ACTION**

**MARCH 24, 2009**

**8:00 P.M. DST COUNCIL CHAMBERS**

ALL COMMON COUNCIL ACTIONS TAKEN AT THIS MEETING TO APPROVE EXPENDITURES AND CONTRACTS OR TO ACCEPT BIDS AND OTHER PROPOSALS REQUIRING THE EXPENDITURE OF CITY FUNDS ARE SUBJECT TO THE AVAILABILITY OF FUNDS.

Mayor Moccia called the meeting to order at 8:10pm and led the assembly in the Pledge of Allegiance.

I. ROLL CALL

15 present- quorum

II. ACCEPTANCE OF MINUTES

Regular meeting – March 10, 2009

Accepted

Special meeting -- March 10, 2009

Accepted

III. PUBLIC PARTICIPATION

24 Speakers

IV. MAYOR

A. RESIGNATIONS AND APPOINTMENTS

None

Resignations:

Appointments:

Reappointments:

B. REMARKS

V. COUNCIL PRESIDENT

A. GENERAL COUNCIL BUSINESS

1. Approve and adopt the Bond Resolution related to the financing of the West Avenue Corridor- Plan Area B Redevelopment Project, known as the Waypointe Project. The Bond Resolution is entitled: "Resolution Of The City Of Norwalk Making Appropriations For The Acquisition Of Certain Public Improvements Related To The West Avenue Corridor (Waypointe) Project And Authorizing The Issuance Of General Obligations Of The City To Meet Said Appropriations". Approved

2. Authorize the Mayor to execute any and all documents and the City to undertake any and all actions related to said Bond Resolution in order to implement the financing provided for therein. Authorized

B. CONSENT CALENDAR The following items are on consent: VI.A2 & 3; VII.A1- 4; VII.B1- 4; VII.D.1- 8; VII.E2 & 3

VI. AGENCIES, BOARDS & COMMISSIONSA. BOARD OF ESTIMATE & TAXATION

1. RESOLVED, that a sum not to exceed \$50,000 be and the same is hereby transferred from Contingency to the Department of Public Works to pay for maintenance and repair of streets due to harsh winter. (Account 01-4021-5381). Resolved
2. RESOLVED, that a sum not to exceed \$540,000 be and the same is hereby transferred from Contingency to the Department of Public Works for Solid Waste Disposal. (Account No. 01-4042-5298). Resolved
3. RESOLVED, that a sum not to exceed \$126,485 be and the same is hereby transferred from Increased Estimated Revenues to the Board of Education for School Heating Assistance from the State of Connecticut Office of Policy and Management. (Account No. 16026200-624-60). Resolved

VII. COMMON COUNCIL COMMITTEESA. FINANCE COMMITTEE

1. Accept and approve the Report of the Claims Committee Dated: Accepted  
March 12, 2009
2. For informational purposes only: Narrative on Tax Collections dated March 12, 2008.
3. For informational purposes only: Monthly Tax Collector's Report Dated:  
January 31, 2009  
February 28, 2009
4. Authorize the Mayor, Richard A. Moccia, to execute an amendment to the agreement between the City of Norwalk and McGladrey & Pullen, LLP dated July 12, 2004 for Independent Auditing Services to include the following increase: For Fiscal Year 2009-10 (Audit of June 30, 2009) a total maximum amount of Ninety-Two Thousand Dollars and No Cents (\$92,000.00). Authorized

B. LAND USE AND BUILDING MANGEMENT COMMMITTEE

1. Technical Correction: Amend Common Council Action of November 25, 2008, Item VII. C.3a which "Authorize the Purchasing Agent to issue Purchase Orders to Total Communications for the purchase...." to read as follows:  
"Authorize the Mayor, Richard A. Moccia, to execute an Amendment to Total Communications Inc.'s existing agreement for the purchase and installation of a new Cisco Phone System for Roton Middle School for a total not to exceed \$111,765.75. Account #0908/09 5010-5777-C0112." Authorized
2. Authorize the Mayor, Richard A. Moccia, to execute an Amendment to the License Agreement with the United Haitian American Society of Norwalk for the use of Conference Room #124 in City Hall, to extend the agreement to April 1, 2010. All remaining terms of the Agreement to remain unchanged. Consent to table to committee

VII. COMMON COUNCIL COMMITTEES (continued)B. LAND USE AND BUILDING MANGEMENT COMMMITTEE (continued)

- 3a. Authorize the Mayor, Richard A. Moccia, to execute an agreement with Bartholomew Company for the supply and installation of carpeting in Norwalk City Hall for a total not to exceed \$64,439.64 from Capital Account #09097100-5777-C0439. Authorized
- 3b. Authorize the Office of Building Management to issue Change Orders on Contract for a total not to exceed \$6,443.00. Authorized
4. Authorize the Mayor, Richard A. Moccia, to execute an Amendment to Guardian Service Industries, Inc.'s building engineering and janitorial services agreement, to increase the overtime allowance from \$20,000 to a not to exceed amount of \$30,000. Funds were allocated as part of 2008-09 Operating Budget Account #014071-5266. Authorized

C. PERSONNEL COMMITTEE

1. Authorize the Purchasing Agent to issue a Purchase Order to 3D Success by Design, for on-site diversity training and education seminar(s) for 489 employees, pursuant to the requirements outlined in RFP #2702, not to exceed \$21,800. Account #01-10-00-5272. Tabled

D. RECREATION, PARKS, & CULTURAL AFFAIRS COMMITTEE

1. Authorize the Mayor, Richard A. Moccia to enter into an agreement with the Rowayton School P.T.A. for the use of Rowayton School Field for their Annual Spring Carnival to be held Friday, May 1, 2009 from 6:00pm – 10:00pm and Saturday, May 2, 2009 from 10:00am -5:00pm with set-up to take place Thursday, April 30, 2009 from 10:00am and tear down Sunday, May 3, 2009 by 9:00am. Estimated attendance 500. Authorized
2. Approve the 2009/10 Facility Usage and Parking Fees for the Department of Recreation and Parks per ball field lighting for each event. Approved
3. Authorize the Mayor, Richard A. Moccia to enter into an agreement with Stantec for the creation of a comprehensive Master Plan for Cranbury Park RFP#2736 for a sum not to exceed \$33,000.00. Account #09076030-5777-C0399. Authorized
4. Approve the use of the Orchard at Cranbury by PAWS(Pet Animal Welfare Society) for their 2<sup>nd</sup> Annual "Bark in the Park" to be held Sunday, September 13, 2009 from 9:30am – 1:00pm with a rain date of Sunday, September 20, 2009. Estimated attendance 145-160. Approved
5. Approve the use of the Gallaher Estate in Cranbury Park by Allison Lovito for a wedding to be held Saturday, October 31, 2009 from 12:00noon – 12:00midnight. Estimated attendance 150-200. Approved

VII. COMMON COUNCIL COMMITTEES (continued)D. RECREATION, PARKS, & CULTURAL AFFAIRS COMMITTEE (continued)

- 6a. Authorize the Mayor, Richard A. Moccia to enter into an agreement with the Norwalk Exchange Club for the use of Taylor Farm for their Annual Exchange and Gateway Antique Auto Show to be held Sunday, April 26, 2009, from 8:00am – 4:00pm with a rain date of Sunday, May 3, 2009. Set-up to take place Friday, April 24, 2009 after 12:00 noon with tear down by Sunday, April 26, 2009 by 5:00pm. Estimated attendance 1,000. Authorized
- 6b. Approve the use of the Show Mobile by the Norwalk Exchange Club for their Annual Exchange and Gateway Antique Auto Show to be held Sunday, April 26, 2009 with a rain date of Sunday, May 3, 2009. Approved
7. Authorize the Mayor, Richard A. Moccia to enter into an agreement with the National Marine Manufacturers Association (NMMA) for the use of Calf Pasture Beach, Shady Beach, Taylor Farm and Marvin School for attendee parking for the Norwalk International In-water Boat Show to be held Thursday, September 24, 2009 through Sunday, September 27, 2009. Estimated attendance 20,000+. Parking fee \$8.00/vehicle. Authorized
8. Authorize the Mayor, Richard A. Moccia to enter into an agreement with Kayak for a Cause for their Annual Kayak for a Cause IX to be held at Calf Pasture Beach on Saturday, July 25, 2009 from 12:00noon – 9:00pm with set-up to take place Friday, July 24, 2009 at 8:00am and tear down by Sunday, July 26, 2009 at 12:00noon. Estimated attendance 1,500+. Authorized

C. ORDINANCE COMMITTEE

1. Adopt the proposed Ordinance Establishing the Waypointe Special Services District. Adopted
2. Adopt the proposed revisions to the Norwalk Code Chapter 73A -Parking Authority. Adopted
3. Adopt the proposed revisions to the Norwalk Code Chapter 45, Article IV- Outdoor Dining. Adopted

F. PLANNING COMMITTEE

1. Approve of the Master Development Agreement By and Among City of Norwalk, Connecticut, The Norwalk Redevelopment Agency, and Waypointe LLC for the West Avenue Corridor Redevelopment – Plan Area B; and Authorize the Mayor, Richard A. Moccia, to execute on behalf of the City The Master Development Agreement By and Among City of Norwalk, Connecticut, The Norwalk Redevelopment Agency, and Waypointe LLC for the West Avenue Corridor Redevelopment – Plan Area B (the MDA). Approved
2. Authorize the Mayor, Mayor, Richard A. Moccia, to execute any and all other documents and the City to undertake all actions related to and /or necessary for the implementation of The Master Development Agreement By and Among City of Norwalk, Connecticut, The Norwalk Redevelopment Agency, and Waypointe LLC for the West Avenue Corridor Redevelopment – Plan Area B, including but not limited to the following:

VII. COMMON COUNCIL COMMITTEES (continued)F. PLANNING COMMITTEE (continued)

- a. Authorize the Mayor, Richard A. Moccia, to execute any and all documents related to and necessary to apply for and accept public funding in connection with the West Avenue Corridor Redevelopment – Plan Area B Project, pursuant to Article V, Section 5.3(a) of the MDA.
- b. Authorize the Mayor, Richard A. Moccia, to execute the Waypointe Special Services District Parking Facilities License/ Services Agreement – in the form substantially set forth in Exhibit M to the MDA. The License Agreement shall provide the terms pursuant to which the Waypointe SSD will utilize the services of the Norwalk Parking Authority or the City of Norwalk to meet the City's repair and maintenance obligations related to the Public Garages, pursuant to Article VI, Section 6.3(b) of the MDA.
- c. Authorize the Mayor, Richard A. Moccia, to execute any and all documents necessary to contract with the Waypointe Special Services District (the Waypointe SSD) for the operation and maintenance of certain public and/or common improvements within the boundaries of the Waypointe SSD, including but not limited to the Public Garages and certain other improvements described in and pursuant to the Waypointe SSD Parking Facilities License/Services Agreement , pursuant to Article VI, Section 6.3(b) of the MDA.
- d. Authorize the imposition of a municipal levy as recommended under the Waypointe SSD Ordinance and the collection by the City of the revenues accruing there from, pursuant to Article VI, Section 6.3(d) of the MDA.
- e. Authorize the Mayor, Richard A. Moccia, to execute any and all documents necessary to accept the conveyance of fee simple title to the Public Garages, New Streets and Site Improvements as described in Article VIII, Sections 8.1 and 8.2 of the MDA, and to make payment to the Redeveloper for such transfer as set forth in Article VIII, Sections 8.1, 8.4 and 8.6 of the MDA. Such documents shall include but not be limited to bills of sale, substantially in the form set forth in Exhibits Q and Q-1 and such other documents as listed in Exhibit P of the MDA.
- f. Authorize any and all actions necessary on the part of the City in order to accept the conveyance of fee simple title to the Public Garages, New Streets and Site Improvements as described in Article VIII, Sections 8.1 and 8.2 of the MDA, and to make payment to the Redeveloper for such transfer as set forth in Article VIII, Sections 8.1 and 8.4 of the MDA..
- g. Authorize the Mayor, Richard A. Moccia to execute any and all documents as may be necessary in connection with the creation of the Condominium in which the Public Garages will be located- including, specifically, the Condominium Declaration consistent with the terms set forth in Exhibit EE to the MDA. The Condominium(s) shall be created pursuant to Article VIII, Section 8.5 of the MDA.
- h. Authorize the Mayor, Richard A. Moccia, to execute a Controlled Revenue Lot License Agreement in connection with the operation of the Controlled Revenue lot– in the form substantially as set forth in Exhibit I to the MDA. Such action shall be taken pursuant to Article IX, Section 9.1 of the MDA.
- i. Authorize the Mayor, Richard A. Moccia to execute any and all documents necessary to undertake and implement the design and construction of the City Traffic Improvements pursuant to Article XII, Section 12.1 of the MDA.

VII. COMMON COUNCIL COMMITTEES (continued)F. PLANNING COMMITTEE (continued)

- j. Approve of the Redeveloper, its successors and permitted assigns, as such is described in the MDA, as a sole/ single source from which all Public Improvements may be purchased or acquired and/or any construction services related thereto may be obtained pursuant to Article XIV, Section 14.1 of the MDA.
- k. Authorize the Mayor, Richard A. Moccia to execute any and all documents necessary to undertake and implement the maintenance, repair, operation, refurbishment and replacement of all Site Improvements and to make all necessary capital expenditures, in order to keep the same in good, safe and clean condition and repair and in a first class condition in accordance with the City's obligations and the maintenance standards set forth in Article XIV, Section 14.6(a) and Exhibit HH to the MDA.
- l. Authorize the Mayor, Richard A. Moccia, to execute any and all documents necessary to grant an easement to enable the Redeveloper or its permitted successors and /or assigns, to perform its maintenance and improvement obligations related to the New Streets and/or Street Realignment Property pursuant to Article XIV, Section 14.6(d) of the MDA.
- m. Authorize the Mayor, Richard A. Moccia, to execute any and all documents necessary to enable the City to undertake and implement the maintenance, repair, operation, refurbishment and replacement of the Public Garages and to make all necessary capital expenditures, in order to keep the same in good, safe and clean condition and repair and in a first class condition in accordance with the City's obligations and the maintenance standards set forth in Article XIV, Section 14.8 and Exhibit HH to the MDA.
- n. Authorize the Mayor, Richard A. Moccia, to execute any and all documents and the City to undertake any and all actions necessary for the discontinuance, unmapping and/ or the realignment of those portions of the rights of way of such public highways as are designated to be discontinued in the Redevelopment Plan for the West Avenue Corridor-Plan Area B and identified in Exhibit AA of the MDA, pursuant to the requirements of Article XVIII, Section 18.3 of the MDA.
- o. Authorize the Mayor, Richard A. Moccia, to execute any and all documents and the City to undertake any and all actions necessary to provide for all utility services required for the West Avenue Corridor , Plan Area B Redevelopment Project and to perform any and all work required to provide hook-ups between the Improvements constructed as part of the Project and the public utility facilities located in public streets as may be required to effectuate such hook-ups, pursuant to Article XVIII, Section 18.4(b) of the MDA.
- p. Authorize the Mayor, Richard A. Moccia, to execute any and all documents and the City to undertake all actions necessary and appropriate to satisfying the City's obligations with respect to the Project financing, including matching funds, as may be required and are necessary to initiate and complete the Project in accordance with the terms of the MDA, and as specifically set out in Articles V and VI of the MDA.
- q. Authorize the Mayor, Richard A. Moccia, to execute any and all documents and the City to undertake all actions necessary and appropriate to provide and accept such easements and licenses for the construction, drainage, utilities, vaults, footings, construction signage, maintenance and other similar purposes as may be necessary to permit and facilitate the performance of the parties obligations with respect to the West Avenue Corridor Plan Area B Redevelopment Project pursuant to the terms of the MDA, specifically under Article XVI, Section 16.2. Authorized 2a-g

- VIII. RESOLUTIONS FROM COMMON COUNCIL None
- IX. MOTIONS POSTPONED TO A SPECIFIC DATE None
- X. SUSPENSION OF THE RULES None
- XI. ADJOURNMENT 1:05am

