Meeting held on July 28, 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. (3) That, on the recommendation of the Director of Roads and Transportation, the following actions be taken with respect to the supply, mixing and stockpiling of winter sand, namely:

   (a) the bid submitted by Thames Valley Aggregates, 4201 Blakie Road, London, at its tendered price of $153,600 (excluding taxes), BE ACCEPTED; it being pointed out that the bid submitted by Thames Valley Aggregates was the lowest of four (4) 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 04-55). (23.16.1.)

2. (4) That, on the recommendation of the Director of Fleet, Facilities and Departmental Resources, the following actions be taken with respect to the supply and delivery of nine 56,000 lb. cab and chassis (Project No. ME1011), namely:

   (a) the bid submitted by Carrier Truck Center, 90 Enterprise Drive, London, at its tendered price of $812,349 (including PST), BE ACCEPTED; it being pointed out that the bid submitted by Carrier Truck Center was the lowest of four (4) 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 04-56). (23.5.1.)

3. (5) That, on the recommendation of the Director of Administration & Development Services, the following actions be taken with respect to the video sewer inspection survey service (Project No. ES1819), namely:

   (a) the bid submitted by Benko Sewer Services, 4 Widdicomb Cr., London, at its tendered price of $166,800 (including PST, excluding GST) for a six (6) month period, with an option to renew the contract for one (1) additional year, BE ACCEPTED; it being pointed out that the bid submitted by Benko Sewer Services 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"; 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 04-57). (23.17.1.)
4. (6) That, on the recommendation of the Director of Wastewater & Treatment, the following actions be taken with respect to the construction of Phase 1 of the Edward Street Area Storm Sewer project (Elmwood Avenue Contract 1) (Project No. ES5138), namely:

(a) the bid submitted by Bre-Ex Limited, 247 Exeter Road, London, at its tendered price of $2,775,074.75, BE ACCEPTED; it being pointed out that the bid submitted by Bre-Ex 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) Dillon Consulting Limited 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 $129,748.30 (excluding 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);

(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 tender (Tender 04-59). (23.17.5.)

5. (7) That, on the recommendation of the General Manager of Environmental and Engineering Services & City Engineer, the following actions be taken with respect to the Oxford Street Widening at Elliott Street (Project No. TSI 243), namely:

(a) the bid submitted by TCG Asphalt & Construction Inc., at its tendered price of $319,031.10 (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”;

(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 04-60). (23.21.1.)

6. (8) That, on the recommendation of the Director of Water, Environment & Customer Relations, the following actions be taken with respect to 2004 Main Replacements with Major Road Works – Contract #6 (Project No. EW3781), namely:

(a) the bid submitted by 1123491 Ontario Inc. o/a United Contracting, 2074 Dundas Street East, London, at its tendered price of $636,440 (excluding GST) for the supply and installation of watermain replacement for Green Valley Road and watermain construction for Roxburgh Road, BE ACCEPTED; it being pointed out that the bid submitted by 1123491 Ontario Inc., o/a United Contracting, was the lowest of seven (7) 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 04-61). (61.14.3.)

7. (9) That, on the recommendation of the Director of Fleet, Facilities & Departmental Resources, the following actions be taken with respect to the Labatt Memorial Park Repairs and Upgrades (Project No. RC2742), namely:

(a) the bid submitted by K & L Construction Ltd., 1700 Hyde Park Road London, at its tendered price of $129,500 for the Labatt Memorial Park Repairs and Upgrades, **BE ACCEPTED**; it being pointed out that the bid submitted by K & L 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 which are necessary in connection with the project; and

(d) the approval given herein **BE CONDITIONAL** upon the Corporation entering into a formal contract relating to this tender (Tender 04-62). (58.10.1.)

8. (11) That, on the recommendation of the Director of Fleet, Facilities and Departmental Resources, the following actions be taken with respect to the supply, delivery and installation of nine packer bodies (Project No. ME1011), namely:

(a) the bid submitted by Fanotech Enviro Inc., R.R. #3 Old North Rd., Huntsville, at its tendered price of $480,470.40 (including PST), **BE ACCEPTED**; it being pointed out that the bid submitted by Fanotech Enviro Inc. was the lower of two (2) 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 relating to this tender (Tender 04-66). (23.5.1.)

9. (13) That, on the recommendation of the Director of Recreation and Neighbourhood Services, the following actions be taken with respect to advertising services in various arenas and community centres, namely:

(a) the proposal submitted by Brideau Management Group, 4 Rhine Meadow Road, P.O. Box 410, Heidelberg ON, for a three year period, with an option to renew the contract for two (2) additional years, **BE ACCEPTED** as follows:

   Year 1 – Guarantee of $15,000 paid to the City
   Year 2 – Guarantee of $25,000 paid to the City
   Year 3 – Guarantee of $35,000 paid to the City;
10. (14) That, on the recommendation of the Chief Administrative Officer, the following actions be taken with respect to the development of a 150th Anniversary (Sesquicentennial) celebration of the Incorporation of the City of London as a ‘City’:

(a) the Civic Administration BE AUTHORIZED to proceed with the development of a celebration for the 150th Anniversary (Sesquicentennial) of the Incorporation of London as a ‘City’; it being noted that while the key focus of the celebration would include showcasing specific community festivals, events, activities and assets taking place during July 1 to August 1, 2005, other opportunities throughout the year will also take place;

(b) funding in the amount of $50,000 from the 2004 budget BE APPROVED for the development of the Sesquicentennial celebration to hire a coordinator and cover space and material costs, and that new funding for this initiative in the amount of $250,000 BE CONSIDERED for 2005 budget approval;

(c) a Steering Committee BE CREATED to oversee this Sesquicentennial celebration; it being noted that the Steering Committee would be responsible for the development of a plan for the celebration which would be presented to Council for approval; it being further noted that the Committee would be made up of representatives of the arts, heritage and corporate communities, Tourism London, the Chief Administration Office, and other civic departments, the City Clerk and interested members of Council; and

(d) an interested member of Council BE APPOINTED by Council as the Chair of the Sesquicentennial Steering Committee. (19.5.1.)

11. (16) That, on the recommendation of the General Manager of Finance and Corporate Services, on the advice of the Manager of Realty Services, the closed City owned lane being Part of the 12 foot wide lane adjacent to Lots 31, 35, 36 and 37, Registered Plan 453(c), closed by Court Order No. 33364, registered as Instrument No. ER294608, designated as Part 4, Plan 33R-15748, Part of P.I.N. 08080-00765 (LT), located on the south side of Broughdale Avenue, adjacent to 171 Broughdale Avenue, measuring approximately 12.0’ X 48.82’ E X Irr W X 29.98’ R and containing an area of approximately 658 square feet, BE DECLARED SURPLUS, and that the subject lands be disposed of in accordance with City Policy. (67.3.2.)

12. (17) That, on the recommendation of the General Manager of Finance and Corporate Services, on the advice of the Manager of Realty Services, the City owned Shore Road road allowance, east of Westdel Bourne, being part of the road allowance between Concessions “A” and “B” in the geographic Township of Westminster, in the City of London, designated as Parts 1 and 2, AGM Plan 2-2-6672, containing an area of approximately .747 acres, which is in the process of being closed, BE DECLARED SURPLUS, and that the subject lands be disposed of in accordance with City Policy. (4.10.2.)

13. (18) That, on the recommendation of the General Manager of Finance and Corporate Services, on the advice of the Manager of Realty Services, the City owned land, being Part Lots 4 and 5, Plan 308, located on the north side of Riverside Drive between Wharncliffe Road and the Thames River, in the City of London, measuring approximately 57.57’ x 181.05’ x 208.0’ x 59.46’ and containing an area of approximately 11,408 square feet, BE
14. (19) That, on the recommendation of the General Manager of Finance and Corporate Services, the following changes to Council Policy 1(4A) as it relates to the Mayor's New Year's Honours List be adopted:

(a) part (a)(i)(6) be amended by deleting therefrom the words "The Physically Disabled" and by substituting therefor the words "Persons with Disabilities";

(b) part (a)(i)(7) be amended by deleting therefrom the word "Humanitarian" and by substituting therefor the word "Humanitarianism";

(c) part (a)(ii)(1) be amended by deleting therefrom the words "Advisory Committee on the Arts" and by substituting therefor the words "London Arts Council";

(d) part (a)(ii)(6) be amended by deleting therefrom the words "London Paratransit Service Advisory Committee" and by substituting therefor the words "Accessibility Advisory Committee";

(e) part (a)(ii)(7) be amended by adding thereto after the word "London" the words "Diversity and". (32.1.4.)

15. (20) That, on the recommendation of the General Manager of Finance and Corporate Services, the summary of public and confidential meeting times for Council, Board of Control and the Standing Committees for the period April 26, 2004 to June 28, 2004 be received; and that the City Clerk be requested to report on the amount of time Council, Board of Control and the Standing Committees meet in public and confidential session on a quarterly basis. (32.1.3.)

16. (21) That, on the recommendation of the General Manager of Finance and Corporate Services, and pursuant to section 49 of the Municipal Freedom of Information and Protection of Privacy Act, the appointment of the Manager of Licensing and Elections, Michelle Smibert, as "delegated head" of the institution (ie. The Municipal Corporation) be rescinded and that the City Clerk, Kevin Bain, be appointed as the "designated head" of The Corporation of the City of London for the purposes of the said Act. (32.1.1.)

17. (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 construction of the Skyway Industrial Park, Phase 1 (Project No. ID1165), namely:

(a) the bid submitted by Blue Con Inc. at its tendered price of $4,106,799.52 (excluding GST) be accepted; it being pointed out that the bid submitted by Blue Con Inc. 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) Cumming Cockburn Limited be authorized to carry out the resident inspection and contract administration for Phase 1 of this project in accordance with its agreement with the City and in accordance with the estimate on file, at an upset amount of $306,278 (excluding 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);
18. (10) That, on the recommendation of the Director of Water, Environment & Customer Relations, the following actions be taken with respect to the decommissioning of Lambeth and Komoka wells (Project No. EW3521), namely:

(a) the bid submitted by Artscrushing and Recycling Inc., 2517 Fanshawe Park Road East, London, at its tendered price of $249,310 plus $20,000 contingency, BE ACCEPTED; it being pointed out that the bid submitted by Artscrushing and Recycling Inc. 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 04-65). (61.21 .I .)

19. (12) That, on the recommendation of the General Manager of Finance and Corporate Services, on the advice of the Director of Technology Services and of the Associate Director of Technology Services, the following actions be taken with respect to telephone communications, namely:

(a) the Request for Proposal “Option-B” submitted by Telus Corporation BE ACCEPTED at a cost to the City of $5,240,869 for an 84 month term; it being pointed out that the proposal submitted by Telus Corporation was the lowest of five proposals received which at the same time meets the City’s and the London Public Library’s requirements; it being further pointed out that one of the five proponents was unable to provide the services recommended by the bid review committee and was no longer considered;

(b) the financing for the City portion of this project is currently available through existing voice communications budgets and no increases in the cost of existing or replacement services will be realized over the life of the contract;

(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 relating to this matter (RFP 04-11);

and that the above-noted actions are subject to the Civic Administration submitting a report to the Municipal Council meeting on August 3, 2004 providing a cost/benefit analysis regarding this proposal including a cost comparison of the existing and proposed system for telephone communications. (54.5.1.)

20. (23,Added) That, on the recommendation of the City Treasurer, the taxes levied on the block of land described in the attached schedule BE APPORTIONED in accordance with the said schedule, pursuant to Section 356 of the Municipal Act, 2001, subject to the deferral of the tax apportionments for Roll Numbers 080 050 11901, 080 050 12040, 080 050 12060 and 080 050 12000. (70.1.1.) (See attached.)
21. (24) That, on the recommendation of the City Solicitor:

(a) an amendment to Part 4A of Council Procedure By-law A-7 BE PREPARED for public notice to require the City Clerk to prepare a public agenda containing the general nature of matters to be considered at any closed meeting;

(b) City Council CONSIDER the enactment of a freedom of information by-law which would require the disclosure of certain types of information;

(c) an amendment to Council Procedure By-law A-7 BE PREPARED for public notice to add a section to provide for votes during a closed meeting of the Board of Control or a Standing Committee or the Committee of the Whole only in relation to those matters for which the Municipal Act, 2001 permits or requires the meeting to be closed to the public and only where the vote is for a procedural matter or for giving directions or instructions to officers, employees or agents of the municipality, local board or committee of either of them or persons retained by or under a contract with the municipality or local board;

(d) an amendment to Council Procedure By-law A-7 BE PREPARED for public notice to add a section to provide that any matter proposed for consideration by a Standing Committee or by the Board of Control meeting in closed session which does not fall within the exceptions in section 239(6) of the Municipal Act, 2001, be forwarded to the Committee of the Whole in closed session as a procedural matter for consideration as to whether the matter should be forwarded to the City Council for the purposes of deliberation and a vote in public session. Any motion from a Standing Committee or Board of Control forwarding a matter which may be considered in closed session but which must be voted on in public session shall indicate on its face that the forwarding of the matter is a procedural step under the Procedure By-law made for the purpose of having the Committee of the Whole forward the matter to City Council for deliberation and a vote in public session. A substantive motion must be made by City Council to consider each such matter which is forwarded to City Council for a vote;

(e) the question of the establishment of an ethics committee BE DEFERRED on the basis of Justice Kennedy’s finding that under current legislation, the appropriate mechanism to deal with such issues is an inquiry or referral under section 274 of the Municipal Act, 2001;

(f) the proposed amendments to the Council Procedure By-law BE SUBMITTED to the next Board of Control meeting for review prior to notice of any proposed amendments being given by the City Clerk in accordance with the Municipal Act, 2001 and the Public Notice By-law.

(g) the City Clerk and the City Solicitor BE REQUESTED to provide Council with an information session this fall regarding what matters can be dealt with in a confidential session. (32.1.3.)

22. (31) That Councillor S. Eagle, Councillor S. White and Louise Stevens, Director of Municipal Housing, BE NOMINATED for appointment to the Social Housing Services Corporation (SHSC) Board of Directors and that the SHSC be asked to consider the appointment of two Council representatives to the Board of Directors. (37.10.1.)

23. (32, Added) That, on the recommendation of the Bingo Task Force, on an interim basis, the Bingo Licence Fee BE CONTINUED at 1.6% of the total maximum value of all prizes to be awarded on each occasion until the next licence period; it being noted that the Board of Control received a presentation from Gary Williams, Chair of the Bingo Task Force; it being further noted that the Bingo Task Force will submit a report to the Board of Control following its next meeting. (20.6.4.) (See attached.)
24. (33) That, on the recommendation of the Chief Administrative Officer, the document entitled “Strategic Direction from Council – Draft Overview for Discussion – July 2004” BE APPROVED, subject to any further refinements deemed appropriate by the Municipal Council. (Enclosed in Members’ envelopes.) (32.1.1.)

25. (34) That Councillor H. Usher BE AUTHORIZED to attend Committee meetings of the Federation of Canadian Municipalities (FCM) to be held in Burlington September 8-11, 2004, in Ottawa December 1-4, 2004 and in Whistler BC March 2-5, 2005 and that he BE REIMBURSED for his expenses in accordance with Council’s Travel & Expense Policy. (30.3.1.)

26. (36) That the request from Rev. Joe Campbell, Coordinator of the London Pastors and Leaders Prayer Team, for permission to hold prayer meetings in the Council Chambers twice a month, subject to availability, BE APPROVED. (54.11.3.)

27. (37) That the request from the Mayor of Stratford for a letter of support from the City of London with respect to Breakwell Education Inc.’s application to establish a privately funded university in the City of Stratford BE REFERRED to Mayor DeCicco for consultation with educational institutions in London regarding this matter and, if no objections are received, provide a letter of support to the Mayor of Stratford. (66.1.1.)

28. (Added) That, on the recommendation of the Director of Water, Environment & Customer Relations, the following actions be taken with respect to the Sunningdale/Richmond High Level Watermain (Project Nos. EW3705/TS1179), namely:

(a) the bid submitted by United Contracting, 2074 Dundas Street East, London, at its tendered price of $495,951 (excluding GST), BE ACCEPTED; it being pointed out that the bid submitted by United Contracting 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 04-63). (61.14.3.) (See attached.)

29. (Added) That the Chief Administrative Officer BE REQUESTED to establish a Task Force for the purposes outlined in the attached communication from Controller Hume regarding creative cities and the City of Toronto’s “Culture Plan for the Creative City”. (59.1.1.)

30. That the following matters be noted and filed:

(a) (25) a communication from the Acting Executive Director, London Health Sciences Centre, expressing appreciation for the City’s financial support (25.6.1.); and

(b) (26) a communication from the Divisional Secretary for Business Administration, The Salvation Army, expressing appreciation for the City’s capital grant payment. (25.6.1.)

II YOUR BOARD REPORTS:

31. (2) That the Board of Control received and noted an information report from the General Manager of Finance and Corporate Services with respect to a financial return analysis for Skyway Industrial Park. (41.8.1.)
2004 Insurance Premiums

32. (15) That the Board of Control received and noted an information report from the Director of Management Support, Audit and Risk with respect to the 2004 insurance premiums for the City and its insured Boards. (42.1.1.)

Minutes of the County/City Liaison Committee

33. (22) That the Board of Control received and noted the Minutes of the 1st Meeting of the County/City Liaison Committee from its meeting held on June 18, 2004. (See Minutes attached.)

Bodily Injury Claim

34. (27) That the Board of Control received and noted an information report from the Director of Management Support, Audit and Risk about a legal action that has been commenced against the City of London relating to a bodily injury claim. (11.10.1.)

Resignations - ACCAC

35. (28,29) That the Board of Control (BC) received copies of communications from Patrick Murphy and Rhonda Cowderoy resigning their appointments to the Accessibility Advisory Committee. The BC accepted the resignations with regret and asked the Mayor to forward letters of appreciation to Mr. Murphy and Ms. Cowderoy. The BC also asked the City Clerk to take the steps necessary to fill these vacancies in accordance with the established policy and procedure. (32.1.1.)

Representation on KCCA Board

36. (30) That the Board of Control (BC) received a communication from the General Manager/Secretary Treasurer of the Kettle Creek Conservation Authority advising that the Council of the City of London is now eligible to appoint a third representative to the Board of the Kettle Creek Conservation Authority (KCCA). The City Clerk was asked to provide the BC with the applications previously submitted for the KCCA at the next meeting. (4.18.2.)

Bingo Licensing

37. (32b) That the Board of Control (BC) received and noted a communication from the Secretary to the Executive of the London Lyle Street Bingo Association regarding bingo licensing. The BC asked that the communication be referred to the Bingo Task Force for consideration. (20.6.4.)

Development of a Code of Ethical Conduct

38. (35,Added) That the Board of Control (BC) received communications from Wendy Dickinson and from the Stoneybrook Heights/Uplands Residents Association petitioning the Municipal Council to develop a code of ethical conduct. The BC referred the communications to the Civic Administration for a report back after obtaining clarification from the parties involved on the details of their requests. (32.1.3.) (See attached.)

Confidential Report

39. That the Board of Control (BC) met in camera from 11:50 a.m. to 12:15 p.m. to consider the following:

(a) nine matters pertaining to proposed or pending acquisitions or dispositions of land by the municipality;

(b) one matter pertaining to litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; and

(c) two matters 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 28th Report of the Board of Control enclosed for Council Members only.)

The meeting adjourned at 12:15 p.m.

BOARD OF CONTROL ACTION ON COMMITTEE REPORTS

14th Report of the Community and Protective Services Committee

Clauses 1, 2 & 3 - Concurred in

17th Report of the Environment and Transportation Committee

Clauses 1, 2 & 3 - Concurred in