18TH REPORT OF THE BOARD OF CONTROL

Meeting held on March 31, 2004.

PRESENT: Deputy Mayor T. C. Gosnell (Acting Chair), 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

Maintenance of Street Lights & Traffic Control Devices - Tenders

1. (1) That, on the recommendation of the General Manager of Environmental and Engineering Services & City Engineer, the following actions be taken with respect to the awarding of contracts for the maintenance of street lights and traffic control devices, namely:

   (a) the bid submitted by Langley Utilities Contracting Ltd., P.O. Box 218, Bowmanville, at its tendered price of $756,466 for the maintenance of street lights BE ACCEPTED; it being noted that the bid submitted by Langley Utilities Contracting Ltd. was the lower of two (2) received and meets the City's specifications and requirements in all areas;

   (b) the bid submitted by Stacey Electric Company Ltd., 179 Bartley Drive, Unit B, Toronto, at its tendered price of $843,107.49 for maintenance of traffic control devices, BE ACCEPTED; it being noted that the bid submitted by Stacey Electric Company Ltd. was the lowest of four (4) received and meets the City's specifications and requirements in all areas;

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

   (d) the approval given herein BE CONDITIONAL upon the Corporation entering into formal contracts or issuing purchase orders relating to these tenders (Tenders 04-13 and 04-14). (61.10.1.)

Supply & Delivery of Ready Mix Concrete - Tender

2. (2) That, on the recommendation of the Director of Administration & Development Services, the following actions be taken with respect to the supply and delivery of Ready-Mix Concrete (Project No. TS3041), namely:

   (a) the bid submitted by Mobile Mix Concrete Products (1971) Ltd., 72 Ann Street, London, at its tendered price of $162,329.40 (PST included, exclusive of GST), BE ACCEPTED, with an option to renew the contract for one (1) additional year; it being pointed out that the bid submitted by Mobile Mix Concrete Products (1971) 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 purchase BE APPROVED as set out in the Sources of Financing Report attached hereto as Appendix "A"; and

   (c) the approval given herein BE CONDITIONAL upon the Corporation entering into a formal contract or issuing a purchase order relating to this tender (Tender 04-03). (23.16.1.)

Replacement of Sidewalks, Curb & Gutter - Tender

3. (3) That, on the recommendation of the Director of Administration & Development Services, the following actions be taken with respect to the replacement of sidewalks, curb and gutter, namely:

   (a) the bid submitted by Ro-Buck Contracting Limited, at its tendered price of $1,168,472.50 (excluding GST), BE ACCEPTED; it being pointed out that the bid submitted by Ro-Buck Contracting Limited 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 relating to this tender (Tender 04-15). (23.10.1.)

4. (4) That, on the recommendation of the Director of Administration & Development Services, the following actions be taken with respect to the supply and lay of hot mix asphalt (Project Nos. TS3072, TS3073 & EW3632), namely:

(a) the bid submitted by TCG Asphalt & Construction Inc., at its tendered price of $1,133,184.50 (excluding GST), **BE ACCEPTED**; it being pointed out that the bid submitted by TCG Asphalt & Construction Inc. 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) 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 tender (Tender 04-16). (23.16.1.)

5. (5) That, on the recommendation of the Director of Water, Environment and Customer Relations, the following actions be taken with respect to the supply and delivery of waterworks materials (Project No. EW3731), namely:

(a) the bid submitted by Emco Supply Ltd., 944 Leathorne Street, London, at its tendered price of $130,015.89 (including PST, excluding GST), **BE ACCEPTED**; it being pointed out that the overall bid submitted by Emco Supply Ltd. was the lower of two (2) 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"; and

(c) the approval given herein **BE CONDITIONAL** upon the Corporation entering into a formal contract or issuing a purchase order relating to this tender (Tender 04-07). (61.14.3.)

6. (6) That, on the recommendation of the Director of Water, Environment & Customer Relations, the following actions be taken with respect to replacing the watermain on Florence Street (Project No. EW3780):

(a) the watermain installation portion of the bid submitted by J-AAR Excavating Limited, 31 Exeter Road, London, Ontario, N6L 1B6, at its tendered price of $129,855 (excluding GST) **BE ACCEPTED**; it being pointed out that the overall bid submitted by J-AAR Excavating Limited was the lowest of seven (7) bids received and accepted by the Western Fair Association;
(b) the financing for this project **BE APPROVED** in accordance with the "Sources of Financing Report" **attached** hereto as Appendix "A";

(c) Development Engineering (London) 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 $11,550 (excluding GST); it being noted that this firm completed the engineering design for this project and that the consulting fees for the project are in accordance with the Suggested Schedule of Fees for Engineering Projects, recommended by Professional Engineers Ontario;

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

(e) the approvals 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 on this project. (61.14.3.)

7. (7) That, on the recommendation of the Director of Wastewater & Treatment, the following actions be taken with respect to the award of a Contract for the construction of the Forest City Industrial Park Stormwater Management Facilities (Project No. ID1054):

(a) the bid submitted by J-AAR Excavating Ltd., at its tendered price of $988,080 (exclusive of GST) for the construction of the Forest City Industrial Park Stormwater Management Facilities, **BE ACCEPTED**; it being pointed out that the bid submitted by J-AAR Excavating Ltd. was the lowest of seven (7) bids received and meets the City's specifications and requirements in all areas;

(b) Earth Tech Canada Ltd. **BE AUTHORIZED** to carry out the resident inspection and contract administration for the said project at an upset amount of $86,795.50 (exclusive of GST) based upon the Suggested Schedule of Fees for Engineering Projects, recommended by Professional Engineers Ontario; and in accordance with Council Policy 7(9A), Clause (e);

(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 04-11). (23.17.4.)

8. (8) That, on the recommendation of the Director of Wastewater & Treatment, the following actions be taken with respect to the provision of Wide Area Network Services for the SCADA Systems, namely:

(a) the proposal submitted by Bell Canada, P.O. Box 9000, Station Don Mills, North York, for a five year service contract in the amount of $745,972.20 (including PST, excluding GST), **BE ACCEPTED**; it being pointed out that the proposal submitted by Bell Canada was the lower of two (2) proposals received and meets the City's specifications and requirements in all areas; and

(b) the approval given herein **BE CONDITIONAL** upon the Corporation entering into a formal contract or issuing a purchase order relating to this matter (RFP 03-40). (54.5.1.)
9. (9) That, on the recommendation of the Acting General Manager of Planning & Development and of the Director of Fleet, Facilities & Department Resources, the following actions be taken with respect to the Elsie Perrin Williams Gate House and Park Farm repairs and upgrades (Project No. PD2319), namely:

(a) the bid submitted by SDI Builders Ltd., 224 Riverside Drive, London, at its tendered price of $180,870, BE ACCEPTED; it being pointed out that the bid submitted by SDI Builders Ltd. was the lower of two (2) 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 relating to this tender (Tender 04-02). (32.6.2.)

10. (10) That, on the recommendation of the Acting General Manager of Planning and Development, the following actions be taken with respect to the supply and installation of playgrounds, pathways, parking lots and site amenities in City Parks (Project Nos. PD1270, PD2027 & PD2057), namely:

(a) the bid submitted by TCG Asphalt & Construction Inc., P.O. Box 189, London, at its tendered price of $535,986.15 (excluding GST), BE ACCEPTED; it being pointed out that the bid submitted by TCG Asphalt & Construction 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;" and

(c) the approval given herein BE CONDITIONAL upon the Corporation entering into a formal contract relating to this tender (Tender 04-04-05). (58.18.1.)

11. (13) That, on the recommendation of the General Manager of Community Services and on the advice of the Director, Dearness Services, the following actions be taken with respect to the supply and delivery of medical products for the Dearness Home, namely:

(a) the bid submitted by Stevenson Co., 200 Walker Drive, Brampton, at its tendered price of $131,069.40 (excluding PST and GST) for a three year period with a 3% increase in each year of the contract, BE ACCEPTED; it being pointed out that the bid submitted by Stevenson Co. was the lowest of six (6) bids received and meets the City's specifications and requirements in all areas; and

(b) the approval given herein BE CONDITIONAL upon the Corporation entering into a formal contract or issuing a purchase order relating to this tender (Tender 03-92). (10.7.1.)

12. (15) That, on the recommendation of the Acting General Manager of Finance & Corporate Services, on the advice of the Manager of Realty Services, the closed City owned lane described as all of the lane closed by Judges Order No. 33272, registered as Instrument No. ER-274811, lying west of Lots 63 to 67, both inclusive, on Registered Plan 415(3) (Part 4, Plan 33R-14939), located on the north side of King Street between 844 and 848 King Street, measuring approximately 20' X 220' and containing an area of approximately 4,400 square feet, BE DECLARED SURPLUS, and that the subject lands be disposed of in accordance with City Policy. (67.3.2.)
13. (16) That, on the recommendation of the Acting General Manager of Finance & Corporate Services, on the advice of the Manager of Realty Services, the City owned land, being Part Lot 25, Concession 3, located on the west side of Hyde Park Road and containing an area of approximately 3.6 acres, BE DECLARED SURPLUS, and that the subject lands be disposed of in accordance with City Policy. (4.10.2.)

14. (11) That the following actions be taken with respect to the supply, delivery and planting of new tree stock on City streets and in City parks (Project Nos. TS2702, TS2703, E55135, EW3630 & PD1270), namely:

(a) the bid submitted by Green Side Up (1984) Limited, P.O. Box 2364 Station A, London, at its tendered unit prices, BE ACCEPTED; it being pointed out that the bid submitted by Green Side Up (1984) 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) the approval given herein BE CONDITIONAL upon the Corporation entering into a formal contract or issuing a purchase order relating to this tender (Tender 04-21); and

(d) the Acting General Manager of Planning and Development BE REQUESTED to report back to the next Board of Control meeting regarding the possibility of additional tree planting for the downtown area. (10.7.1.)

15. (12) That, on the recommendation of the General Manager of Community Services and on the advice of the Director, Dearness Services, the following actions be taken with respect to the management and operation of the Dearness Home dietary and laundry services, namely:

(a) the current contract with Sodexho Services, 3350 South Service Road, Burlington, for the management and operation of the dietary service and the laundry service at the Dearness Home BE EXTENDED to October 31, 2005 and the current contract for the management and operation of the City Hall cafeteria BE EXTENDED on a month-to-month basis until October 31, 2005; and

(b) the approval given herein BE CONDITIONAL upon the Corporation entering into a formal contract or issuing a purchase order relating to this matter (RFP 00-04).

16. (14) That, on the recommendation of the Acting General Manager of Finance & Corporate Services, on the advice of the Manager of Realty Services, the offer submitted by All Makes Logistics Intermodal & Freight Services Inc., to purchase 8.0 acres, more or less, located on the north-west corner of Wilton Grove Road and Cheese Factory Road, and being comprised of the southerly portion of Part 12, Plan 33R-15347 in the City of London, and shown as part of Part 12 in Forest City Industrial Park, for the consideration of $360,000 ($45,000 per acre), BE ACCEPTED, with the completion of the transaction being subject to the following condition:

(a) the vendor permitting a building coverage of 6.3% notwithstanding clause 5(b) under the present policy in Schedule "B" to By-law LSP-3300-114, which states that the minimum coverage of the building or structure shall be 15%;

and that the report from the Acting General Manager of Finance & Corporate Services regarding this matter be amended in the second paragraph of the background section to indicate that the assessed value, including land, is approximately $1,750,000. (41.8.1.)
17. (24) That, the annual monitoring report on the Industrial Land Development Strategy be received for information, and that the Civic Administration **BE AUTHORIZED** to take the following actions:

(a) to bring forward annual recommendations with respect to industrial land pricing, with the long-term goal of reaching a break even position to recover land and local servicing costs;

(b) to explore the possibility of a joint venture partnership for the marketing and sale of the Airport Road South Industrial Area with potential private sector partnering;

(c) to review the current policy of industrial development charge exemptions as part of the new Development Charge By-law; and

(d) the Acting General Manager of Finance and Corporate Services to prepare a report on the issues regarding the various areas at the appropriate time for consideration by the Board of Control. (41.8.1.)

18. (27) That the Board of Control considered all of the evidence from Barry R. Card on behalf of Applegate Walk Inc. and Janice L. Page of the City Solicitor's Office regarding a request for a Development Charges and Urban Works demolition credit for an accessory farm building formerly located at 4067-4077 Colonel Talbot Road;

And that if the Board of Control agreed with the request from Mr. Card, the demolition credit would be limited to the 3,600 sq.ft. of floor space that was used as a retail store;

And that the Board of Control finds that the words "non-residential development" in Section 18(2) of By-law C.P.-1413-214 should be interpreted to mean non-residential development which is subject to development charges and does not include non-residential development which is exempt from development charges under Section 34 of the By-law and that on that basis the request for a Development Charges and Urban Works Charge demolition credit **BE DENIED.** (59.24.4.)

19. (31) That Mary Kerr **BE APPOINTED** to the London Advisory Committee on Heritage as the representative of the Urban League of London for the term ending November 30, 2006. (32.1.1.)

20. (Added) That the City Clerk **BE DIRECTED** to advertise for volunteers for one citizen appointment on the Audit Committee with the advertisement to indicate that the available position requires the designation of Chartered Accountant; and that the terms of reference for the Audit Committee **BE AMENDED** to reflect the addition of one citizen appointee. (32.1.1.) (See attached.)

21. (Added) That the following actions be taken regarding the report from the City Manager on the benefits claims experience for various employee groups:

(a) the Civic Administration **BE DIRECTED** to continue to review benefit usage in order to determine the cause(s) of the increase to Extended Health Care Claims;

(b) the Civic Administration **BE REQUESTED** to report back to the Special Board of Control meeting to be held on April 5, 2004 regarding further actions to be taken regarding this matter. (56.17.2.)

22. That the following communications **BE NOTED AND FILED:**

(a) a communication from the City Clerk transmitting the Council resolution from the meeting on March 9, 2004 regarding the development of a community area plan in the vicinity of the London International Airport;
(b) a communication and petition containing 256 signatures from Gregory M. Rosebrugh with respect to the reduction in core funding to the Boys' and Girls' Club of London; and

(c) a communication from Councillor MacDonald with respect to a summary of the Federation of Canadian Municipalities (FCM) Board of Directors meeting held March 4 to 6, 2004 in Vancouver BC.

II YOUR BOARD REPORTS:

ISO Registration – Municipal Election Process

23. (17) 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 external audit for the ISO process and procedures for the municipal election process. (22.1.1.)

Progress Report – 2004 Development Charges Background Study

24. (18) 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 progress towards completion of the 2004 Development Charges Background Study. (59.24.4.)

UWRF – Fund Status & Key Operating Controls

25. (19) 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 operations of the Urban Works Reserve Fund (UWRF) and its current status. (59.24.4.)

FCM & LUMCO Resolutions – Share of Gas Tax

26. (20) That the Board of Control (BC) received and noted an information report from the Director of Intergovernmental and Community Liaison with respect to resolutions and news releases from the Federation of Canadian Municipalities (FCM) and the Large Urban Mayors' Caucus of Ontario (LUMCO) regarding the gas tax allocation for public transportation. The BC asked the Director of Intergovernmental and Community Liaison to prepare a draft resolution regarding this matter for consideration at the Special Board of Control meeting to be held on April 5, 2004. (31.14.4.)

Public Sector Salary Disclosure Act

27. (21) That the Board of Control received and noted an information report from the City Treasurer with respect to the Public Sector Salary Disclosures for 2003 in accordance with the Public Sector Salary Disclosure Act. (56.1.1.)

LEDC 2003 Audited Financial Statements

28. (22) That the Board of Control received and noted an information report from the City Treasurer with respect to the 2003 audited financial statements of the London Economic Development Corporation (LEDC). (3.1.1.)

City Manager's Position – Transfer Report

29. (23) That the Board of Control (BC) received and noted an information report from the City Manager with respect to the status of the transfer in the City Manager's position. (32.3.5.)

Forest City Ind. Park Financial Returns

30. (25) That the Board of Control received a delegation from J. Kim, President and CEO, London Economic Development Corporation (LEDC) and a copy of the Executive Summary from the report on Forest City Industrial Park Financial Returns.

Fanshawe Pioneer Village

31. (26) That the Board of Control received and noted a communication from M. Zelinski with respect to funding for Fanshawe Pioneer Village. (25.5.1.)

Response to Provincial Discussion Paper on Infrastructure Financing and Procurement

32. (Added) That the Board of Control received and noted the attached report from the Director of Intergovernmental and Community Liaison on the City of London's response to the provincial discussion paper on infrastructure financing and procurement entitled "Building a Better Tomorrow".

Business Licence – A & M Qwik Pik Services

33. (30) That the Board of Control (BC) convened as an Administrative Tribunal on March 31, 2004 to consider an application submitted by Shelley Jane Waters (operating as A & M Qwik Pik Services) for a Business Licence for 2004. The BC deferred the hearing to May 12, 2004 at the request of Shelley Jane Waters. (46.6.1.)
34. (32) That the Board of Control (BC) received a communication from the General Manager of Covent Garden Market advising that Michael King has resigned his appointment to the Board of Directors of the Covent Garden Market Corporation. The BC accepted the resignation and asked the City Clerk to provide the Board of Control with the list of individuals who had previously expressed an interest in sitting on this Board for consideration at the special BC meeting to be held on April 5, 2004. (49.14.1.)

35. (33) That the Board of Control (BC) received a communication from the City Clerk regarding the Council resolution of December 1, 2003 regarding the governance structure. The BC asked the Civic Administration to report back with suggested options for considering this matter. The BC also noted a request from the Chamber of Commerce to appear as a delegation before the Board to present the Chamber’s Governance Task Force Report. The BC asked the Civic Administration to review this submission and report back on a recommended process for obtaining input from interested parties regarding this subject.

36. (35) That the Board of Control (BC) received and noted a communication from the President of Cole Layer Trumble Canada Inc. with respect to property assessment practices. The BC referred this communication to the City Treasurer for a report back to the Board. (2.1.1.)

37. That the Board of Control (BC) consider a report from the General Manager & City Engineer regarding the installation of watermain, sanitary sewer, storm sewer and road improvements in the Hyde Park Village Area at the special BC meeting to be held on April 5, 2004.

38. That Deputy Mayor Gosnell disclosed a pecuniary interest in clause 36 relating to the installation of watermain, sanitary sewer, storm sewer and road improvements in the Hyde Park Village Area as he may have a business relationship with the developer involved.

39. That the Board of Control is submitting a confidential report to the Municipal Council concerning personnel, property and legal matters. (See Confidential Appendix to the 18th Report of the Board of Control enclosed for Council Members only.)

The meeting adjourned at 2:35 p.m.

BOARD OF CONTROL ACTION ON COMMITTEE REPORTS

8th Report of the Community and Protective Services Committee
Clauses 1 to 4, inclusive - Concurred in

8th Report of the Environment and Transportation Committee
Clauses 1 & 2 - Concurred in