26TH REPORT OF THE BOARD OF CONTROL

Meeting held on September 24, 2008 commencing at 10:02 a.m.

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


I YOUR BOARD RECOMMENDS:

1. (1) That, on the recommendation of the Director of Fleet, Facilities and Departmental Resources, the following actions be taken with respect to winter maintenance at various municipal facilities, namely:

(a) the bids submitted for each City Area (Areas I through XVIII), for a period of two (2) years, with an option to renew for one (1) additional year, BE ACCEPTED as follows:

Areas: I and VII
Excluding removal of accumulated snow from these locations:
1724830 Ontario Ltd.
o/a Flanscape Ontario Inc.
P.O. Box 45005 RPO Fairmont
London ON N5W 1V0

Areas: II, V, IX, X, XI, XII, XVI and XVII
Including removal of accumulated snow from these locations:
Doug's Snowplowing & Sanding Ltd.
2073 Piper Lane
London ON N5V 3S5

Areas: III, IV, VI, VIII, XIII, XIV, XV and XVIII
Including removal of accumulated snow from these locations.
In addition removal only of accumulated snow from Areas I and VII:
4M Services
P.O. Box 223, Lambeth Stn.
London ON N6P 1P9

(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 relating to this matter (Tender 08-34). (S08-00)

2. (2) That, on the recommendation of the Director of Fleet, Facilities & Departmental Resources, the following actions be taken with respect to the Prime Consultant for the Ray Lanctin Arena refrigeration upgrades and front end renovations (Project No. RD2426), namely:

(a) the proposal submitted by NA Engineering Associates Inc., 396 Oxford Street East, London, to act as Prime Consultant for the Ray Lanctin Arena – Refrigeration Upgrades and Front End Renovations for a fee of $116,500 (exclusive of GST) in accordance with Council Policy 7(9a); BE ACCEPTED;

(b) the financing for this project BE APPROVED as set out in the Sources of Financing Report attached hereto as Appendix "A"; it being noted that there are no anticipated additional operating costs associated with the award of this contract;
Supply and Delivery of Highway Salt – Irregular Result

3. (3) That, on the recommendation of the Director of Roads and Transportation, the following actions be taken with respect to the supply and delivery of highway salt, namely:

(a) the bid submitted by Sifto Canada Corporation, 6700 Century Avenue, Mississauga, at its tendered price of $62.37 per tonne, including delivery and PST (GST extra), for a one (1) year period, BE ACCEPTED; it being pointed out that the bid submitted by Sifto Canada Corporation was the only bid received and meets the City’s specifications and requirements in all areas;

(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 relating to this matter (Tender 08-71). (S-08-00)

Supply of High Performance Cold Mix Asphalt – Contract Renewal

4. (4) That, on the recommendation of the Director of Roads and Transportation, the following actions be taken with respect to the renewal of an existing contract for the supply of High Performance Cold Mix Asphalt, namely:

(a) the existing contract with Lafarge Paving & Construction Ltd., 1865 Clarke Road, London, BE EXTENDED for an additional year beginning October 1, 2008 to September 30, 2009;

(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 relating to this matter. (S08-00)

Vactor Fan Hydro-Excavation Equipment – Single Source

5. (5) That, on the recommendation of the Acting General Manager of Environmental & Engineering Services and City Engineer, the following actions BE CONFIRMED:

(a) the purchase of the Vactor Fan Hydro-Excavation Truck currently leased from Joe Johnson Equipment Inc., at the negotiated price of $293,295.60 (PST included, GST extra), BE APPROVED; it being pointed out that 70% of the monthly payments were deducted from the original purchase price of this equipment;

(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 relating to this matter. (V06-00)

Thames Pool Revitalization - Tender

6. (6) That the General Manager of Community Services and the Director of Fleet, Facilities & Departmental Resources BE REQUESTED to report back at a Special Meeting of the Board of Control, to be held on Monday, September 29, 2008 at 4:00 p.m., with the following information to assist the
Board of Control in determining appropriate actions to be taken with respect to the Thames Outdoor Pool Replacement and Bath House Upgrades (Project No. RC2621), namely:

(a) what other options might be available for site excavation, including the possible separation of this component from the contract presently under consideration;

(b) details as to how the 2009 debt cap might be lowered, within the recreation component of the Budget, to offset any additional costs that might arise in 2008 as a result of proceeding with this Project; and,

(c) an itemized list of possible cuts to the scope of the Project, including associated costs. (A09-04)

7. (7) That, on the recommendation of the Nominating Committee for the Community Safety & Crime Prevention Advisory Committee (CSCP), the following individuals **BE APPOINTED** to fill existing vacancies, as noted below, on the CSCP for the term ending November 30, 2010:

- Scott Grant (Member-at-Large)
- Matthew Wilson (Youth Representative between the ages of 18 and 25)
- Rachael Langeman (Non-Voting Youth Representative – Thames Valley District School Board)
- Julian Paparella (Non-Voting Youth Representative – London District Catholic School Board) (G03-00)

8. (8) That, on the recommendation of the City Treasurer, an amendment to Schedule C of the loan guarantee dated December 7, 2000, provided on behalf of the Grand Theatre and the Grand Theatre London Foundation **BE APPROVED**, maintaining the limit for 2008 at the December 31, 2005 commitment of $750,000 and continuing that limit for a period of 10 years in accordance with the attached revised schedule; it being noted that the original loan guarantee was for $1.1 million, that the Foundation predominantly utilizes the loan as a line of credit during the months of January, February and March, and that the Grand Theatre has met and exceeded its projections for reducing the previous accumulated deficit and continues to project surpluses. (F12-00)

9. (9) That, on the recommendation of the City Treasurer, the Grand Theatre’s request to borrow $367,000 from the Bank of Nova Scotia as interim funding to cover renovation costs pending receipt of Grant/Pledge monies **BE APPROVED**. (F12-00)

10. (11) That, on the recommendation of the City Treasurer, the Civic Administration **BE AUTHORIZED** to proceed with the issuance of debentures to the Ontario Infrastructure Projects Corporation (OIPC) to provide permanent financing for capital works in an amount not to exceed $60,162,742. (F08-00)

11. (14) That, on the recommendation of the General Manager of Finance and Corporate Services, savings from positions vacated since July 23, 2008 **BE CONTRIBUTED** to the appropriate vacancy management reserve that has been established for each rate supported fund; it being noted that the purpose of these funds is to provide a one time funding source as recommended by the Corporate Management Team; it being further noted that the Corporation has realized total corporate savings to date in 2008 of $933,528 ($850,758 - general; $59,137 – wastewater; and $23,633 – water). During the same period in 2007, total corporate savings were $1,125,184 ($1,001,224 - general; $102,979 – wastewater; $20,981 – water). (F03-00)

12. (15) That, on the recommendation of the General Manager of Finance and Corporate Services, and in accordance with the Council Civic Luncheons and Reception Policy, funding in the amount of $3,000 **BE APPROVED** to provide a hosting grant to the Rowbust London Breast Cancer Survivor Dragon Boat Racing Team towards sponsorship of a luncheon in conjunction with the Racing Team's 10th Anniversary Celebrations as part of the London Dragon Boat Festival on August 16, 2009 subject to:
(a) the City of London being given the traditional level of recognition for its contribution towards the reception;

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

(c) approval of sufficient funding for this grant in the 2009 Operating Budget for Civic Luncheons and Receptions. (F12-00)

13. (16) That, on the recommendation of the General Manager of Finance and Corporate Services, with the concurrence of the Manager of Realty Services, the following actions BE TAKEN with respect to heritage restoration/lease proposals for 204-206 Dundas Street:

(a) the City enter into a 20 year lease with Farhi Holdings to lease 8,190 sq.ft. of office space at 204-206 Dundas Street, with the following terms:

(i) the net lease rate for the entire term is $22.90 per sq.ft. for an annual cost of $187,551;

(ii) the gross lease, which includes the net lease rate, tenant leasehold improvements, utilities and taxes and common area maintenance charges is estimated at $34.19 per sq.ft. for the first year for an annual cost of $280,016;

(iii) Farhi Holdings will complete the façade restoration of both the Bowles and Capitol Theatre buildings, in accordance with Schedule “H” of the lease, and proceed with the designation of the facades of both buildings and heritage easements where warranted;

(iv) Farhi Holdings will undertake all tenant improvements in accordance with Schedule “I” of the lease and provide the City with 8,190 sq.ft. of renovated leasehold space;

(v) the City will have an option to continue to lease this space at the end of the term of this lease at $7.95 per sq.ft. for years 21-30 and $5.95 per sq.ft. for years 31 to 40; and

(b) the City include in the 2009 Budget a provision of $130,000 as additional funding to cover the 2009 leasing costs for this space. (A13-00)

14. (18) That, on the recommendation of the Chief Administrative Officer, the draft Community Strategic Objectives contained in the attached report BE APPROVED SUBJECT TO the addition of a reference to “trees” within the Draft Community Strategic Objectives contained under the Environmental Leadership section of the Community Strategic Priorities; it being noted that the approval of these objectives is a further development of the 2007-2010 Council Strategic Plan. (M16-00)

15. (20) That the Deputy City Clerk BE REQUESTED to arrange for interviews, at the next meeting of the Board of Control, of the following applicants for appointment to the London Public Library Board of Trustees for the term ending November 30, 2010:

- Rose Bowlby
- Peter Griffith
- Gloria Leckie

16. (22) That the following actions be taken with respect to the flying of flags at City Hall:

(a) the City Clerk BE REQUESTED to prepare a draft by-law to amend Council Policy 16(21) related to Flags at City Hall, for introduction at the Municipal Council meeting to be held on September 29, 2008, generally in accordance with the draft by-law as contained in his report of
September 24, 2008, but with the necessary amendments arising from
the approval of the installation of a “Community Flag Pole” as noted in
(b), below;

(b) a Community Flag Pole BE ERECTED in the landscaped area between
Reg Cooper Square and the City sidewalk at the northwest corner of
City Hall, along Wellington Street, as noted in the attached diagram; it
being noted that the costs associated with the installation of the
Community Flag Pole can be accommodated within the approved 2008
Budget; and

(c) the City Clerk BE REQUESTED to respond to the request from the
Metis Nation of Ontario to fly its flag from November 14 to 16, inclusive,
2008 and the request from the King Street Congregational Christian
Church of Canada to fly its flag during a time period to be determined in
accordance with the by-law noted in (a), above, once the
aforementioned by-law has been introduced and enacted by the
Municipal Council. (M14-00)

17. (27) That the following actions be taken with respect to the corporate
kilometer reimbursement rate and monthly vehicle allowance:

(a) the corporate kilometer reimbursement rate BE INCREASED to $0.45
per kilometer effective October 1, 2008 and $0.50 per kilometer effective
October 1, 2009; it being understood that the Chief Administrative
Officer will report back in April 2009 with respect to the implementation
of the above-noted increase; and

(b) those individuals eligible for a monthly vehicle allowance BE
REIMBURSED for use of their personal vehicle to transport themselves
(and others) outside the City of London for work-related activities, in
those instances where any single trip exceeds 200 km total round trip,
for kilometres travelled above 200 km total round trip at the corporate
kilometre reimbursement rate, upon completion of a “Travel Advance/
Expense Report” form.

18. (Added) That Dan Moulton BE APPOINTED to the Town and Gown
Committee as the representative of the University of Western Ontario’s affiliated
colleges for a term ending November 30, 2009. (See attached.)

II YOUR BOARD REPORTS:

19. (10) That the Board of Control received and noted an information
report from the City Treasurer with respect to the Municipal Performance
Measurement Program (MPMP) comparative measures for the three years
ended December 31, 2005, 2006 and 2007. (G10-00)

20. (12) That the Board of Control deleted Item 12 of its agenda
pertaining to an October 6, 2008 Committee of the Whole meeting with
representatives of the London Police Service; it being noted that the meeting
will be set up at a later date. (FB5-00)

21. (13) That the Board of Control (BC) received an information report
from the General Manager of Finance and Corporate Services with respect to
the concept of a Downtown Development Corporation. The BC requested that
the Chief Administrative Officer meet with representatives of the Old East
Village Business Improvement Area, the London Downtown Business
Association, MainStreet London and the London Economic Development
Corporation to explore the benefits of the concept of a Downtown Development
Corporation. (M16-00)

22. (17) That the Board of Control received and noted an information
report from the Director of Intergovernmental and Community Liaison with
respect to the status of the Southwest Economic Alliance (SWEA). (M16-00)
23. That the Board of Control received and noted an information report from the Chief Administrative Officer with respect to the Corporate Human Rights Program, Code of Conduct Program and Corporate Training Initiatives as of June 30, 2008. (H10-00)

24. That the Board of Control (BC) received notification from the City Clerk that Andrew Wilson has resigned his appointment as the Fanshawe College administrative representative on the Trees and Forests Advisory Committee (TFAC). The BC accepted the resignation with regret and asked the Mayor to forward a letter of appreciation to Professor Wilson. The BC noted that Fanshawe College has been asked to nominate a replacement representative. (G03-00)

25. That the Board of Control (BC) received a communication dated September 18, 2008, from Controller Hume, with respect to establishing a sister city relationship with Chongwen District, Beijing. The BC referred the communication to the Chief Administrative Officer for report back at the October 8, 2008 meeting of the Board of Control with respect to this matter. (M16-00)

26. That the Board of Control received the attached presentation from Michelle Campbell, President & CEO, St. Joseph’s Health Care Foundation; Glen Kearns, Integrated Vice President, Critical Support Services, St. Joseph’s Health Care, and Kirsten Krull-Narag, Integrated Vice President, Surgery Services, St. Joseph’s Health Care.

27. That Controller Polhill disclosed a pecuniary interest in clause 15 of this report having to do with an appointment to the London Public Library Board of Trustees by indicating that one of the applicants is his son.

28. That Mayor DeCicco-Best disclosed a pecuniary interest in clause 13 of this report having to do with heritage restoration/lease proposals for 204-206 Dundas Street by indicating that her spouse leases space from the owner, Farhi Holdings.

29. That the Board of Control passed the following resolution prior to moving in camera from 11:54 a.m. to 12:42 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 pertaining to reports, advice and recommendations of officers and employees of the Corporation concerning labour relations and employee negotiations arising out of an interest arbitration award in regard to one of the Corporation’s unions;

(c) a matter pertaining to advice and recommendations of officers and employees of the Corporation concerning labour relations and employee negotiations relating to one of the Corporation’s associations or unions and advice which is the subject of solicitor client privilege;

(d) a matter pertaining to labour relations or employee negotiations regarding one of the Corporation’s employee groups;

(e) a matter pertaining to labour relations or employee negotiations regarding employment related matters with municipal employees;

(f) a matter to be considered for the purpose of providing instructions and directions to officers and employees and legal counsel of the Corporation pertaining to an arbitration between the Corporation and one of its employee groups; litigation affecting the municipality; advice
that is subject to solicitor-client privilege, including communications necessary for that purpose concerning the arbitration and advice or recommendations of officers and employees of the Corporation concerning the arbitration;

(g) a matter pertaining to labour relations or employee negotiations, personal matters about an identifiable individual who is an employee of the Corporation including personal information relating to their employment and advice or recommendations of officers and employees of the Corporation, including communications necessary for that purpose; and,

(h) a matter to be considered for the purpose of instructions and directions to officers and employees of the Corporation pertaining to employee negotiations which may generally be described as personal matters relating to the employment of an identifiable individual, employee negotiations; including communications necessary for that purpose; advice or recommendation of officers and employees of the Corporation; information relating to the employment of an individual; reports or advice or recommendation of officers and employees of the Corporation.

and that the BC is submitting a confidential report to the Municipal Council regarding these matters. (See Confidential Appendix to the 26th Report of the Board of Control enclosed for Council Members only.)

The meeting adjourned at 12:42 p.m.

Board of Control Action on Committee Reports

15th Report of the Community and Protective Services Committee

Clauses 1 to 4, inclusive - Concurred in