Meeting held on January 27, 2010 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. M. Rowe (Secretary).


I YOUR BOARD RECOMMENDS:

1. (1) That, on the recommendation of the Director, Wastewater and Treatment, the following actions be taken with respect to the Infrastructure Sanitary Sewer Stimulus Fund Program: 2010 Old East London Storm Sewer Installation and Sanitary Sewer Replacement Project – reconstruction of Dufferin Avenue, York Street and Oakland Avenue (Project Nos. ES2413-1296, EW3545 & ES2414), namely:

(a) the bid submitted by Omega Contractors Inc. 4104 Breck Ave., London, at its corrected tendered price of $1,823,511.50 (excluding GST), BE ACCEPTED; it being pointed out that the bid submitted by Omega Contractors Inc. was the lowest of eight (8) bids received and meets the City's specifications and requirements in all areas;

(b) Stantec 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 $209,605 (excluding GST), based upon the Fee Guideline for Professional Engineering Services, 2006, recommended by the Ontario Society of Professional Engineers and in accordance with Section 15 of the Procurement of Goods and Services Policy; it being noted that this firm completed the engineering design;

(c) minor future additional annual operating costs of $1,200 BE RECOGNIZED as a result of this project noting that these costs will be considered and accommodated within future Wastewater & Treatment operating budgets;

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

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

(f) 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 09-113); and

(g) the Mayor and the City Clerk BE AUTHORIZED to execute any contract or other documents, if required, to give effect to these recommendations;

it being recognized that this project is being made possible through the Infrastructure Stimulus Fund (ISF) Program, funded jointly by the federal and provincial governments and by the City. These investments in jobs total almost $100 million for London and will provide an immediate and positive impact on our community and our economy. (W10-00)
2. That, on the recommendation of the Director, Wastewater and Treatment, the following actions be taken with respect to the Infrastructure Stimulus Fund Program: 2010 South London – Walnut/Kensington Area Storm and Sanitary Sewer Replacement (Project Nos. ES2413-1328, EW3545 & EW2414), namely:

(a) the bid submitted by L-82 Construction Ltd., 2070 Huron Street, London at its corrected tendered price of $874,924.38 (excluding GST), BE ACCEPTED; it being pointed out that the bid submitted by L-82 Construction Ltd. was the lowest of eleven (11) bids received and meets the City's specifications and requirements in all areas;

(b) Delcan Corporation 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 $88,013.25 (excluding GST), based upon the Fee Guideline for Professional Engineering Services, 2006, recommended by the Ontario Society of Professional Engineers and in accordance with Section 15 of the Procurement of Goods and Services Policy; it being noted that this firm completed the engineering design;

(c) minor future additional annual operating costs of $1,100 BE RECOGNIZED as a result of this project noting that these costs will be considered and accommodated within future Wastewater & Treatment operating budgets;

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

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

(f) 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 09-113); and

(g) the Mayor and the City Clerk BE AUTHORIZED to execute any contract or other documents, if required, to give effect to these recommendations;

it being recognized that this project is being made possible through the Infrastructure Stimulus Fund (ISF) Program, funded jointly by the federal and provincial governments and by the City. These investments in jobs total almost $100 million for London and will provide an immediate and positive impact on our community and our economy. (WIO-00)

3. That, on the recommendation of the Director of Roads and Transportation, the following actions be taken:

(a) the Civic Administration BE AUTHORIZED to enter into negotiations with 3M Canada Company, P.O. Box 5757, London, for the purchase of reflective marking material;

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

(c) the approval given herein BE CONDITIONAL upon the Corporation negotiating satisfactory prices, terms and conditions with 3M Canada Company to the satisfaction of the Director of Roads and Transportation; 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. (S09-00)
4. (4) That, on the recommendation of the General Manager of Environmental & Engineering Services & City Engineer, the following actions be taken with respect to the award of a contract for the Hale Street/Trafalgar Street CN Overpass project (Project No. TS1498), namely:

(a) the bid submitted by McKay-Cocker Construction Limited, 1665 Oxford Street East, P.O. Box 7345, London, at its tendered price of $10,468,934 (excluding GST), BE ACCEPTED; it being noted that the bid submitted by McKay-Cocker Construction Limited was the lowest of four (4) bids received and meets the City's specifications and requirements in all areas;

(b) Delcan Corporation, 1069 Wellington Road South, Suite 214, London, BE APPOINTED Consulting Engineers for the contract administration and resident supervision of the said project in the amount of $514,745 (excluding GST), in accordance with Section 15 of the Procurement of Goods and Services Policy;

(c) the consulting fee for the project identified in (b), above, BE IN ACCORDANCE with the estimate, on file, which is based upon the Fee Guideline for Professional Engineering Services, 2006, recommended by the Ontario Society of Professional Engineers;

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

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

(f) 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 09-120);

(g) the Mayor and the City Clerk BE AUTHORIZED to execute any contract or other documents, if required, to give effect to the above recommendations;

(h) the attached draft legal agreement between the Canadian National Railway Company and The Corporation of the City of London, consistent with previous Council direction, BE APPROVED in principle; and

(i) the General Manager of Environmental & Engineering Services and City Engineer BE AUTHORIZED to execute the final legal agreement with Canadian National Railway Company;

it being recognized that this work would not have been undertaken without the infrastructure stimulus funding for this project having been provided through contributions of both the Federal and Provincial Governments. (S05-00)

5. (5) That, on the recommendation of the General Manager of Environmental & Engineering Services & City Engineer, the following actions be taken with respect to the construction of a three phase power line to the W12A Landfill Site (Project No. SW6040), namely:

(a) the Offer to Connect submitted by London Hydro for $1,488,500 (excluding GST), BE ACCEPTED in accordance with Section 14.a) of the Procurement of Goods and Services Policy; it being noted that work of this kind can only be performed under the direction of London Hydro;

(b) any rebates from London Hydro for the expected loads from the leachate pre-treatment plant and the material recovery facility, or if other businesses connect to this line, BE DIRECTED to the Sanitary Landfill Reserve Fund;
6. That, on the recommendation of the General Manager, Planning and Development, the following actions be taken with respect to Phase 1 of the Queen's Park revitalization (Project No. PD2077), namely:

(a) the bid submitted by Ro-Buck Contracting Ltd., 2326 Fanshawe Park Rd. E., London, at its tendered price of $360,000 (PST and Contingency included, GST extra), BE ACCEPTED; it being noted that the bid submitted by Ro-Buck Contracting Ltd. was the lowest of six (6) 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 matter; and

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

7. That, on the recommendation of the General Manager of Finance and Corporate Services, the following actions be taken:

(a) the proposal submitted by Mapcon Mapping Ltd., 400-4585 Canada Way, Burnaby BC, for the provision of Topographic Mapping and Ortho Imagery Services for a period of three (3) years, at its proposed annual prices noted below (GST extra), BE ACCEPTED:

- 2010 - $72,472.00
- 2011 - $74,647.00
- 2012 - $77,546.00;

it being noted that the proposal submitted by Mapcon Mapping Ltd. was the lowest of three (3) proposals received;

(b) 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; and

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

8. 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 renewal of an existing contract for the Supply and Delivery of Photocopy and Fine Paper:
(a) the existing contract with Xerox Canada Limited, 1000-150 Dufferin Avenue, London, BE EXTENDED for an additional year;

(b) the existing contract with Buntin Reid, 1330 Courtney Park Drive, Mississauga, BE EXTENDED for an additional year;

(c) the Civic Administration BE AUTHORIZED to undertake all the administrative acts that are necessary in connection with this matter; 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. (A15-00)

9. (9) 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 on February 1, 2010 to authorize the Mayor and the City Clerk to execute the Combined Loan and Grant Agreement between the Federation of Canadian Municipalities and The Corporation of the City of London as it relates to the provision of funding under the Green Municipal Fund (GMF) program. (F12-00)

10. (10) 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 offer submitted by Jerry O'Drowsky in Trust to purchase 0.884 acres, more or less, located on the east side of Neptune Crescent, City of London, described as Con B Pt Lot 1 RP 33R-7094 Part 38, RP 33R-3716 Part 32, for the amount of $66,300 (reflecting $75,000 per acre), BE ACCEPTED subject to the following conditions:

(a) the City providing the Purchaser with an up-to-date Phase I Environmental Assessment by January 29, 2010; and

(b) the City repairing the board fence at the rear of the property prior to closing;

and that the attached proposed by-law BE INTRODUCED at the Municipal Council meeting on February 1, 2010 to approve this transaction and to authorize the Mayor and the City Clerk to execute the Agreement of Purchase and Sale. (L15-01)

11. (11) 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 property municipally known as 3508 Wonderland Road, described as Part of Lot 36, Concession 2, the City's former Wonderland Road Operations Centre (WROC), containing an area of approximately 10.2 acres, BE DECLARED SURPLUS, and title BE TRANSFERRED to the London Transit Commission (LTC), for a consideration of $2,500,000; and

(b) the existing LTC property at 450 Highbury Avenue North, BE DECLARED SURPLUS, and title BE TRANSFERRED to the London Transit Commission, for a nominal consideration of $2.00. (L15-01)

12. (12) 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 attached proposed by-law BE INTRODUCED at the Municipal Council meeting on February 1, 2010 to authorize the Mayor and the City Clerk to execute a lease agreement between the City and Astral Media Radio Inc. with respect to Astral Media Radio Inc. leasing the City-owned lands municipally known as 3595 Scotland Drive, for a term of 10 years, commencing on December 1, 2010, at an annual rent of $15,000 per annum. (L16-01)
13. (13) 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 unopened lane located immediately north of the rear property boundaries of Municipal Numbers 100, 102, 104, 110 and 112 Devonshire Avenue, being Parts 1, 2, 3, 4 and 5, Plan 33R-17629, containing an area of approximately 2,732 square feet (253.81 sq. m), BE DECLARED SURPLUS; and

(b) the attached proposed by-law BE INTRODUCED at the Municipal Council meeting on February 1, 2010 to authorize the Mayor and the City Clerk to execute an Agreement of Purchase and Sale submitted by 959366 Ontario Limited, the owners of 104 Devonshire Avenue, to purchase part of the subject lands designated as Part 3, Plan 33R-17629, from the City, for the sum of $1,000; it being noted that the Purchaser of the lane applied for and obtained a Court Order to permanently close that portion of the lane designated as Part 1, 2, 3, 4 and 5, Plan 33R-17629. This sale would resolve a long standing encroachment of the Purchaser's apartment complex at 104 Devonshire Avenue on City owned land by the current owner, as well as previous owners, for over 35 years. (L15-01)

14. (14) That, on the recommendation of the General Manager of Finance and Corporate Services and Acting City Treasurer, in accordance with the Council Civic Luncheons and Receptions Policy, funding in the amount of $1,000.00 BE APPROVED to provide a hosting grant to the Municipal Court Managers Association towards the sponsorship of a reception to be held at the Annual Conference to be held in London from May 16 to May 19, 2010 subject to the following conditions:

(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 Reception to represent the City of London; and

(c) approval of sufficient funding for this grant in the 2010 Operating Budget for Civic Luncheons and Receptions. (F12-00)

15. (15) That, on the recommendation of the General Manager of Finance and Corporate Services and Acting City Treasurer, in accordance with the Council Civic Luncheons and Receptions Policy, funding in the amount of $3,000.00 BE APPROVED to provide a hosting grant to ARMA Canada towards the sponsorship of a reception to be held at the Canadian Region Conference to be held in London from May 30 to June 2, 2010 subject to the following conditions:

(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 Reception to represent the City of London; and

(c) approval of sufficient funding for this grant in the 2010 Operating Budget for Civic Luncheons and Receptions. (F12-00)

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

(a) savings from positions vacated since November 11, 2009 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 in 2009 of $1,067,026 ($870,700 - general; $130,329 - wastewater; and $65,997 - water). In 2008, total corporate savings were $1,273,471 ($1,136,516 - general; $124,814 - wastewater; $12,139 - water); and

(b) the Civic Administration BE AUTHORIZED to make contributions to the appropriate vacancy management reserves and that these savings be reported as part of the quarterly monitoring reports. (F03-00)

17. (18) That, on the recommendation of the City Clerk, J. Keith Zerebecki's appointment to the University of Western Ontario Board of Governors as the City of London's representative BE EXTENDED from November 30, 2010, as approved at the Municipal Council meeting on December 14, 2009, to November 30, 2013, in keeping with the terms of reference for the Board of Governors, in order to maintain the necessary continuity in Board membership. (G03-00)

18 (20) That, on the recommendation of the Director of Intergovernmental and Community Liaison, the Civic Administration BE AUTHORIZED to submit a bid for the City of London to host the Federation of Canadian Municipalities 2011 Sustainable Communities Conference and Trade Show. (M03-00)

19. (Added) That, on the recommendation of the General Manager of Finance and Corporate Services and Acting City Treasurer, the attached proposed by-law (Appendix "A") BE INTRODUCED at the Municipal Council meeting on February 1, 2010 for the purpose of amending Section 9 - "Bus Tickets And Parking At City Hall" of Council Policy 5(16) entitled "Terms of Reference for All Advisory Committees" to allow consideration of full reimbursement of the cost of securing alternative transportation to Advisory Committee members who face financial barriers in securing alternative transportation when attending Advisory Committee meetings or when conducting Advisory Committee-related work at City Hall during public transit stoppages, subject to the provision of supporting documentation to the satisfaction of the City Clerk. (See attached.)

20. That clause 3 of the 4th Report of the Community and Protective Services Committee BE REFERRED to the 2010 Budget process and the City Solicitor BE DIRECTED to provide a legal opinion on the matter of public transit subsidy prior to any final decisions being made with respect to this matter.

21. That, on the recommendation of the Chief Administrative Officer, the following actions be taken with respect to aligning the organizational structure to the service delivery system:

(a) the staff complement of the Chief Administrative Officer's Division BE INCREASED by one full-time equivalent to allow for the addition of a Deputy Chief Administrative Officer;

(b) Financial Planning and Policy BE DIRECTED to identify a permanent source of funding for the additional full-time equivalent position within the existing 2010 Corporate Operating Budget; and

(c) the attached CAO Work Program 2009-2010 and the attached road map BE RECEIVED for information.

II YOUR BOARD REPORTS:

22. (16) That the Board of Control received and noted an information report from the General Manager of Finance and Corporate Services and Acting City Treasurer with respect to assessment growth, changes in taxable phase-in values and shifts in taxation as a result of the 2010 changes in taxable phase-in values; it being noted that weighted assessment growth is calculated to be 1.57% for 2010 taxation. (F04-00)
23. (19) That the Board of Control received and noted an information report from the City Clerk with respect to the City's 2009 annual report filed under the Municipal Freedom of Information and Protection of Privacy Act. (IO5-00)

24. (21) That the Board of Control received and noted an information report from the Director of Intergovernmental and Community Liaison with respect to a new Ukraine Municipal Local Economic Development Program (MLED) and his participation in a Federation of Canadian Municipalities mission to Ukraine. (C14-00)

25. (22) That the Board of Control received and noted an information report from the Chief Administrative Officer with respect to reporting on municipal performance. (G10-00)

26. (23) That the Board of Control received and noted a copy of a communication dated January 5, 2010, to the Mayor from the Minister of Municipal Affairs and Housing, acknowledging the City of London's response to the Province of Ontario Long-Term Affordable Housing Strategy. (C03-00)

27. (24) That the Board of Control (BC) received an information report from the Chief Administrative Officer and the Director, Human Resources, and the attached presentation from the Chief Administrative Officer, the Director of Human Resources, Louise Pitre, Sexual Assault Centre London, Shelley Yeo, Women's Community House and Saundra-Lynn Coulter, London Abused Women's Centre, with respect to the launch of the "I Step Forward to End Violence and Abuse in My Community, Workplace and at Home" training program. The BC indicated its support for the program and requested the Civic Administration to explore how the University of Western Ontario and Fanshawe College might be encouraged to participate in the program. (H10-00)

28. (25) That the Board of Control (BC) received a copy of a communication dated January 6, 2010 from the Chair of the Municipal Employer Pension Centre of Ontario (MEPCO) requesting ongoing financial support for its role as the Ontario Municipal Employees Retirement System (OMERS) sponsor representative for municipal government employers. The BC referred the communication to the Chief Administrative Officer for review and report back on this matter. (H17-00)

29. (26) That the Board of Control (BC) reviewed and received a communication dated January 21, 2010 from Councillor Bryant submitting a list of questions with respect to the London Downtown Business Association (LDBA) BIA levy. The BC noted that Councillor Bryant has advised that she has received the information she was seeking from the Manager of Revenue and Tax Collector and therefore does not require a response from the Board of Control. (FO5-00)

30. (27) That the Board of Control (BC) received a copy of a communication dated January 13, 2010 from the Chair of the Thames Valley District School Board (TVDSB), inviting the City of London to appoint a representative to an Accommodation Review Committee established to examine the F. D. Roosevelt, Lord Nelson, Prince Charles and Sir Winston Churchill grouping of schools. The BC requested the Secretary to the Board of Control to follow up with the TVDSB Board with respect to the City of London's representation on the TVDSB's Capital Planning Advisory Committee and, as a result of the information obtained, undertake any further follow up in terms of continued representation on the Capital Planning Advisory Committee, as well as representation on the above-noted Accommodation Review Committee established by the TVDSB. (C08-00)

31. Controller Hume enquired about the status of the City's Development Approvals Business Unit. The Board of Control (BC) requested the Civic Administration to report back to the BC with respect to this matter.
32. Controller Polhill disclosed a pecuniary interest in clause 4 of this report having to do with the Hale/Trafalgar/CN Overpass contract award by indicating that his son owns property in proximity to the project.

33. That the Board of Control (BC) passed the following resolution prior to moving in camera from 10:23 a.m. to 11:30 a.m.:

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

(a) a matter to be considered for the purpose of instructions and directions to officers and employees of the Corporation pertaining to a proposed disposition 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 disposition of land; financial information supplied in confidence pertaining to the proposed disposition 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 no longer being supplied to the Corporation where it is in the public interest that 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 disposition that belongs to the Corporation that has monetary value or potential monetary value; information concerning the proposed disposition whose disclosure could reasonably be expected to prejudice the economic interests of the Corporation or its competitive position; information concerning the proposed disposition 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 disposition;

(b) a matter to be considered for the purpose of instructions and directions to officers and employees of the Corporation pertaining to a proposed disposition 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 disposition of land; commercial and financial information supplied in confidence pertaining to the proposed disposition 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 no longer being supplied to the Corporation where it is in the public interest that 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 disposition that belongs to the Corporation that has monetary value or potential monetary value; information concerning the proposed disposition whose disclosure could reasonably be expected to prejudice the economic interests of the Corporation or its competitive position; information concerning the proposed disposition 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 disposition;

(c) a matter pertaining to employee negotiations and personal matters, including information about an identifiable individual(s), including municipal employees and advice or recommendations of officers and employees of the Corporation, including communications necessary for that purpose and for the purpose of providing instructions and directions to officers and employees of the Corporation;
(d) a matter pertaining to employee negotiations and personal matters, including information about an identifiable individual(s), including municipal employees and advice or recommendations of officers and employees of the Corporation, including communications necessary for that purpose and for the purpose of providing instructions and directions to officers and employees of the Corporation;

(e) a matter pertaining to employee negotiations and personal matters, including information about an identifiable individual(s), including municipal employees and advice or recommendations of officers and employees of the Corporation, including communications necessary for that purpose and for the purpose of providing instructions and directions to 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 7th Report of the Board of Control enclosed for Council Members only.)

The meeting adjourned at 12:24 p.m.

4th Report of the Community and Protective Services Committee

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