20TH REPORT OF THE BOARD OF CONTROL

Meeting held on July 22, 2009 commencing at 10:00 a.m.

PRESENT: Mayor A. M. DeCicco-Best (Chair), Deputy Mayor T. C. Gosnell, Controllers G. Barber, W. J. Polhill and G. Hume; and L. Rowe (Secretary).


I YOUR BOARD RECOMMENDS:

1. (1,25) That the following actions be taken with respect to Tender T09-61 for the Supply and Delivery of Chemicals for the Pollution Control Plants – Sodium Hypochlorite – 12%, in response to the appeal under Section 2.8 of the Purchasing By-law by R. Ploughman, Director of Sales, Dutch Products Inc.:
   (a) NO ACTION BE TAKEN with respect to the recommendation of the General Manager of Environmental and Engineering Services and City Engineer to accept a tender at this time; and
   (b) the Civic Administration BE DIRECTED to re-tender the project in accordance with section 3.11 of the Purchasing By-law;

   It being noted that the Board of Control (BC) heard verbal delegations from the General Manager of Finance and Corporate Services and Acting City Treasurer, the Manager of Financial Services and Acting Deputy City Treasurer, the Manager of Purchasing and R. Ploughman, Director of Sales, Dutch Projects Inc. with respect to this matter. (WO6-00)

2. (2) That, on the recommendation of the Director, Roads and Transportation, the following actions be taken with respect to the 2009 Bridge Deck Waterproofing and Resurfacing (Project No. TS1761), namely:
   (a) the bid submitted by TCG Asphalt & Construction, P.O. Box 189, 2200 Jetstream Road, London, at its tendered price of $885,044.25 (excluding GST), BE ACCEPTED; it being pointed out that the bid submitted by TCG Asphalt & Construction was the lower of two (2) bids received and meets the City’s specifications and requirements in all areas; it being noted that there are no anticipated additional operating costs to the Environmental and Engineering Services Department budget in 2010 and subsequent years associated with approval of this tender;
   (b) the financing for this project BE APPROVED as set out in the Sources of Financing Report attached hereto as Appendix ‘A’;
   (c) AECOM, 285 King Street, Suite 300, London, BE AUTHORIZED to carry out the resident inspection and contract administration for the said project in accordance with the estimate, on file, at an upset amount of $96,910 (excluding GST), based upon the Fee Guideline for Professional Engineering Services, 2006, recommended by the Ontario Society of Professional Engineers, in accordance with Schedule “D” Appointment of Consulting Services Policy of Council Policy By-law A.-6151-17; it being noted that this firm completed the engineering design;
   (d) the Civic Administration BE AUTHORIZED to undertake all the administrative acts that are necessary in connection with this project;
   (e) the approval given herein BE CONDITIONAL upon the Corporation entering into a formal contract or issuing a purchase order for the material to be supplied and the work to be done relating to this project (Tender 09-72); and
(f) the Mayor and the Acting City Clerk **BE AUTHORIZED** to execute any contract or other documents, if required, to give effect to these recommendations. (S08-00)

3. (3) That, on the recommendation of the Director, Wastewater and Treatment, the following actions be taken with respect to the supply of aeration equipment at Vauxhall Pollution Control Plant (Project No. ES5083), namely:

   (a) the purchase of an OTT Group Aeration System for the Vauxhall Pollution Control Plant from Hydro-Logic Environmental Inc., 762 Upper James Street, Suite 250, Hamilton, at a quoted price of $107,630.21 (excluding GST) **BE AUTHORIZED**;

   (b) the approval given herein **BE CONDITIONAL** upon the Corporation negotiating satisfactory terms and conditions with Hydro-Logic Environmental Inc., to the satisfaction of the General Manager of Environmental and Engineering Services and City Engineer;

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

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

   (e) the approval given herein **BE CONDITIONAL** upon the Corporation entering into a formal contract or issuing a purchase order relating to this matter. (W06-00)

4. (4) That, on the recommendation of the Director of Fleet, Facilities and Departmental Resources, the following actions be taken with respect to plumbing services at various City facilities, namely:

   (a) the bid submitted by Westminster Mechanical, 45228 Ferguson Line, Belmont, at its tendered unit hourly prices (exclusive of GST and PST), **BE ACCEPTED**; it being pointed out that the estimated annual expenditure is approximately $175,000.00 and that Westminster Mechanical submitted the lowest tendered rates for plumbing services at our facilities and locations;

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

   (c) the approval given herein **BE CONDITIONAL** upon the Corporation entering into a formal contract or issuing a purchase order or contract record relating to this matter (Tender 09-79). (A09-00)

5. (5) That, on the recommendation of the Director of Fleet Facilities & Departmental Resources, the following actions be taken with respect to increasing the value of the 2009 Supply & Lay Hot Mix Asphalt contract – Tender Number 09-28 (Project No. GG1600-677), namely:

   (a) the value of the contract with TCG Asphalt and Construction Inc. **BE INCREASED** from $4,550,843.75 to $5,060,843.75 (exclusive of GST) to complete additional pavement rehabilitation at the AJ Tyler Operations Centre identified by the Infrastructure Stimulus Funding program; and

   (b) the financing for this increase **BE APPROVED** as set out in the Sources of Financing Report attached hereto as Appendix “A”; it being recognized that this work would not have been undertaken without the stimulus funding for this project having been provided through contributions of both the Canadian Federal Government and the Ontario Provincial
Government; it being noted that the award of the extension of this contract is in compliance with the Corporation's Purchasing By-law and Policy. (S08-00)

6. (6) That, on the recommendation of the Director of Fleet, Facilities & Departmental Resources, the following actions be taken with respect to the architect to act as prime consultant for replacement field houses (Project Nos. RC2748 & PD2134), namely;

   (a) the proposal submitted by Cornerstone Architecture Incorporated, 110 - 700 Richmond Street, London, at a fee of $133,000 (exclusive of GST), **BE ACCEPTED** in accordance with Council Policy 7(9A);

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

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

   (d) the approvals given herein **BE CONDITIONAL** upon the Corporation entering into a formal contract with the contractor for the work (RFP FDC09-04);

   it being recognized that this work would not have been undertaken without the stimulus funding for this project having been provided through contributions of both the Canadian Federal Government and the Ontario Provincial Government. (A03-00)

7. (7) That, on the recommendation of the Director of Fleet, Facilities and Departmental Resources, the following actions be taken with respect to modular furniture panel systems and wall systems relocation, namely:

   (a) the bid submitted by P.B. Installations Inc., 15974 Medway Rd., R.R. #1, Arva, at its tendered hourly rates for a three year term, **BE ACCEPTED**; it being pointed out that the estimated annual expenditure is approximately $135,000 and that P.B. Installations submitted the lowest tendered rates;

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

   (c) the approval given herein **BE CONDITIONAL** upon the Corporation entering into a formal contract or issuing a purchase order or contract record relating to this matter (Tender 09-70). (A14-00)

8. (8) That, on the recommendation of the Director of Fleet, Facilities & Departmental Resources the following actions be taken with respect to the architect to act as the prime consultant for T-Block renovations (Project No. RC2200-851), namely;

   (a) the proposal submitted by SJMA Architecture Inc., 126 Wellington Road, London, at a fee of $92,620.00 (exclusive of GST), **BE ACCEPTED** in accordance with Council Policy 7(9A);

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

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

   (d) the approval given herein **BE CONDITIONAL** upon the Corporation entering into a formal contract with the consultant for the work (RFP FDC09-05);
it being recognized that this work would not have been undertaken without the stimulus funding for this project having been provided through contributions of both the Canadian Federal Government and the Ontario Provincial Government. (A03-00)

9. (9) That, on the recommendation of the Director of Fleet, Facilities & Departmental Resources, the following actions be taken with respect to the supply and installation of an underground storm water management structure at the Exeter Road Operations Centre (Project No. TS6210), namely:

(a) the bid submitted by R. Russell Construction, at its tendered price of $277,027 (exclusive of GST), **BE ACCEPTED**; it being noted that the bid submitted by R. Russell Construction was the lowest of four (4) bids received and meets the City's specifications and requirements in all areas;

(b) future annual operating costs of $5,000 **BE APPROVED** as a first priority from available assessment growth in 2010 subject to final budget approval;

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

(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 material to be supplied and the work to be done relating to this project (Tender 09-78). (W10-02)

10. (10) That, on the recommendation of the General Manager of Planning & Development and the Director of Fleet, Facilities & Departmental Resources, the following actions be taken with respect to the architect to act as prime consultant for the construction of new park features at Ed Blake Park (Project No. RC2771-766), namely;

(a) the proposal submitted by Cornerstone Architecture Incorporated, 110-700 Richmond Street, London, at a fee of $104,370 (exclusive of GST), **BE ACCEPTED** in accordance with Council Policy 7(9A);

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

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

(d) the approvals given herein **BE CONDITIONAL** upon the Corporation entering into a formal contract with the contractor for the work (RFP FDC09-02);

it being recognized that this work would not have been undertaken without the stimulus funding for this project having been provided through contributions of both the Canadian Federal Government and the Ontario Provincial Government. (A03-00)

11. (11) That, on the recommendation of the General Manager of Planning and Development, the following actions be taken with respect to the construction of the Kiwanis Skateboard Park (Project Nos. PD1020 & PD1022), namely:
(a) the bid submitted by Ro-Buck Contracting Ltd., 2326 Fanshawe Park Road East, London, at its negotiated price of $503,461.38 (excluding GST), BE ACCEPTED; it being noted that the bid submitted by Ro-Buck Contracting Ltd. was the lower of two (2) bids received and meets the City's specifications and requirements in all areas;

(b) the funding 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;

(d) the approval given herein BE CONDITIONAL upon the Corporation entering into a formal contract or issuing a purchase order relating to this matter (Tender 09-74); and

(e) the Civic Administration BE REQUESTED to examine the City's project review process to ensure it affords the best opportunity for securing the most favourable pricing for the various projects that are undertaken by the City. (E06-00)

12. (12) That, on the recommendation of the General Manager of Planning and Development, the following actions be taken with respect to the extension of the multi-use pathway system under the Queens Avenue and Dundas Street bridges, adjacent to the Thames River (Project Nos. PD1120 & PD2134-737), namely:

(a) the bid submitted by Ro-Buck Contracting Ltd., 2326 Fanshawe Park Road East, London, at an estimated contract price of $666,000 (GST extra), BE ENDORSED; it being noted that the bid submitted by Ro-Buck Contracting Ltd. was the lowest of three (3) bids received and meets the City's terms, conditions and specifications in all areas;

(b) the financing for the City's portion of $491,000 (excluding GST) BE APPROVED as set out in the Sources of Financing Report attached hereto as Appendix "A"; it being noted that the Upper Thames River Conservation Authority (UTRCA) will fund $175,000 from the Ministry of Natural Resources through their "Water and Erosion Control Infrastructure Program (WECI)";

(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 relating to this matter (Tender 09-75). (S07-00)

13. (13) That, on the recommendation of the General Manager of Planning and Development, the following actions be taken with respect to the appointment of a consultant for the Medway District Park Infrastructure Project (Project No. PD1022-780), namely:

(a) Stantec Consulting Inc. 800-171 Queens Avenue London, BE APPOINTED lead consultant to provide landscape architectural and contract management services of the said project in the amount of $99,000 (excluding GST), in accordance with Purchasing By-law A-20 and Engineering Services Policy 7(9a);

(b) the financing for this project BE APPROVED in accordance with 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
14. (14) That, on the recommendation of the Fire Chief, the following actions be taken with respect to the supply and delivery of a fire engine (Project No. PP1086), namely:

(a) the bid submitted by Carl Thibault Fire Trucks Inc., 38 Thibault St., Pierreville, QC, for the supply and delivery of an engine style fire apparatus, at its tendered price of $457,896 (GST extra, PST exempt), BE ACCEPTED;

(b) the funding for this purchase 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 purchase; and

(d) the approval given herein BE CONDITIONAL upon the Corporation entering into a formal contract or issuing a purchase order or contract record relating to this matter. (A03-00)

15. (15) That, on the recommendation of the General Manager of Finance and Corporate Services and Acting City Treasurer, the attached proposed by-law BE INTRODUCED at the Municipal Council meeting to be held on July 27, 2009 to authorize the Mayor and the Acting City Clerk to execute an agreement on behalf of the City of London with respect to the funding provided by the Province of Ontario under the Ontario Bus Replacement Program. (S10-00)

16. (16) That, on the recommendation of the General Manager of Finance and Corporate Services and Acting City Treasurer, the following actions be taken with respect to the Recreation Infrastructure Canada (RlnC) funding program:

(a) capital expenditures in the amount of $6.2 million, of which $2,057,550 represents the municipal portion of the projects listed in the attached Table 1, BE APPROVED; it being noted that these projects were approved for $2.1 million from each of the Federal and Provincial governments under the Recreation Infrastructure Canada (RlnC) funding program;

(b) the Civic Administration BE DIRECTED to bring forward recommended sources of financing for the municipal portion of each of the projects listed in the attached Table 1 as each project is advanced; it being noted that these projects will be funded from a combination of debt and the Operating Budget Contingency Reserve; and

(c) the Civic Administration BE AUTHORIZED to prepare any necessary by-laws regarding the projects listed in the attached Table 1. (G10-00)

17. (17) That, on the recommendation of the General Manager of Finance and Corporate Services and Acting City Treasurer, on the advice of the Manager of Realty Services, the following actions be taken:

(a) the Mayor and the Acting City Clerk BE AUTHORIZED to execute an exchange of lands agreement between the City and Union Gas Limited, as follows:

(i) Union Gas will release all easement interests (if they exist) over Parts 2 through 10, Plan 33R-17441, by registering an appropriate Transfer Release and Abandonment document;
(ii) the City will transfer an easement to Union Gas over Parts 6, 7, 8, 9 and 10, Reference Plan 33R-17441;

(iii) the City will transfer to Union Gas in fee simple Parts 3 and 4, Plan 33R-17441 to facilitate station expansion;

(iv) Union Gas will transfer to the City, Part 2, Plan 33R-17441, for road widening purposes; and

(v) upon receipt of the road widening, the City will arrange to dedicate Parts 2 and 5, Plan 33R-17441, as public highway; and

(b) the attached proposed by-law BE INTRODUCED at the Municipal Council meeting on July 27, 2009. (L15-01)

18. (18) That, on the recommendation of the General Manager of Finance and Corporate Services and Acting City Treasurer, on the advice of the Manager of Realty Services, the following actions be taken with respect to the declaration of surplus land and sale to Union Gas Limited:

(a) the City-owned property located on the north side of Bradley Avenue, described as Part Block 3, Plan 33M-592 (Parts 1, 2 and 3, Plan 33R-17359), measuring approximately 30' X 69' and containing an area of approximately 2,070 square feet, BE DECLARED SURPLUS;

(b) the Mayor and the Acting City Clerk BE AUTHORIZED to execute an Agreement of Purchase and Sale between the City and Union Gas Limited, to sell the City-owned property described as Part Block 3, Plan 33M-592 (Parts 1, 2 and 3, Plan 33R-17359), for the sum of $1,455.00, for the purpose of locating a Union Gas substation to provide natural gas to Innovation Park industrial park; and

(c) the attached proposed by-law BE INTRODUCED at the Municipal Council meeting on July 27, 2009. (L15-01)

19. (19) That, on the recommendation of the General Manager of Community Services, the following actions be taken with respect to contracts for the Local Immigration Partnerships:

(a) the attached proposed by-law (Appendix "A") BE INTRODUCED at the Municipal Council meeting on July 27, 2009 to approve the agreement with Citizenship and Immigration Canada for a Local Immigration Partnership, which will provide a collaborative framework for local planning, development and implementation of sustainable solutions for the successful integration of newcomers and immigrants, and to authorize the Mayor and the Acting City Clerk to execute the Agreement; and

(b) the attached proposed by-law (Appendix "B") BE INTRODUCED at the Municipal Council meeting on July 27, 2009 to approve the agreement with United Way of London & Middlesex who, as the strategic co-lead of the Local Immigration Partnership project, will act as the employer for the project contract staff, and to authorize the Mayor and the Acting City Clerk to execute the Agreement. (C14-00)

20. (21) That, on the recommendation of the Director of Corporate Management Support, the following actions be taken with respect to the delivery of corporate communications services:

(a) the Director of Corporate Management Support BE AUTHORIZED to immediately fill one additional permanent Communications Specialist position, in keeping with the proposed “next steps” approved, in principle, by the Municipal Council at its meeting held on June 29, 2009; and,
(b) the source of financing for the above-noted position **BE ALLOCATED** from within the approved 2009 Operating Budget for Corporate Communications; it being noted that no additional funds are required to fund this position in 2010. (H19-00)

21. (22) That, on the recommendation of the Chief of Police, the following actions be taken with respect to the establishment of reserve funds:

(a) the attached proposed by-law (Appendix A) **BE INTRODUCED** at the Municipal Council meeting on July 27, 2009 to authorize the establishment of a London Police Service Recruitment Reserve Fund;

(b) the attached proposed by-law (Appendix B) **BE INTRODUCED** at the Municipal Council meeting on July 27, 2009 to authorize the establishment of a London Police Service Vehicle Replacement Reserve Fund. (F14-00)

22. (23) That, on the recommendation of the Chief Administrative Officer, the following actions be taken with respect to the Southwest Economic Alliance (SWEA):

(a) a sponsorship contribution of $10,000 to the annual meeting of the Southwest Economic Alliance (SWEA) **BE APPROVED**; it being noted that the London Economic Development Corporation (LEDC) has agreed to provide $5,000 of this amount; and

(b) the source of financing for this contribution **BE APPROVED** from the contingency set aside for the Customer Service Strategy within the Operating Budget Contingency Reserve. (M16-00)

23. (24) That the following actions be taken with respect to Project Elbow Room pertaining to civic administration space requirements:

(a) the Civic Administration **BE AUTHORIZED** to undertake the necessary work to repair the 11th Floor roof, including asbestos removal, HVAC improvements and staff relocation during the period of the work, at a cost of up to $1.5M;

(b) the Civic Administration **BE REQUESTED** to report back with a proposal for the reconfiguration of the 11th Floor office space that would better utilize the existing floor space;

(c) the Civic Administration **BE REQUESTED** to update its review of office space options in the Downtown area;

(d) the Civic Administration **BE REQUESTED** to report back on the implications of the Accessibility for Ontarians with Disabilities Act (AODA) on renovation requirements for the 2nd Floor of City Hall; and,

(e) the Civic Administration **BE REQUESTED** to report back on what options the City of London would have should there be any “stranded” Stimulus Funding;

it being noted that the Board of Control (BC) heard verbal delegations from the Chief Administrative Officer, the Manager of Facilities Design and Construction Division and the Manager of Facilities and Design with respect to this matter. (A09-07)

24. (27) That **NO ACTION BE TAKEN** with respect to the communication dated July 2, 2009 from Councillor S. Orser requesting that the City ask the Police Services Board to consider a one-time $25,000 reward, funded by the City, for the capture and arrest of the person or persons responsible for the rash of recent fires throughout the City; it being noted that the BC heard a verbal delegation from Chief Wm. M. Faulkner with respect to this matter advising that a cash reward, under the circumstances, would not be effective in solving the
25. (31) That the following actions be taken with respect to the communication dated July 6, 2009 from the President, Renaissance Antiques and Collectables Market and the communication dated July 16, 2009 from the Director, Corporate Affairs, Labatt Breweries requesting that the City of London pass a by-law to allow these businesses to open on certain statutory holidays:

(a) the Acting City Clerk BE REQUESTED to initiate the process to invite receipt of the necessary documentation from these businesses, in accordance with the Retail Business Holidays Act, so that the Board of Control can give due consideration to these requests within the dictates of governing provincial legislation;

(b) the Civic Administration BE REQUESTED to meet with representatives of Labatt Breweries to further discuss their request; and

(c) the Civic Administration and/or Tourism London BE REQUESTED to review whether or not the City of London should pursue a broader tourism designation. (M16-00)

26. (32) That the Acting City Clerk BE DIRECTED to immediately advertise for members of the public to apply for the recently-created vacancy on the London Transit Commission, arising from the untimely passing of Mr. Jack Davis.

27. (33) That Councillors Branscombe, Miller and Hubert BE APPOINTED to the London Regional Children's Museum Working Group; it being noted that no Council Members indicated they were available to fill any of the three newly-created Alternate Member positions on the Services Review Committee.

28. (37) That, on the recommendation of the Creative City Committee, the following actions be taken with respect to the request of the London Regional Children's Museum (LRCM) for the City of London to adopt a funding model for museums and heritage, similar to the Community Arts Investment Program:

(a) the actions taken by the Municipal Council at its meeting held on June 15, 2009 in having adopted the attached clause 21 of the 16th Report of the Board of Control relating to a funding model for museums and heritage BE RECONSIDERED;

(b) upon the reconsideration noted in (a) above, the said clause BE RESCINDED;

(c) a Working Group of interested Municipal Council Members BE ESTABLISHED to work with the Culture Office and the Community Services Department, in establishing a dialogue with the LRCM to discuss its Strategic Business Plan and offer input on how the LRCM can best achieve its short and long-term goals;

it being noted that the Creative City Committee (CCC) received a Municipal Council resolution adopted at its meeting held on June 15, 2009 with respect to the request of the London Regional Children's Museum for a funding model to be incorporated for museums and heritage.

(Acting City Clerk's Note: The motion to reconsider in part (a) requires a two-thirds vote of the Whole Council.)
29. (37) That, on the recommendation of the Creative City Committee and the Director, Corporate Management Support, the following actions be taken with respect to the City of London Creative City Fund:

(a) the City of London Creative City Fund revised Terms of Reference, attached as Appendix ‘A’, BE APPROVED; and

(b) the City of London Culture Office BE REQUESTED to issue a call for proposals for the Creative City Fund in the Fall, 2009.

30. (37) That, on the recommendation of the Creative City Committee, B. Meehan BE ASKED to develop a business plan, including the cost of relocation and storage to Museum London, of the Mayors’ Portraits on the 2nd Floor of City Hall.

31. (38) That the 5th Annual East Coast Festival to take place at the Covent Garden Market August 20 to 22, 2009 BE DESIGNATED as a Municipally Significant Event in the City of London. (M09-00)

32. That, in response to the verbal report from the Chief Administrative Officer and the Director of Human Resources concerning a potential Council training program at the Ivey School of Business, the Acting City Clerk BE AUTHORIZED to circulate potential training dates to the Council Members to determine which date best meets the needs of the Council Members; it being noted that the session would be held at Spencer Hall, for one day, from approximately 9 a.m. to 5:30 p.m.

33. (Added) That the Civic Administration BE DIRECTED to explore and report back on the multi-partner public-private proposal for a Global Centre for Water Technology Innovation at the Greenway Pollution Control Plant; it being noted that the Board of Control (BC) received the attached communication and heard a verbal presentation from the Chief Administrative Officer with respect to this matter.

34. (Added) That, on the recommendation of the General Manager of Finance and Corporate Services and Acting City Treasurer, on the advice of the Manager of Realty Services, approval BE GIVEN to the expropriation of lands as may be required for the completion of the Hale/Trafalgar/CN Rail Grade Separation Project in the vicinity of the intersection of Hale and Trafalgar Streets, for the construction of an overpass over the CN Railway tracks, and that the following actions BE TAKEN in connection therewith:

(a) application be made by The Corporation of the City of London as expropriating authority to the Council of The Corporation of the City of London as approving authority for the approval to expropriate the lands required for the Hale/Trafalgar/CN Rail Grade Separation Project;

(b) The Corporation of the City of London serve and publish notice of the above application in accordance with the terms of the Expropriations Act; and

(c) The Corporation of the City of London forward to the Chief Inquiry Officer any requests for a hearing that may be received and report such to the Council of The Corporation of the City of London for its information;

and a by-law BE INTRODUCED at the appropriate time to authorize the foregoing and to direct the Civic Administration to carry out all necessary administrative actions. (See Report attached.)

35. (Added) That the following actions be taken with respect to the funds remaining after the wind down of the Ambassador London program:

(a) $25,000 of the remaining unused funds BE ALLOCATED to the London Economic Development Corporation for the purpose of assisting small
growth businesses and for leveraging provincial funding for entrepreneurial programs; and,

(b) the balance of the remaining unused funds **BE RETURNED** to the City of London;

it being noted that the Board of Control heard a verbal update from the President and Chief Executive Officer of the London Economic Development Corporation with respect to this matter.

Clause 2 of the 12th Report of the CPSC - London Optimist Sports Centre

36. That clause 2 of the 12th Report of the Community and Protective Services Committee **BE AMENDED** in line 5 of part (a) by deleting therefrom the words "at 6 Cuddy Boulevard" and by substituting therefor the words "; and the Civic Administration **BE DIRECTED** to meet with representatives of the London Optimist Sports Centre to discuss various options for the location of the London Optimist Sports Centre."

II YOUR BOARD REPORTS:

37. (20) That the Board of Control reviewed and received an information report from the Director of Corporate Management Support with respect to Statements of Claim naming the City of London as a Defendant for the period of April 1, 2009 to June 30, 2009. (L05-00)

38. (26) That the Board of Control reviewed and received a Memorandum and heard a verbal presentation from the Chief of Police with respect to the current budget target-setting process. (F05-00)

39. (28) That the Board of Control reviewed and received a copy of a communication, dated June 25, 2009, from the Chief Executive Officer, Thames Valley Children’s Centre, expressing appreciation for the capital grant it received from the City. (F12-00)

40. (29) That the Board of Control reviewed and received a copy of a communication, dated June 25, 2009, from the Director of Development, The RCR Museum, expressing appreciation for the capital grant it received from the City. (F12-00)

41. (30) That the Board of Control (BC) received a communication dated June 24, 2009 from Mr. Gregory Fowler requesting that the Council Procedure By-law be amended to provide for the complete text of all motions to be read aloud by the Chair prior to the vote being taken and that the number of votes for and against each motion be announced, rather than just whether the motion is carried or lost. The BC referred the communication to the Civic Administration to take into consideration and report back on as part of the Accessibility for Ontarians with Disabilities Act process. (G06-00)

42. (34) That the Board of Control reviewed and received a copy of a communication dated June 10, 2009, to the Mayor from The Honourable Rick Bartolucci, Minister of Community Safety and Correctional Services, in response to the City’s correspondence with respect to gun violence in Ontario. (P06-00)

43. (35) That the Board of Control reviewed and received a copy of a communication dated June 24, 2009, to the Mayor from The Honourable Madeleine Meilleur, Minister of Community and Social Services, in response to the City’s letter regarding the initial proposed accessible employment standard. (C02-00)

44. (36) That the Board of Control (BC) received a communication dated July 2, 2009 from the Acting Executive Director, Childreach, requesting delegation status at the BC’s September 16, 2009 meeting with respect to changes to the organization’s renovation plans. The BC requested the Acting City Clerk to make arrangements for delegation status for Childreach at the September 16, 2009 meeting of the Board of Control. (F12-00)
45. (37) That the Board of Control received and noted clauses 4 to 20, inclusive, of the 3rd Report of the Creative City Committee from its meeting held on July 8, 2009. (See Report attached.)

46. That the Board of Control received a verbal update from the General Manager of Environmental and Engineering Services & City Engineer with respect to funding for a Material Recovery Facility.

47. That Controller Barber enquired about the possibility of posting the Added Agendas on the City of London's website. The Board of Control (BC) requested the Acting City Clerk to pursue the posting of Added Agendas on the City of London's website.

48. That Controller Polhill disclosed a pecuniary interest in clause 34 of this report having to do with the Halemrafalgar Overpass by indicating that the project may have an impact on his son's properties.

49. That the Board of Control (BC) passed the following resolution prior to moving in camera from 12:17 p.m. to 12:21 p.m.:

That the Board of Control move in camera to consider the following matters:

(a) a matter pertaining to litigation or potential litigation affecting the municipality, personal matters about an identifiable individual and information whose disclosure could reasonably be expected to prejudice the economic interests of the Corporation or instructions to be applied to any negotiations carried on or to be carried on by or on behalf of the Corporation;

(b) a matter to be considered for the purpose of instructions and directions to officers and employees of the Corporation pertaining to a proposed acquisition of land; advice that is subject to solicitor-client privilege, including communications necessary for that purpose; reports or advice or recommendations of officers and employees of the Corporation pertaining to a proposed acquisition of land; commercial and financial information supplied in confidence pertaining to the proposed acquisition, the disclosure of which could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of the Corporation, result in similar information continue to be so supplied, and result in undue loss or gain to any person, group, committee or financial institution or agency; commercial information relating to the proposed acquisition that belongs to the Corporation that has monetary value or potential monetary value; information concerning the proposed acquisition whose disclosure could reasonably be expected to prejudice the economic interests of the Corporation or its competitive position; information concerning the proposed acquisition whose disclosure could reasonably be expected to be injurious to the financial interests of the Corporation; and instructions to be applied to any negotiations carried on or to be carried on by or on behalf of the Corporation concerning the proposed acquisition;

(c) a matter pertaining to litigation affecting the municipality, specifically an Application by Abe Vergara to the Superior Court of Justice, Court file 58865, for an Order quashing a Council Resolution dated August 14th, 2007, a determination of the Applicant's right to a licence under the City of London's Licence By-law No. L-6, and any ancillary orders requiring that the City of London grant a business licence to permit an adult entertainment services parlour at 1560 Dundas Street; an appeal by the Applicant, Abe Vergara, to the Ontario Court of Appeal from the decision of the Madam Justice Rady of the Superior Court of Justice, dated June 12, 2009; and advice that is subject to solicitor-client privilege, including communications necessary for that purpose relating to a pending appeal
by Mr. Vergara from decision of the Madam Justice Rady of the Superior Court of Justice, dated June 12, 2009;

(d) a matter pertaining to litigation in the Superior Court of Justice, Court File No. 61809, The Corporation of the City of London v. Hatch Ltd. et al. or potential litigation affecting the municipality and arising out of the Springbank Dam Rehabilitation Project and advice that is subject to solicitor-client privilege, including communications necessary for that purpose;

(e) a matter pertaining to litigation or potential litigation affecting the municipality being an Application to the Ontario Labour Relations Board by the Labourers' International Union of North America, Local 1059 regarding the construction of a watermain pipeline by the Lake Huron Primary Water Supply System and advice that is subject to solicitor-client privilege, including communications necessary for that purpose;

(f) a matter pertaining to reports, advice and recommendations of officers and employees of the Corporation concerning labour relations and employee negotiations in regard to one of the Corporation's unions;

(g) a matter pertaining to litigation affecting the municipality which is currently before the Ontario Superior Court (File Nos. 42443 and 42865) and advice that is subject to solicitor client privilege, including communications necessary for that purpose;

and that the BC is submitting a confidential report to the Municipal Council regarding this matter. (See Confidential Appendix to the 20th Report of the Board of Control enclosed for Council Members only.)

The meeting adjourned at 12:22 p.m.

Board of Control Action on Committee Reports

14th Report of the Environment and Transportation Committee

Clauses 1 to 7, inclusive - Concurred in

12th Report of the Community and Protective Services Committee

Clause 1 - Concurred in

Clause 2 - Amended as per clause 36 of this Report