24TH REPORT OF THE BOARD OF CONTROL

Meeting held on May 12, 2004.

PRESENT: Mayor A. M. DeCicco (Chair), Deputy Mayor T. C. Gosnell, Controllers W. R. Monteith, W. J. Polhill and G. D. Hume; and K. Bain (Secretary).


I YOUR BOARD RECOMMENDS:

MATTERS CONSENTED TO BY THE BOARD

1. (1) That, on the recommendation of the Director of Water, Environment and Customer Relations, the following actions be taken with respect to the 2004 Watermain Replacement Program, Contract #4 (Project No. EW3632), namely:

(a) the bid submitted by Omega Contractors Inc., 4104 Breck Avenue, London, at its tendered price of $1,293,352.40 (excluding GST) BE ACCEPTED; it being pointed out that the bid submitted by Omega Contractors Inc. was the lowest of five (5) bids received and meets the City's specifications and requirements in all areas;

(b) the financing for this project BE APPROVED as set out in the Sources of Financing Report attached hereto as Appendix "A";

(c) the Civic Administration BE AUTHORIZED to undertake all the administrative acts that are necessary in connection with this project; and

(d) the approval given herein BE CONDITIONAL upon the Corporation entering into a formal contract or issuing a purchase order for the work to be done and the materials to be supplied in connection with this project (Tender 04-07). (61 A4.3.)

2. (2) That, on the recommendation of the Director of Water, Environment and Customer Relations, the following actions be taken with respect to the cleaning and cement mortar lining program (Project No. EW3641), namely:

(a) the bid submitted by Fer-Pal Construction Ltd., 169 Fenmar Drive, North York, at its tendered price of $1,093,305.40 (excluding GST), BE ACCEPTED; it being pointed out that the bid submitted by Fer-Pal Construction Ltd. was the lowest of five (5) bids received and meets the City's specifications and requirements in all areas;

(b) the financing for this project BE APPROVED as set out in the Sources of Financing Report attached hereto as Appendix "A";

(c) the Civic Administration BE AUTHORIZED to undertake all the administrative acts that are necessary in connection with this project; and

(d) the approval given herein BE CONDITIONAL upon the Corporation entering into a formal contract or issuing a purchase order for the work to be done and the materials to be supplied in connection with this project (Tender 04-09). (61.14.3.)

3. (3) That, on the recommendation of the Director of Water, Environment and Customer Relations, the following actions be taken with respect to the construction of a portion of the leachate collection system for Cell 6S at the W12A Landfill Site (Project Nos. ES6021 & ES6035), namely:

(a) the bid submitted by 504802 Ontario Inc., o/a JCJ Contracting, P.O. Box 371, Virgil, at its tendered price of $949,909.23 (excluding GST), BE ACCEPTED; it being pointed out that the bid submitted by 504802
Ontario Inc. was the lowest of six (6) bids received and meets the City's specifications and requirements in all areas;

(b) the financing for this project BE APPROVED as set out in the Sources of Financing Report attached hereto as Appendix "A";

(c) the Civic Administration BE AUTHORIZED to undertake all the administrative acts that are necessary in connection with this project; and

(d) the approval given herein BE CONDITIONAL upon the Corporation entering into a formal contract for this project (Tender 04-23). (23.4.2.)

4. (6) That, on the recommendation of the General Manager of Environmental and Engineering Services & City Engineer:

(a) repairs BE MADE to the existing expansion joints in the basement and lower levels of the City Hall parking structure at an estimated cost of $115,000;

(b) Reg Cooper Square pedestrian access BE ENHANCED through the installation of concrete walkways as conceptually identified in drawing A2 attached and that appropriate signage BE INSTALLED to reduce pedestrian activity on other portions of the square to ensure public safety at an estimated cost of $90,000;

(c) direction by the Senior Leadership Team on April 6, 2004 to engage a consultant at an upset limit of $10,000 to assess needs BE CONFIRMED; and

(d) financing for the above works BE APPROVED as set out in the Sources of Financing Report attached hereto as Appendix "A". (54.11.3.)

5. (8) That, on the recommendation of the Acting General Manager of Planning and Development, the Mayor and the City Clerk BE AUTHORIZED to execute the attached agreement with respect to the use of a portion of White Oaks Park on a temporary basis by the Thames Valley District School Board for the purpose of locating a playground structure. (58.5.1.)

6. (9) That, on the recommendation of the Acting General Manager of Community Services, the following actions be taken regarding the Health Summit:

(a) the Health Summit Task Team BE DISSOLVED and the members of the Health Summit Task and Implementation Teams BE THANKED for their involvement in the process;

(b) the Thames Valley District Health Council BE THANKED for incorporating the Health Summit into their third annual Spring Forum, "Primary Health Care: A Next Step to System Integration," held on April 29, 2004; it being noted that the outcomes from the Forum will be used by the London Health Systems Coordinating Committee to develop a model(s) of primary health care that responds to the needs of our community and to advise the Minister of Health and Long-Term Care on primary health care reform; and

(c) the City of London CONTINUE TO WORK in partnership with the Thames Valley District Health Council and other health care stakeholders to address the primary health care issues identified through the Spring Forum; it being noted that the City of London is a member of the London Health Systems Coordinating Committee, and that the issues regarding the need to recruit family physicians are being explored through the Mayor's Health Care London Task Force. (33.1.1.)

7. (10) That, on the recommendation of the Acting General Manager of Finance and Corporate Services, on the advice of the Manager of Realty
Services, the offer submitted by 680061 Ontario Limited to purchase 1.0 acre in Trafalgar Industrial Park, Phase IIIA, located on the north side of Swiftsure Court and described as Lots 5 and 6, Plan 33M-239, for the sum of $65,000, BE ACCEPTED. (41.8.1.)

8. (19) That, on the recommendation of the Development Charges Monitoring Committee, the attached annual statement of the City Treasurer with respect to the operation of the City Services Reserve Fund and Hydro Services Reserve Fund for the year ended December 31, 2003 BE RECEIVED and that the City Treasurer BE REQUESTED to forward a copy of this statement to the Minister of Municipal Affairs and Housing in compliance with Section 43(3) of the Development Charges Act, 1997; it being noted that the Development Charges Monitoring Committee asked for a further report at its next meeting to provide additional information with respect to the following projects:

(a) ES3078 and ES3081 – Oxford Street Trunk Sanitary Sewer - clarification with respect to the apparent disproportionately high growth costs relative to the catchment area;

(b) TS1523 – Bradley Avenue Extension – clarification as to why development charges are being used to fund this project;

(c) EW3691 – Water System Master Plan Update – additional material requested for all facets of the Plan;

(d) RC2010 – Update, Master Plan – Parks and Recreation – a rationale for the split of the project cost;

(e) TS1520 – Long Term Transportation Study and TS5030 – Transportation Plan Update – rationale for the continuing funds being spent to study the need for an expressway at the northern edge of the City;

(f) PP4320 – Biohazard Storage and Lab Facility (Police Services) – request for documentation indicating final Council approval for this project, and others proposed by the Police Services;

(g) PD1068 – Victoria Park Redevelopment – clarification of the rationale for funds used for improvements to existing parks versus new initiatives; and

(h) RC3462 – Eastwood Branch Library – clarification as to how the City Services Reserve Fund commitment was arrived at.

9. (4) That, on the recommendation of the General Manager of Environmental and Engineering Services & City Engineer, the following actions be taken with respect to the widening of Springbank Drive from Horton Street to Wonderland Road South (Project Nos. TS1480, ES3104 & EW3669), namely:

(a) the bid submitted by L-82 Construction Limited, at its tendered price of $7,635,597.91 (excluding GST), BE ACCEPTED; it being pointed out that the bid submitted by L-82 Construction Limited was the lowest of three (3) bids received and meets the City’s specifications and requirements in all areas;

(b) the financing for this project BE APPROVED as set out in the Sources of Financing Report attached hereto as Appendix “A”;

(c) Stantec Consulting Ltd. BE AUTHORIZED to carry out the resident supervision and general administration of this project in accordance with its agreement with the City, at an upset limit of $398,495.90 (excluding GST), noting that this firm completed the engineering design for this project;
(d) the Civic Administration **BE AUTHORIZED** to undertake all the administrative acts that are necessary in connection with this project; and

(e) the approval given herein **BE CONDITIONAL** upon the Corporation entering into a formal contract or issuing a purchase order for the work to be done and the materials to be supplied in connection with this project (Tender 04-27);

it being noted that the Acting General Manager of Finance and Corporate Services was asked to provide clarification regarding the opening paragraph of the Finance and Corporate Services Department Report on the sources of financing. (23.21.1.)

10. (5) That, with respect to the funding for the Skyway Industrial Park (Project No. ID1165), the Civic Administration **BE DIRECTED** to meet with the Greater London International Airport Authority to secure additional funding; it being noted that the tender will be issued subject to the finalization of funding for this project.

11. (7) That, on the recommendation of the General Manager of Environmental and Engineering Services & City Engineer, with the concurrence of the Acting General Manager of Finance and Corporate Services, the property located at 305 Queens Avenue **BE DECLARED SURPLUS**, and the Civic Administration **BE AUTHORIZED** to undertake the necessary administrative actions required to prepare the property for sale, including utilizing a commercial realtor specializing in commercial properties to list/market the subject property for sale; it being noted that all offers will be reported to the Board of Control and will include the right to refuse the offer on the basis of price or intended use; it being further noted that Council will consider offers including options on how to deal with the heritage designation on this property. (45.3.1.)

12. (11) That, on the recommendation of the Acting General Manager of Finance and Corporate Services, the dates of May 19 to May 29, 2005 **BE SET ASIDE** for the Community Suite at the John Labatt Centre as a City sponsored event for the purpose of making the suite available for the Canadian Hockey Association as part of sponsoring the Memorial Cup; it being noted that the Acting General Manager of Finance and Corporate Services will work on obtaining a suite for use for City purposes on one night during the Memorial Cup. (54.1.3.)

13. (14) That, on the recommendation of the Acting General Manager of Finance and Corporate Services, the following actions be taken:

(a) the First Quarter 2004 Operating Budget Monitoring Report reflecting year end projections for the Corporate, Water and Sewer Budgets **BE RECEIVED** for information; it being noted that the Civic Administration is projecting a balanced position for 2004 despite a combined $2.7 million deficit projection reported by Civic Departments, Boards and Commissions in the Property Tax Supported Budget, a $0.1 million deficit reported in the Waste Water Budget and a $0.5 million deficit reported in the Water Works Budget;

(b) cost containment and revenue generating opportunity strategies **BE IMPLEMENTED** within the 2004 General Budget (Property Tax Supported) in order to accommodate a projected $2.7 million property tax supported deficit reported by Civic Departments;

(c) cost containment and revenue generating opportunity strategies **BE IMPLEMENTED** within the 2004 Water Works Budget in order to accommodate a projected $0.5 million deficit reported by the Environmental and Engineering Services Department;

(d) cost containment and revenue generating opportunity strategies **BE IMPLEMENTED** within the 2004 Waste Water Budget in order to
accommodate a projected $0.1 million deficit reported by the Environmental and Engineering Services Department; and

(e) the Civic Administration BE REQUESTED to report back to Council on the cost containment initiatives under consideration prior to implementation if existing service levels will be compromised; it being noted that operational savings strategies and initiatives will be conducted in a manner that minimizes the impact on current service levels across the Corporation. (25.5.1.)

City Initiated Assessment Appeals

14. (16) That, on the recommendation of the City Treasurer, the City initiated assessment appeals listed on Schedule A attached hereto, BE APPROVED. (2.3.2.)

Progress Report –2004 Dev. Charges Background Study

15. (18) That, on the recommendation of the Acting General Manager of Finance and Corporate Services, the Board of Control BE DIRECTED to conduct the public meeting required under the Development Charges Act on June 22, 2004; it being noted that the background study and draft by-law will be available no later than June 7, 2004. (59.24.4.)

Collection of Tenant Water & Sewer Arrears

16. (21) Added) That, on the recommendation of the Acting General Manager of Finance and Corporate Services, NO ACTION BE TAKEN at this time to collect tenant water and sewer arrears from landlords; it being noted that London Hydro Inc. collects a deposit for water accounts from rate users with poor or no credit history and has instituted strict new collection procedures for late accounts. (70.16.1.)

Appointment - CSCP

17. (23) That Loren Demelo BE APPOINTED to the Community Safety and Crime Prevention Advisory Committee as the representative of the London District Catholic School Board for the term ending November 30, 2006. (32.1.1.)

Appointment - LACH

18. (24) That Mike Baker BE APPOINTED to the London Advisory Committee on Heritage as the representative of the Museums and Galleries sector for the term ending November 30, 2006. (32.1.1.)

2004 World Inline Hockey Championships

19. (Added) That, on the recommendation of the Acting General Manager of Finance and Corporate Services, on the advice of the City Clerk and in accordance with the Council Civic Reception Policy, funding in the amount of $2,000 BE APPROVED to provide a hosting grant to Canada Inline to sponsor an opening reception on Thursday, June 24, 2004 for the 2004 World Inline Hockey Championships subject to:

(a) the City of London being given the traditional level of recognition for its sponsorship of the reception; and

(b) the Mayor (or her designate) being invited to attend the reception to represent the City of London;

it being noted out that funds are available in the 2004 Operating Budget to represent the City's sponsorship of this reception. (19.16.1.) (See attached.)

20. (Added) That the London International AirFest BE DESIGNATED as a "Municipally Significant Event" in the City of London. (19.5.1.) (See attached.)

21. (Added) That the City Solicitor BE DIRECTED to prepare a report on the ability of the City to raise its concerns with Justice Kennedy's decision by a reference to the appropriate court; and that, as a precautionary step, the City's outside counsel BE INSTRUCTED to seek leave to appeal to the Divisional Court the May 10, 2004 decision of Justice Kennedy in order to meet the May 17th deadline for doing so.
22. That the following matters be noted and filed:

**London Abused Women's Centre - Request for Meeting with Human Rights Specialist**

(a) (26) a communication from the Executive Director of the London Abused Women's Centre with respect to her unsuccessful attempts to schedule a meeting with the City's Chief Human Rights Specialist; it being noted that Mayor DeCicco has responded to this communication;

(b) (27) a copy of a communication to the Mayor from the President, Board of Directors, ATN (Accommodation, Training and Networking for Persons with Disabilities), with respect to recent Human Resources Skills Development (HRSD) policy directives; and

(c) (28) a copy of a communication to the Mayor from the Honourary Co-Chairs of The Canadian Medical Hall of Fame (CMHF) with respect to sponsorship of the CMHF Induction Celebration to be held in Ottawa on September 30, 2004.

II YOUR BOARD REPORTS:

23. (12) That the Board of Control received and noted an information report from the Acting General Manager of Finance and Corporate Services with respect to property assessment services. (2.1.1.)

24. (13) That the Board of Control received and noted an information report from the Acting General Manager of Finance and Corporate Services with respect to the quarterly report on all contracts awarded that exceed $25,000 for the period of January to March 2004. (64.1.1.)

25. (15) That the Board of Control received and noted an information report from the Acting General Manager of Finance and Corporate Services with respect to the budget and actual spending to the end of the first quarter for all active capital projects. (25.5.1.)

26. (17) That the Board of Control received and noted an information report from the Director of Intergovernmental and Community Liaison with respect to a summary of the Large Urban Mayor's Caucus of Ontario (LUMCO) meeting held on April 30, 2004. (32.1.1.)

27. (19) That the Board of Control received and noted clauses 2 to 7, inclusive, of the 3rd Report of the Development Charges Monitoring Committee from its meeting held on May 5, 2004. (See Report attached.)

28. (20) That the Board of Control deferred consideration of the request by St. Paul's Cathedral and Woodland Cemetery for a Development and Urban Works Charge exemption for the new administration building constructed at 493 Springbank Drive to the Board's next meeting on June 9, 2004. (59.24.4.)

29. (22) That the Board of Control deferred the hearing with respect to consideration of an application submitted by Shelley Jane Waters (operating as A & M Qwik Pik Services) for a Business Licence for 2004 to the meeting to be held on June 9, 2004. (46.6.1.)

30. (25) That the Board of Control received and noted a communication from the Board of Directors of Madame Vanier Children's Services requesting that Council nominate a Member of Council to its Board of Directors. (32.1.1.)

31. (21) That the Board of Control received and noted the attached communication from the London Property Management Association regarding the collection of tenant water and sewer arrears. (70.16.1.)

32. (21) That the Board of Control received and noted a communication from R. L. Johnson regarding unpaid tenant utility bills. (70.16.1.)
33. (Added) That the Board of Control (BC) received and noted the attached information report from the City Manager with respect to benefit claims experience for various employee groups. The BC asked the Director of Human Resources to report back in two months regarding this matter. (56.17.2.)

34. Controller Polhill disclosed a pecuniary interest in clause 8 of this Report by indicating that the party involved is a customer of his business. Controller Polhill also disclosed a pecuniary interest in a confidential legal matter (clause 10 of the Confidential Appendix to the 24th Report of the Board of Control).

35. That the Board of Control (BC) met in camera from 10:00 am to 11:32 am, 1:25 pm to 1:55 pm and 2:25 pm to 2:50 pm to consider the following:

(a) a matter pertaining to a proposed or pending acquisition or disposition of land by the municipality;

(b) three matters pertaining to litigation or potential litigation affecting the municipality;

(c) a matter pertaining to:
   (i) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality;
   (ii) advice that is subject to solicitor-client privilege, including communications necessary for that purpose; and
   (iii) a matter in respect of which a council, board, committee or other body may hold a closed meeting under another Act;

(d) two matters pertaining to:
   (i) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality; and
   (ii) advice that is subject to solicitor-client privilege, including communications necessary for that purpose;

(e) a matter pertaining to advice that is subject to solicitor-client privilege, including communications necessary for that purpose;

(f) a matter pertaining to labour relations or employee negotiations;

and that the BC is submitting a confidential report to the Municipal Council regarding these matters. (See Confidential Appendix to the 24th Report of the Board of Control enclosed for Council Members only.)

The meeting adjourned at 2:55 pm

BOARD OF CONTROL ACTION ON COMMITTEE REPORTS

13th Report of the Environment and Transportation Committee

Clauses 1 and 2 - Concurred in