



Legislative & Rules Committee – Board of Representatives

Phil Berns, Co-Chair

Susan Nabel, Co-Chair

Committee Report

Date: Tuesday, August 23, 2022
Time: 7:00 p.m.
Place: *This meeting was held remotely.*

The Legislative & Rules Committee meet as indicated above. In attendance were Co-Chair Nabel and Committee Member Reps. Boeger, Cottrell, Fedeli, Matheny, Miller, and Sherwood. Absent were Co-Chair Berns and Committee Member Rep. Jacobson. Also present were Reps. Baxter, Campbell, Coleman, de la Cruz, Di Costanzo, Figueroa, Garst, Grunberger, Ley, Mays, Morson, Patterson, Pollack, Roqueta, Stella, Summerville, Tomas, and Walston; Mayor Simmons; Sandra Dennies, Director of Administration; Bridget Fox, Chief of Staff; Janeene Freeman, Special Assistant to the Mayor, Doug Dalena, Chris Dellaselva, and Dana Lee, Office of Corporation Counsel; Erik Larson, Purchasing Officer; and Todd McClutchy, Crescent Housing Partners LLC.

Co-Chair Nabel called the meeting to order at 7:00 p.m.

Item No.	Description	Committee Action
1. LR31.024	RESOLUTION <u>and public hearing</u> ; Approving the Sale of Property Located at 35 Crescent Street to Crescent Housing Partners, LLC. 03/31/22 – Submitted by Mayor Simmons 04/12/22 – Approved by Planning Board 06/09/22 – Approved by Board of Finance 4-2-0 07/26/22 – Held by Committee 8-0-0	Failed 3-4-0

Chair Nabel opened the public hearing. People who had previously signed up to speak spoke first. Kieran Edmondson, Marie Metz spoke in support of the resolution. Melanie Hollas stated that she had been in favor of the resolution, but after receiving information about alternate proposals would prefer that the building be a community center. Scott Hollas spoke of the importance of redevelopment of the property as housing and a community center and putting it back onto the City tax base. Michael Battinelli spoke in opposition to the resolution. Jamie D'Agostino spoke about wanting to move his business into the building and putting in a daycare center. Barry Michelson spoke in opposition to the resolution. Joseph Avalos spoke in opposition to putting affordable housing in Glenbrook and stated that a community center is needed. Jeanette Bilcznianski spoke in opposition to the resolution. Reverend Michael Thomas spoke of his proposal to use the building as a community center with some affordable housing and hiring a consulting firm to obtain funding; Joan Carty of the Housing Development Fund spoke in favor of the resolution and the need for affordable housing for people who work in Stamford. Zachary Oberholtzer spoke in support of the resolution and stated that the proposals are coming in at the end of a long process. Lori Doig stated that she had been in favor of the resolution, but that the other proposals merit exploration and so is now in opposition to the resolution. As requested, the [attached written comments](#) submitted to the Board office were

read into the record. As requested, the [attached written comments](#) submitted to the Board office were distributed to the committee members prior to the meeting. Additional members of the public then spoke. Christopher Twardy stated that the property should be used as a community center. Alan Shaw spoke in opposition to the resolution. Lori Constantine spoke about the need to review the two additional proposals prior to making a decision. Susan Halpern spoke about saving historic buildings. Beth C spoke in opposition to the resolution.

There being no further speakers, Co-Chair Nabel closed the public hearing at 8:09 p.m.

Ms. Fox and Ms. Freeman shared the attached [PowerPoint presentation](#) with the Committee.

Mayor Simmons stated that

Her goal is to build a more equitable, inclusive, affordable, and vibrant city and that this proposal supports that mission in 3 ways –

- 1) it creates workforce housing at a time when rents have skyrocketed and become out of reach for many in the City because rents have increased 12% this year on top of other rising costs.
- 2) workforce housing for nurses, teachers and essential workers is needed to remain economically competitive; and
- 3) it revitalizes an important building in the community by maintaining its historic facade and offering significant community space that will be available to residents

She is committed to listening to the community on how the space should be used. There will never be a perfect, affordable housing plan or perfect community space that will satisfy all residents, but this is a good plan - high quality, workforce housing located next to a train station that provides access to mixed income households that simply cannot afford to live in Stamford, but deserve beautiful housing as well as a community space available to our community. The events of the last 24 hours are similar to what happens in other communities when affordable housing projects are almost completed. Misinformation is put out into the community with the false hope of alternative options that at this point are not legally, fiscally or operationally viable.

This project has gone through a 2 year process and has been approved by the Planning Board and the Board of Finance. It will provide much-needed affordable housing units and community space, while preserving the historic significance and facade of the building. If the proposal is voted down it will result in this building ultimately remaining vacant, as it has for the past four years.

The administration is deeply committed to expanding mental health services, daycare and needed educational services across the city, and improving quality of life for residents by investing in community spaces, parks, beaches, marina schools, and other infrastructure projects across the city.

The city is not in a position to modify this current RFP other than to abandon this RFP process entirely, and re-issue a new RFP. This could take several years, pose legal liabilities, and cause significant revenue loss to the city, and unfortunately cause this building to sit empty and deteriorate.

Mayor Simmons requested that the item be held until next month, so that the administration could hear from the public and clarify any questions about the proposal or the process.

A motion to hold Item No. 1 was made and seconded.

Committee members had an extensive discussion on the motion to hold. Items discussed included the following:

- Holding means the city continues to work under the RFP
- It might make sense to hold it after discussion
- The two last-minute proposals are not on the agenda and an extra month gives an opportunity for more community input; the item would still have to come to the Board to be approved
- Holding would truncate the conversation
- The two proposals were only made available within the past 24 hours and weren't part of the RFP process; why weren't they part of the process and why were they solicited after the process
- The two proposals were considered by the Administration and found not to be compliant with the RFP and not viable business plans
- Holding would allow the Mayor to go back to the GNA and the developer for any clarification
- Not holding would require the committee to vote in an atmosphere of uncertainty and misinformation

Ms. Dennies stated that an RFP was issued in 2018 to operate the building as a community center. There were 12 walk-throughs and only 1 bid, which was not to operate the full facility. Additional walk-throughs were done in early 2020. All the participants said they could not afford the repairs plus the operation of the building. The administration developed a plan B for affordable housing which was presented to all 3 boards. The proposal for affordable housing was reviewed with the Board of Representatives in October 2020. The recommendations of the Board were included in the RFP.

The motion to hold failed by a vote of 3-4-0 (Reps. Nabel, Fedeli, and Miller in favor; Reps. Boeger, Cottrell, Matheny, and Sherwood opposed).

Committee members continued to discuss Item No. 1 with the invited guests. Items stated included the following:

- The 2018 RFP was for a bidder to come in and operate the building as a community center; it was a giveaway by the City; there were two walkthroughs. Because of the age of the building and the systems there was a lot of renovation that needed to be done to maintain the facility; most people could not address the maintenance of the facility and the operation of it at the same time
- This discussion should be reframed and the City should seek aggressively seek funding to operate the building as a community center
- The only funds for community centers other than State bond funds would be Community Development Block Grants and there were none to address the maintenance study done on the facility at the time
- The credits offered in the RFP represent a subsidy or additional cost for the development of the affordable units versus market rate. The more affordable a unit is, the higher the subsidy is provided for it. How you calculate it was included in the RFP. For 25% of the AMI, you get \$350/ft²; for 80% of the AMI, you get \$70/ft²; and there are gradations in between. Those numbers, which were provided in the bid document, were based on what they believed the cash equivalency of the units was. So, the total project cost actually for the winning bidder was \$23,803,315, which ends up being about \$466/ft². The City subsidy based on the affordable unit calculation was \$5,261,240. The net project cost for the developer is \$18,542,075. The developer needs to find these funds to be able to build the project and must make payment from the units to pay long

term mortgages. This is not a giveaway by the City. The units are to be affordable in perpetuity.

- The proposal from the developer reflected the full \$23 million they would have to spend and then took into account the credit for \$5.2 million
- The proposal commits the developer to at least 51 units of affordable housing
- When this item was before the Boards for their comments before issuing the RFP, the Board of Representatives insisted on community space being included in the facility, so the RFP included 1-2000 ft² of community space to be used for community activities including day care; the RFP did not specify how much space would go for individual activities, such as day care
- Rep. Sherwood explained that she was concerned about the community center being used for any kind of housing and found two people interested in purchasing the property who could not reply to the RFP because the RFP was for affordable housing
- This amount of community space will not replace the community center
- Rep. Matheny visited the development in Darien and spoke to residents there, who are very happy living there. She spoke to the developer about her concerns that the number of parking spaces was not appropriately addressed and the apartments cannot be limited solely to Stamford residents; the community space will not be as large as the community center was - there will be rooms available to the public
- The community space will most likely all be used as daycare
- It is difficult to keep community spaces open or get funding to put themselves in this space
- This proposal would preserve the historic building

Mayor Simmons stated that she spoke to the developer who confirmed that over 3000 ft² of community space would be available, although the RFP has a minimum of 1-2000

Committee members continued to discuss Item No. 1 with the invited guests. Items stated included the following:

- Could the number of units be reduced to provide for additional community space? What would that do to the purchase price? This would change the equivalency numbers require the purchaser to agree. If the Board wanted that, it would have to hold the item.
- Rep. Matheny stated that she spoke to the developer about changing the number of units with the goal of getting a greater number of lower rent units and the developer said they could not because of the formula and the need to come up with enough revenue to maintain the building
- The City should retain the building as a community center or sell it with a deed restriction that it be used as a community center; this could be accomplished in six months
- When the RFP was drafted, the City couldn't guarantee that a licensed daycare provider would want to be in the space, which is why the language is in the alternative; this was based upon the recommendation of Rep. Lee

A motion to approve Item No. 1 was made, seconded, and failed by a vote of 3-4-0 (Reps. Nabel, Fedeli, and Miller in favor; Reps. Boeger, Cottrell, Matheny, and Sherwood opposed).

2. [LR31.033](#)

ORDINANCE for publication; Amending [Chapter 164 of the Code of Ordinances, Noise](#), including Restrictions on Gas-Powered Leaf Blowers.
08/03/22 – Submitted by Reps. Nabel, Berns and Mays

Held 7-0-0

Mr. Lee stated that there are two primary purposes of these revisions – one is to limit the used of gas-powered leaf blowers to certain times of day and the other is to address the issue of enforcement and the amount of the fine. The difficulty with noise complaints is that noise is fleeting, so it is difficult to enforce a noise ordinance.

Rep. Mays explained that the ordinance seeks to parallel the Greenwich ordinance regarding the allowable times for gas-powered leaf blowers, so that contractors would not be able to come to Stamford during times when they are not permitted in Greenwich, such as late Saturday and Sunday afternoons. These changes do not apply to electric or battery powered blowers. This is a small step to eliminate nuisance noise. The fine needs to be significant enough to not just be a cost of doing business. This also eliminated the need for the health department to come out with calibrated noise meters by simply restricting the time for gas powered leaf blowers, so it is more easily enforceable.

Committee members discussed the proposed ordinance:

- The definition of domestic power equipment needs to be amended because it is defined as domestic power equipment
- People complain about gas blowers in the morning and in the evenings
- Holding this item pushes approval to November, when leaf blowing season will be over

A motion to hold Item No. 2 was made, seconded, and approved by unanimous voice vote. (Reps. Nabel, Boeger, Cottrell, Fedeli, Matheny, Miller, and Sherwood in favor).

3. [LR31.034](#) REVIEW AND RECOMMENDATIONS; Planning Board and Board of Finance Recommendations Re: Triennial List of City-Owned and Leased Real Properties as Transmitted by the Board of Finance; Specifically, Unused Property at 0 Haig Avenue. **Recommendation of the Planning Board Accepted 5-0-2**
08/03/22 – Submitted by Sandra Dennies
07/14/22 – Considered by Board of Finance
08/09/22 – Considered by Planning Board

Ms. Dennies explained that the Planning Board agreed with the recommendation of the Board of Finance for a special sale of 0 Haig Avenue, with the limitations that the historic exterior of the original building be preserved, the property be subdivided into 2 parcels – a 0.63 acre parcel to be sold and a 1.0 acre parcel to be kept by the City, the 0.63 acre parcel cannot be rezoned or subdivided. The Planning Board added the restriction that the 0.63 acre parcel be limited to no more than 4 unit market rate housing units.

The sale of the property will have to go through the public hearing process.

A motion to accept the recommendations of the Planning Board was made, seconded, and approved by a vote of 5-0-2 (Reps. Nabel, Boeger, Fedeli, Matheny, and Miller in favor; Reps. Cottrell and Sherwood abstaining).

4. [LR31.032](#) ORDINANCE for publication; Amending [Chapter 23, Article II of the Code of Ordinances, Purchasing,](#) and Updating Certain Provisions. **Approved, as amended, 7-0-0**
08/02/2022 – Submitted by Mayor Simmons

Mr. Larson explained that the Purchasing Ordinance was last amended in 2014 and no longer reflects the current economic realities the Purchasing Department needs.

The proposed changes are not intended to be a major revision or rewrite of purchasing ordinance and are focused on four specific areas:

- Increasing the purchasing limits to bring them in line with current economic realities. The recommendations were developed after a review of limits set by Federal and State funders, surrounding communities and some of the larger cities in the state. The proposed increases are as follows:
 - increase the limit for goods and general services which would not require quotes from \$3,000 to \$10,000;
 - have departments obtain informal quotes for purchases of goods and services in the \$10,000 to \$25,000 range from the current (increasing from the current \$3,000 to \$10,000 range);
 - increase the requirement for a formal bid for special and professional services from \$10,000 to \$25,000;
 - increase purchases without quotes from \$10,000 to \$25,000
 - increase from \$10,000 - \$25,000 to \$25,000 - \$50,000 for the informal RFP process (note that this is the limit for a purchase order, over \$50,000 requires a formal written agreement; and
 - increase from \$25,000 to \$50,000 for a formal RFQ or RFP
- Updating the language in §23-18.5, which addresses piggybacking to maximize procurement efficiency and cost savings. And I would also note that, as I was preparing for this meeting, I realized that the change to the title is incomplete and the title should read: State, Federal, and Cooperative Association Procurement
- Updating the language in §23-18.6 to reflect the City's investment in a new chief technology office during the new interest in technology. It currently reads shall versus may; this change allows some flexibility
- Making stylistic for consistency recommended by the Legislative Officer, including the removal of any non-gendered language per Board rules.

None of these changes would impact approvals by the Board of Finance or Board of Representatives.

A motion to amend the title of §23-18.5 to read State, Federal, and Cooperative Association Procurement was made, seconded, and approved by unanimous voice vote. (Reps. Nabel, Boeger, Cottrell, Fedeli, Matheny, Miller, and Sherwood in favor).

A motion to approve Item No. 4 as amended was made, seconded, and approved by unanimous voice vote. (Reps. Nabel, Boeger, Cottrell, Fedeli, Matheny, Miller, and Sherwood in favor).

- | | | |
|-----------------------------|---|------------------------------------|
| 5. LR31.029 | APPROVAL; Amendment to the Board of Representatives Rules of Procedure to Amend Section III.C to add Requirements Regarding Submission of Documentation for Candidates to be Interviewed by the Appointments Committee.
07/06/22 – Submitted by Reps. Sherwood, Stella, Curtis, Cottrell, Figueroa, and Jacobson
07/26/22 – Held by Committee 7-0-0 | Approved, as amended, 7-0-0 |
|-----------------------------|---|------------------------------------|

As a Secondary Committee: Appointments

Rep. Patterson explained that he has discussed this with the Administration and they believe it is reasonable for the forms to be provided to the Board office within 7 days of the Steering Committee meeting. This will give the office time to get the materials to the committee well in advance of the meeting.

A motion to amend §12 of Item No. 5 to read “no later than _____(hours/days) ~~before the start of the monthly meeting~~ seven days after the Steering Committee meeting during the month in which the review of said candidate(s) appears on the Committee’s agenda...” was made seconded, and approved by unanimous voice vote (Reps. Nabel, Boeger, Cottrell, Fedeli, Matheny, Miller, and Sherwood in favor).

A motion to approve Item No. 5 as amended was made, seconded, and approved by unanimous voice vote. (Reps. Nabel, Boeger, Cottrell, Fedeli, Matheny, Miller, and Sherwood in favor).

Co-Chair Nabel adjourned the meeting at 11:05 p.m.

Respectfully submitted,
Susan Nabel, Co-Chair

This meeting is on [video](#).