



Legislative & Rules Committee – Board of Representatives

Phil Berns, Co-Chair

Susan Nabel, Co-Chair

Committee Report

Date: Thursday, September 29, 2022

Time: 6:30 p.m.

Place: *This meeting was held remotely.*

The Legislative & Rules Committee met as indicated above. In attendance were Co-Chairs Berns and Nabel and Committee Member Reps. Boeger, Cottrell, Fedeli, Jacobson, Matheny, and Sherwood. Excused was Rep. Miller. Also present were President Curtis; Reps. Adams, Bewkes, Campbell, Coleman, de la Cruz, Di Costanzo, Figueroa, Goldberg, Grunberger, Ley, Mays, Moore, Morson, Patterson, Pavia, Roqueta, Sandford, Shaw, Summerville, and Tomas; Mayor Simmons; Janeene Freeman, Special Assistant to the Mayor; Erik Larson, Purchasing Manager; and Chris Dellaselva and Dana Lee, Assistant Corporation Counsels.

Co-Chair Berns called the meeting to order at 6:30 p.m.

Item No.	Description	Invitee(s) or Designees
1. LR31.032	<p>ORDINANCE <u>for public hearing and final adoption</u>; Amending <u>Chapter 23, Article II of the Code of Ordinances, Purchasing</u>, and Updating Certain Provisions. 08/02/2022 – Submitted by Mayor Simmons 08/23/22 – Approved, as amended, 7-0-0</p>	Approved, as amended, 6-0-2

Co-Chair Berns opened the public hearing. Keiran Edmondson spoke about negotiating for economic opportunities. There being no other speakers, Co-Chair Berns closed the public hearing.

Mr. Larson stated that the ordinance was last amended in November 2014 and no longer no longer reflects the current economic realities and department needs. This is not intended to be a major revision or rewrite. The changes are focused on four specific areas, specifically:

- Increasing the purchasing limits to bring them in line with current economic realities and department needs, based on a review of limits set by Federal and State funders, surrounding communities, and some of the larger cities in the State
- Updating the language in §23-18.5, which addresses piggybacking to maximize procurement efficiency and cost savings.
- 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.
- Making stylistic changes for consistency

Mr. Dellaselva noted that the changes are in line with State procurement statutes and don't change any of the thresholds that trigger board approvals.

Mr. Larson stated that it would be easier if these changes went into effect when the ERP system goes live, so that an effective date of January 1, 2023 would be helpful.

A motion to amend Item No. 1 to provide an effective date of January 1, 2023 was made, seconded, and approved by a vote of 8-0-0 (Reps. Berns, Nabel, Boeger, Cottrell, Fedeli, Jacobson, Matheny, and Sherwood in favor).

In response to questions from the Committee, Mr. Larson explained that there is a cost to issue a formal solicitation, as well as staff time to obtain additional quotes. The proposed limits are consistent with the Federal microthreshold for goods and general services and some of the other larger communities in the state. Departments would be responsible for obtaining quotes. A department would be prohibited under the ordinance from splitting a purchase requisition to avoid the requirements of the purchasing ordinance.

A motion to approve Item No. 1 was made, seconded, and approved by a vote of 6-0-2 (Reps. Nabel, Boeger, Cottrell, Fedeli, Jacobson, and Matheny in favor; Reps. Berns and Sherwood abstaining.)

2. [LR31.024](#) RESOLUTION; Approving the Sale of Property **Failed 3-5-0**
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
08/23/22 – Public Hearing held and FAILED in
Committee 3-4-0
09/06/22 – Amendment to Previous Approval
Approved by Board of Finance 5-0-0 with attached
[letter of recommendation](#)
09/06/22 – Held by Full Board 21-18-0

Mayor Simmons stated that she believes this is a win for the City, which will create fifty-one units of affordable housing to support workforce needs in the City, three thousand ft² of community space, free of charge, and preserve the historic building. She noted that rents are up 12% and mortgage rates are up. She stated that the City is facing an eviction crisis and approximately two people are being evicted a day in Stamford. Based on input from the community, the agreement was amended to provide 3000 ft² of free community space.

Ms. Freeman reviewed the timeline:

- Between November and December of 2018, 11 nonprofits toured the facility to get a sense of what they thought the space offered, whether or not they were interested in potentially being the operators of the space. Many of them decided not to apply for the RFP, which was released to find someone who would manage and operate the Glenbrook Community Center as a community center because they felt that there were too many high costs and they could not afford to address the infrastructure issues that existed at that time. Only one proposal was received, which was not viable because the bidder did not have the finances needed or a strong plan for providing services. Another set of tours was arranged, but there was still no interest.
- A community meeting was held that was facilitated through the Glenbrook Neighborhood Association and a few of the representatives from the area. Based upon that meeting it was determined that a new RFP would be issued specifically to address workforce housing, community space, and potentially daycare.

- A new RFP was issued in April, 2021 specifically to address workforce housing, community space, and potentially daycare. Three proposals were submitted and the one before the board was ultimately selected.
- The two proposals that came in in past few months were not viable. The first did include affordable housing units or workforce housing, but only twenty five units, and there wasn't any kind of financial plan provided for the rehabilitation of the space, or how the space was going to be operated. The second one did not include affordable housing, and had a proposal for daycare space where fees would be charged but the primary focus of that was expanding a private business. This did not meet the original criteria which is development of workforce housing and would not have been considered in the round of proposals that came in in April of two thousand and twenty.

Mayor Simmons stated that one of the biggest barriers to making our cities more affordable, and to building affordable housing is the high cost of land and the cost of construction right now, so one of the critical tools and best practices that is recommended for local governments is to look at city owned land.

Mr. Dellaselva reviewed the revisions to the purchase and sale agreement, all of which are found in §1(b) of the [updated purchase and sale agreement](#). These are all additional promises that the buyers are making that are included in the cash equivalency of the purchase:

- an express prohibition on a tax abatement
- community space allocation
- details about the fees for the community and daycare space
- details about the daycare space programming
- details about the shared resident amenity space reservations,
- details about daycare as one of the potential uses, and
- details about the parking availability,

The changes were made in response to concerns: and requests expressed by the city boards. By including them in this section they are now part of what the buyer is paying for the property and will be part of the purchaser's zoning application. The purchaser is required to submit this site and architectural plan to zoning. The Law Department will be working with the Land Use Bureau to make sure that the application matches the purchase and sale agreement. If approved, these requirements will be included as stipulations that get recorded on the land records. In the property description, it notes that title will be subject to is any stipulations that are entered by the zoning department in approval of that application. So all those promise will be recorded as stipulations with the deed and will run with the land and be binding on the buyers and any subsequent owners.

Committee members discussed this item with invited guests extensively. Items discussed included the following:

- The responses of the organizations who toured in 2018 are known from emails
- The one responder to the 2018 RFP submitted a budget that did not demonstrate that the ability to handle the finances that were required to operate the center at that time
- The CT Examiner reported that Mr. Dagostino planned to use the top floor for his business and a day care center on the 1st and 2nd floors, with the third floor and basement for community activities; Ms. Freeman stated that during a meeting he stated that the primary reason for being interested in the project was being able to expand the business and that the bottom floor would be used for a fee-for-service daycare facility
- Why not sell the building to a local small business?
- The language regarding the tax abatement needs to be clarified to ensure that this owner would not be entitled to a tax abatement

- The property will be taxable at a value of \$5,961,240 until there is a reassessment, as there is for every property every 5 years; the deed and conveyance tax bill will confirm that this was the sale price
- The City will continue to take inventory of all of its spaces across the city, to see where they can deploy more resources and services to support the needs of the community.
Megan Cottrell
- Is there a possibility of building affordable housing at the back of the community center over a parking lot?
- The proposed affordable rents still seem expensive for "affordable" housing
- Section 8 vouchers are required to be accepted at this property under the Fair Housing Rules
- The Mayor's understanding is that the center officially closed in 2018, although some services were provided afterwards into 2019 and 2020; the closure was due to deterioration of the building, and also lack of viability of, you know, previous operators who had been in the building
- The non-profits that toured the building included the Board of Ed, the Boys and Girls Club, the Children's Learning Center, Domus Family Centers, the Ferguson Library, the JCC, Person to Person, Silver Source, and Stanford Recreation, none of which deemed the building viable because of the significant infrastructure and investment needs to make the building safe and operational and the significant cost to be able to maintain and operate the building on an annual basis
- The shift to affordable housing was made because of a critical need in the City; the workforce can't afford to live here
- The cost of the current proposed project is \$23 million; the cost to address the structural deficiencies, fix the non-operable elevator and make the building ADA compliant would be \$6 million
- The rents are based on the Area Median Income and is determined by federal regulations; this may not be affordable for everyone, and there are people who are lower income who would not be eligible for this; the City will be looking for other opportunities to provide lower income housing. This opportunity was conceived as workforce development. Units across the street and around the corner are renting for \$3000 for newly constructed amenitized properties
- the way that the city calculated the credits was to take into account the cost that it takes to build affordable housing and the value the City gets from having these affordable housing units. The developer will be putting in \$23 million as well as including additional parking and free community space to build 51 affordable units.
- The City met with the individuals who submitted proposals about a year after the RFP deadline had closed who had been sent by a member of the Board of Representatives; Mayor Simmons stated that the meetings were held in good faith but they came to the conclusion that that neither of them were viable proposals; one was a 9 page proposal with no financials attached, but was just an outline of a concept of how the space would be used
- The FMV of a 2 bedroom apartment in that area is \$3,000; \$2,900, \$2,800, or \$3,200, and \$3,800 for a 3 bedroom; \$2,500 is below that
- The Section 8 voucher works on a sliding scale, with a larger voucher for a lower income
- The needs of the community change over time; there are many options available for children now; the lack of demand is one reason the community center ceased to operate in 2018; is there enough demand to sustain it now?
- The City has a hard time maintaining buildings
- The contract is very specific and narrow in scope that says exactly what the purchaser can and can't do with the building

- What is proposed is a mixed income community from 40% to 80% AMI; this model has been successfully in other properties the developer has built throughout the country
- They are projecting that they will pay \$160,000 annually in taxes
- Why were 3 community centers on the West Side refurbished and this one not being refurbished?
- The City has significant capital needs and decisions need to be made about where to deploy resources; the City tried to strike a balance between providing a community space free to the public that can incorporate a number of programs and services that people have memories of that could still be provided here, with a client in the building who can maintain it
- In 2020 the engineers assessment was that \$1.3 million was needed to refurbish the building; that number has increased because there was a functioning elevator then which is not operable now, and construction costs have gone up. There are increased costs that would be incurred in order to bring the building up to code, but also to take care of the other items that have crept up during the additional two years. Ms. Freeman agreed to provide a comparison of the 2020 engineering report indicating at \$1.3 million cost to renovate with the current \$5 million estimate, indicating what part of the increase is further deterioration of the building and what part is increased costs of construction/renovation. These comparisons are to be signed off by a licensed engineer.
- The community wants a community center
- Federal law would prohibit limiting the housing to Stamford residents

Rep. Sherwood reviewed the attached [PowerPoint presentation](#) and [Excel spreadsheet](#)

Committee members continued to discuss this item with invited guests extensively. Items discussed included the following:

- Rep. de la Cruz stated that there is room for preserving the community center, dedicated day care space and construction of affordable housing. The city should negotiate a new agreement or issue a new RFP for the following:
 - historic preservation of the building exterior
 - restoration of the existing Community center, including the basketball court, gymnasium, nonprofit dedicated daycare space, and meeting rooms
 - remaining space and existing building dedicated to BMR units
 - construction of a new building on the back of the property for additional BMR units (the village commercial district and historic preservation bonus allows for up to seventy nine units, and up to five stories), and
 - separate entrances for the community space and daycare and the building section with BMR units
- Why is a preference for residents from certain neighborhoods permissible in the NYC housing lotteries? The purchaser will look into this
- Amenities in the building will include fitness center, computer center, business center, outdoor space, a kitchenette in the community space, and covered parking
- Currently , rents range between \$1000 and \$2100, which takes into account income and the average utility cost
- A family of one at a 40% AMI level would have to make \$47,000. This is shown on [chart](#) previously sent
- When they are evaluating whether that household has sufficient income to move into that house they typically use a ten percent above and below

A motion to hold Item No. 2 was made and seconded. There was extensive discussion of this motion.

- Since new information as well as a new idea were presented, the item should be held for the committee to discuss these items
- This would allow the Board to work with the administration to reach a solution that would satisfy the constituents as well as the City's needs
- The community wants a community center and there is no reason to hold this; a new RFP is needed
- Rep. Sherwood provided information 20 minutes before the meeting
- There are people outside of Glenbrook who should also be listened to, who want housing and public space, rather than a community center
- It is possible that Rep. de la Cruz's proposal would fit within the constraints of the current RFP
- The information presented by Rep. Sherwood is not new, it is all publicly available
- Allowing the City to negotiate a new agreement would not be transparent
- This would permit the committee to discuss Rep. de la Cruz's proposal
- Only the administration has the authority to negotiate contracts
- Mr. Dellaselva stated that Rep. de la Cruz's proposal would be consistent with the RFP
- Ms. Freeman stated that the estimate in the engineering report does not account for other items that have in fact, broken or deteriorated further, the increase in costs; the administration will provide backup for the current cost to bring the building back up to condition
- Mr. Dellaselva stated that negotiating with a winning proposal is not a violation of the city's competitive processes; negotiating with proposers who submitted untimely proposals would be a violation; the RFP. Is very broad. It allows for negotiating with the winning proposer; the RFP asks for very broad mixed-use proposals and the City picks the one it likes best and is allowed by definition to negotiate with the winning proposal.

The motion to hold Item No. 2 failed by a vote of 4-4-0 (Reps. Berns, Nabel, Fedeli, and Jacobson in favor; Reps. Boeger, Cottrell, Matheny, and Sherwood opposed).

A motion to approve Item No. 2 failed by a vote of 3-5-0 (Reps. Nabel, Fedeli, and Jacobson in favor; Reps. Berns, Boeger, Cottrell, Matheny, and Sherwood opposed).

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| 3. LR31.033 | ORDINANCE <u>for publication</u> ; 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
08/23/22 – Held by Committee 7-0-0 | Held 8-0-0 |
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A motion to hold Item No. 3 was made, seconded, and approved by a vote of 8-0-0 (Reps. Berns, Boeger, Cottrell, Fedeli, Jacobson, Matheny Nabel, and Sherwood in favor).

4. [LR31.018](#)

APPROVAL Amendment to the Board of Representatives Rules of Procedure to Amend Section II.B.1 to Establish a Postage Mailing Allowance to Facilitate Representatives' Broader Communication with Constituents.

Held 8-0-0

02/09/22 – Submitted by Reps. de la Cruz, Morson, and Sherwood

03/01/22 – Held by Committee 8-0-0

03/29/22 – Held by Committee 7-0-0

04/26/22 – Held by Committee 8-0-0

06/27/22 – Report Made & Held by Committee 7-0-0

07/11/22 – Moved to Pending

A motion to hold Item No. 4 was made, seconded, and approved by a vote of 8-0-0 (Reps. Berns, Boeger, Cottrell, Fedeli, Jacobson, Matheny Nabel, and Sherwood in favor).

Co-Chair Berns adjourned the meeting at 11:18 p.m.

Respectfully submitted,
Phil Berns, Co-Chair

This meeting is on [video](#).