



**WORKS COMMITTEE
DECISION DOCUMENT
MEETING 8**

Report 9 to be considered by City Council on October 26, 2005

Date of Meeting: Tuesday, October 11, 2005
Time: 9:30 a.m.
Location: Committee Room 1
100 Queen Street West
Toronto, Ontario

Enquiry: Rosalind Dyers
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The Decision Document is for preliminary reference purposes only. Please refer to the Committee's Report to City Council or to the Minutes for the official record.

How to Read the Decision Document:

- *recommendations of the Committee to City Council are in bold type after the item heading;*
- *action taken by the Committee on its own authority does not require Council's approval – it is reported to Council for information, and is listed in the decision document in bold type under the heading "Action taken by the Committee"; and*
- *Declarations of Interest, if any, appear at the end of an item.*

Minutes Confirmed – Meeting of September 14, 2005

Communications/Reports:

SOLID WASTE MANAGEMENT SERVICES

- 1. Environment Days Date Selection Discussion Results and Increasing the Number and Hours of Operation of Environment Day Events**

Report 9, Other Items Clause 12(a)

Action taken by the Committee:

The Works Committee:

- (1) deferred consideration of the report from the Acting General Manager, Solid Waste Management Services and the communication from the City Clerk until the next meeting of the Works Committee to be held on November 8, 2005, with a request that the Acting General Manager, Solid Waste Management Services be requested to submit a Briefing Note to the Committee on the issues raised by Councillor Balkisoon with respect to the date stamping of e-mail requests by Councillors for Environment Days; and**
- (2) requested the Acting General Manager, Solid Waste Management Services to submit a Briefing Note to the Works Committee on the feasibility of permitting Councillors to have additional free compost days for local residents.**

Report (August 29, 2005) from the General Manager, Solid Waste Management Services responding to the request of the Works Committee on May 26, 2005, to report on the result of discussions with Councillors related to Environment Days' date selection and increasing the number and hours of operation of Environment Day events.

Recommendation:

It is recommended that this report be received for information.

- 1(a).** Communication (September 27, 2005) from the City Clerk advising that the Works Committee on September 14, 2005, deferred consideration of the report (August 29, 2005) from the General Manager, Solid Waste Management Services regarding the Environment Days Date Selection Discussion Results, and tabled the following motion by Councillor Palacio:

“That the Works Committee recommend increasing the number of Environment Days from 44 to 88 per year (two per Ward) as outlined in the report.”

2. Biodegradable Plastic Bags for Organic Material

Report 9, Other Items Clause 12(b)

Action taken by the Committee:

The Works Committee received the report from the Acting General Manager, Solid Waste Management Services.

Report (September 29, 2005) from the Acting General Manager, Solid Waste Management Services responding to the request of the Works Committee on April 27,

2005, to report on the issue of biodegradable bags including the potential use of biodegradable plastic bags for organic material collection.

Recommendation:

It is recommended that this report be received for information.

3. Implementation of Waste Reduction Levy

Report 9, Other Items Clause 12(c)

Action taken by the Committee:

The Works Committee:

- (i) received the report from the Acting General Manager, Solid Waste Management Services; and**
- (ii) requested the Acting General Manager, Solid Waste Management Services to report to the Works Committee on:**
 - (a) the choice of waste diversion options for new buildings, including not providing chutes as a means of waste disposal, and ensuring that new buildings have convenient access to recycling and waste disposal; and**
 - (b) the results of the City of Toronto's Source Separated Organics pilot project in multi-unit residential buildings, including the impact on the garbage and recycling stream.**

Report (September 28, 2005) from the Acting General Manager, Solid Waste Management Services providing a project update on the implementation of the City's Waste Reduction Levy for multi-unit residential buildings, and staff responses to information requests from City Council.

Recommendation:

It is recommended that the report be received for information.

- 3(a).** Communication (October 7, 2005) from Brad Butt, Executive Director, Greater Toronto Apartment Association, providing a legal opinion from Joe Hoffer, LL.B., Cohen Highley LLP, with respect to rent increases as a result of the implementation of the Waste Diversion Levy.

4. Results of the 2005 Litter Audit

Report 9, Other Items Clause 12(d)

Action taken by the Committee:

The Works Committee deferred consideration of the report dated October 5, 2005, from the Acting General Manager, Solid Waste Management Services until its next meeting to be held on November 8, 2005.

Report (September 29, 2005) from the Acting General Manager, Solid Waste Management Services advising that the 2005 Litter Audit will be released at a media event to be co-hosted by the Downtown Yonge BIA on October 6, 2005; noting that the report will compare 2005 results with the baseline work undertaken in 2002 as a yardstick for measurement of progress toward the goal of reducing litter by 50 percent between 2002 and 2007; and indicating that the Litter Audit and full staff report will be released at the media event.

- 4(a).** Report (October 5, 2005) from the Acting General Manager, Solid Waste Management Services reporting on the results of the 2005 litter audit and comparing the results with the 2002 baseline litter audit in order to measure progress towards the Council directed 50 percent litter reduction goal.

Recommendation:

It is recommended that this report be received for information.

TRANSPORTATION SERVICES

5. Bicycle Lane Guidelines and Royal York Road Pavement Marking Options (All Wards)

Report 9, Clause 1

The Works Committee recommended that City Council:

- (a) **adopt the staff recommendations in the Recommendations Section of the report (September 26, 2005) from the General Manager, Transportation Services; and**
- (b) **amend the confidential report (September 27, 2005) from the City Solicitor by deleting the following Recommendation (2):**

“(2) a copy of this report be forwarded to the Toronto Cycling Committee, in camera, for its information”;

and that further, in accordance with the Municipal Act, discussions pertaining to this report be held in camera as the subject matter relates to solicitor-client privilege.

Action taken by the Committee:

The Works Committee received the communication (August 9, 2005) from the Toronto Cycling Committee.

Report (September 26, 2005) from the General Manager, Transportation Services responding to various requests by City Council, North York Community Council and Works Committee on design options for bicycle lanes and signed bicycle routes.

Recommendations:

It is recommended that:

- (1) City Council endorse a minimum bicycle lane width of 1.5 metres on roads with curbs, and 1.2 metres on roads without curbs;
 - (2) Royal York Road between Mimico Creek and Usher Avenue be marked with shared use lane markings, as illustrated in Figure 1, as a pilot project; and
 - (3) the appropriate City officials be authorized to take the necessary action to give effect thereto.
- 5(a).** Communication (August 9, 2005) from the Toronto Cycling Committee advising that the Committee on July 18, 2005, in accordance with the Council direction in Works Committee Report 5, Clause 1 (May 17, 18, and 19, 2005) recommended that:
- (1) Royal York Road, between Mimico Creek and Usher Avenue, be marked using shared-lane markings, as a pilot project;
 - (2) the use of an edge-lane marking on Royal York Road, between Mimico Creek and Usher Avenue, or as a method to mark a bicycle lane, not be used; and
 - (3) the Toronto Cycling Committee reiterate to the Works Committee that the minimum width of a bicycle lane should be 1.5 metres and that bicycle lanes are the preferred option regarding bike route pavement markings.
- 5(b). (In Camera – Solicitor-Client Privilege)**

Confidential report (September 27, 2005) from the City Solicitor responding to the request of the Works Committee on April 27, 2005, to report on the legal and risk factors

associated with marking the edge line on Royal York Road between Mimico Creek and Usher Avenue.

Recommendations:

It is recommended that:

- (1) the report be received for information; and
- (2) a copy of this report be forwarded to the Cycling Committee, in camera, for its information.

6. Cycling Conditions and Construction Project

Report 9, Other Items Clause 12(f)

Action taken by the Committee:

The Works Committee referred the communication from the Toronto Cycling Committee to the General Manager, Transportation Services for a report to the Works Committee.

Communication (September 27, 2005) from the Toronto Cycling Committee advising that the Committee on September 19, 2005, considered minutes of the Bikeway Network Sub-Committee meeting held on July 27, 2005, and a communication from Andrew Wood, and recommended that the Works Committee:

- (1) request City staff to:
 - (a) improve cycling conditions on the portions of Beverley Street and Dundas Street West affected by the Art Gallery of Ontario reconstruction; and
 - (b) report on the changes necessary to City policy and by-laws which would ensure that:
 - (i) private developers undertaking construction projects near existing bikeway network facilities ensure that those facilities are maintained and remain open throughout the construction process; and
 - (ii) when the nature of construction makes it impossible to maintain and/or keep open bikeway network facilities, a development surcharge be levied based on the length of bikeway network impacted and that any revenue raised be used to either construct a temporary (but equally safe detour) or be used for construction of additional cycling facilities elsewhere in the City; and

- (2) adopt the following Resolution from Andrew Wood, Member, Toronto Cycling Committee:

“WHEREAS Bike Route No. 35 is one of the City's main north-south cycle routes and is heavily used by cyclists; and

WHEREAS conditions along the route have been severely compromised by construction at the AGO, construction and road maintenance within the University of Toronto campus and by the lack of enforcement of no-stopping by-laws along the portion of the route within the University of Toronto campus; and

WHEREAS the Corporation of the City of Toronto was recently found partially liable for failure to maintain a signed cycling route on Queen Street West;

THEREFORE BE IT RESOLVED THAT the Works Committee request City staff to undertake a complete safety audit of Bike Route No. 35 between Bloor Street and the route's terminus at Queen Street West; and

BE IT FURTHER RESOLVED THAT if the route is found to be less than safe, City staff be requested to propose a list of possible remediation measures, including, but not limited to, road resurfacing, detours and education of drivers.”

7. The Use and Regulation of Segways

Report 9, Other Items Clause 12(g)

Action taken by the Committee:

The Works Committee received the report from the City Solicitor.

Report (September 8, 2005) from the City Solicitor responding to the request of the Works Committee on April 27, 2005, to report on the use and regulation of Segways in Ontario and other jurisdictions; concluding that:

- (i) the Segway is encompassed within the definition of motor vehicle as found in Ontario's Highway Traffic Act and, according to the Ontario Ministry of Transportation and pursuant to the Act, may not legally operate on a highway in Ontario; and that a highway would include the sidewalk or footpath where the sidewalk or footpath falls within the road allowance; and
- (ii) the Segway would fall within the definition of “vehicle” as found in Municipal Code Chapter 608, Parks, and pursuant to this Chapter currently may be operated

on parks' roadways and parking areas that are not public highways, but not in any other area of the park unless authorized by permit.

Recommendation:

It is recommended that the report be received for information.

Communications were received from the following:

- 7(a). - (October 6, 2005) from Councillor Bill Saundercook, Ward 13, Parkdale-High Park;
- 7(b). - (October 6, 2005) from Lis Kilgour;
- 7(c). - (October 6, 2005) from Gerald Nicholson;
- 7(d). - (October 7, 2005) from Azia March;
- 7(e). - (October 6, 2005) from Brent Erb;
- 7(f). - (October 6, 2005) from Ralph Servidio;
- 7(g). - (October 7, 2005) from Rob Bosomworth;
- 7(h). - (October 7, 2005) from Kevin Wilson;
- 7(i). - (October 7, 2005) from Carlos and Katia Garcia;
- 7(j). - (October 10, 2005) from Rory Sinclair, Chair, Harbord Village Residents Association.

TORONTO WATER

8. Request for Presentation Regarding Rainwater Harvesting

Report 9, Other Items Clause 12(i)

Action taken by the Committee:

The Works Committee:

- (1) received the communication from Councillor Fletcher and the presentation from the Director, Water Infrastructure Management, Toronto Water; and**
- (2) requested that a copy of the presentation by the Director, Water Infrastructure Management, Toronto Water be forwarded to the Roundtable on the Environment, the Planning and Transportation Committee and the Toronto Transit Commission for information.**

Communication (June 16, 2005) from Councillor Paula Fletcher, Ward 30, Toronto-Danforth, requesting that Gary Stinson, Senior Water Quality Inspector, provide the Works Committee with the presentation given to the Task Force to Bring Back the Don on Rainwater Harvesting,

9. Draft Terms of Reference for the Peer Review of the Biosolids and Residuals Master Plan Decision Making Model

Report 9, Clause 6

The Works Committee submitted the report (September 28, 2005) from the Acting General Manager, Toronto Water and the Medical Officer of Health without recommendation, in that a motion to defer and a motion to adopt the staff recommendations both lost on a tie vote; and that further, in accordance with the Municipal Act, discussions pertaining to the draft Terms of Reference be held in camera as the subject matter relates to the security of the property of the Municipality.

Report (September 28, 2005) from the Acting General Manager, Toronto Water and the Medical Officer of Health responding to the request of the Works Committee on March 8, 2005, that a peer review be undertaken of the Biosolids and Residuals Master Plan methodology and weighting scale used to determine the recommended residuals and biosolids management options and strategies for the City's water and wastewater treatment plants.

Recommendations:

It is recommended that:

- (1) authority be granted to the General Manager of Toronto Water, working together with the Medical Officer of Health, to issue a Request for Proposal (RFP) in accordance with the confidential draft Terms of Reference, for the hiring of a facilitator, and to engage the services of a panel of experts to undertake a peer review of the decision making model used in the Biosolids and Residuals Master Plan; and
 - (2) this report be forwarded to the Board of Health for information.
- 9(a).** Communication (October 7, 2005) from Councillor Paula Fletcher, Ward 30, Toronto-Danforth, expressing concern that the Biosolids and Residuals Master Plan focuses solely on agricultural uses to the exclusion of other non-agricultural options; and requesting that the Terms of Reference for the Peer Review be expanded to include an analysis of why this omission occurred and a solution for remedying the problem.

10. Amendments to the Toronto Municipal Code Chapter 681 – Sewers, Article I, Sewage and Land Drainage (Sewer Use By-law No. 457-2000) - Designation of Best Management Practices Documents and Revised Pollution Prevention Plan for the Automotive Services Sector (All Wards)

Public Notice

Report 9, Clause 7

The Works Committee recommended that City Council adopt the staff recommendations in the Recommendations Section of the report (September 26, 2005) from the Acting General Manager, Toronto Water.

The Works Committee held a public meeting on October 11, 2005, in accordance with the Municipal Act, 2001, and notice of the proposed enactment of the draft by-law was posted on the City's web site for a minimum of twenty-one days.

Report (September 26, 2005) from the Acting General Manager, Toronto Water respecting a number of amendments to the Toronto Municipal Code Chapter 681 – Sewers, Article I, Sewage and Land Drainage (Sewer Use By-law No. 457-2000), and the need to adopt a Best Management Practices (BMP) process with respect to pollution prevention planning for certain industries.

Recommendations:

It is recommended that:

- (1) Municipal Code Chapter 681- SEWERS, ARTICLE I- Sewage and Land Drainage (the "By-law"), be amended as specifically set out in Appendix "A" to this report;
- (2) the General Manager of Toronto Water be authorized to implement the Best Management Practices (BMP) Program as described in this report and grant exemptions from the discharge and concentration limits in the By-law in accordance with the BMP program using the guidelines set out in this report, and to implement the BMP program, that Council authorize and approve the Best Management Practices (BMP) documents attached as Appendix "B" for facilities in the automotive service sector: Automotive Repair Operations, Vehicle Wash Operations, and Petroleum Facilities;
- (3) the Pollution Prevention Plan and Plan Summary form, attached as Appendix "C" be designated for use by the Automotive Service Sector;
- (4) the Pollution Prevention Plan and Plan Summary form, attached as Appendix "D" be designated for use by the Dry Cleaning Sector; and

- (5) the appropriate City officials be authorized to introduce the necessary bills to Council to implement the recommendations.

11. Report on Progress and Findings from the Storm Outfall Monitoring Program in Taylor-Massey Creek – July–September 2005

Report 9, Other Items Clause 12(j)

Action taken by the Committee:

The Works Committee:

- (1) received the report from the Acting General Manager, Toronto Water;
- (2) requested the Acting General Manager, Toronto Water to report to the November 8, 2005, meeting of the Works Committee on:
 - (a) a plan for completion of the Storm Outfall Monitoring Program's survey and water quality testing for Taylor-Massey Creek by June 2006;
 - (b) a plan for completion of the by-law enforcement investigations and remedial work related to all Priority Outfalls in Taylor-Massey Creek by December 31, 2006, including the funds and staffing resources required for implementation;
 - (c) a plan for the completion of the Storm Outfall Monitoring Program for all watersheds in Toronto within five years; such plan to include the timelines, staffing and other resources needed for the implementation of the Plan; and
 - (d) staffing levels and resources required in the Environmental Monitoring and Protection Unit to conduct the necessary investigations and enforcement activities to maximize compliance with the City of Toronto Sewer Use By-law;
 - (e) the voluntary take-up of the Downspout Disconnection Program in the areas adjacent to the Taylor Massey Creek Watershed; and
- (3) requested the Acting General Manager, Toronto Water to outline in his report the additional resources required in the 2006 Toronto Water Capital and Operating Budgets to implement the plans outlined in Recommendation (2)(a)-(d) for consideration as part of the 2006 Budget process.

Report (September 21, 2005) from the Acting General Manager, Toronto Water responding to the request of the Committee on June 29, 2005, to report on the progress and findings from the Storm Outfall Monitoring Program in Taylor-Massey Creek.

Recommendation:

It is recommended that this report be received for information.

12. Studies Planned for Taylor-Massey Creek (Ward 31, Beaches–East York)

Report 9, Other Items Clause 12(k)

Action taken by the Committee:

The Works Committee received the report from the Acting General Manager, Toronto Water.

Report (September 28, 2005) from the Acting General Manager, Toronto Water providing an update on studies planned for the Taylor-Massey Creek watershed identified in the City's Wet Weather Flow Management Master Plan.

Recommendation:

It is recommended that this report be received for information.

TRANSPORTATION SERVICES

13. Parking for Motorized Scooters and Motorcycles – Motion J(2)

Report 9, Clause 2

The Works Committee recommended that City Council adopt the staff recommendations in the Recommendations Section of the report (October 7, 2005) from the General Manager, Transportation Services, as follows:

“It is recommended that:

- (1) the recommendations contained in Motion J(2), entitled “Parking for Motor Scooters and Motorcycles”, introduced at the City Council meeting of September 28, 29 and 30, 2005, be approved, as follows:**

“NOW THEREFORE BE IT RESOLVED THAT the City of Toronto's relevant parking by-laws be amended to exempt motorcycles, as defined in the *Ontario Highway Traffic Act*, from standard parking fees at all on-street parking meters or parking machines;

AND BE IT FURTHER RESOLVED THAT the City of Toronto's relevant parking by-laws be amended to allow motorcycles, as defined in the *Ontario Highway Traffic Act*, to park, where on-street parking is lawfully allowed, at an angle, but not more than sixty (60) degrees to the curb;

AND BE IT FURTHER RESOLVED THAT given the smaller size of motor scooters, appropriate staff of the City of Toronto be requested to review and report to the Works Committee on the feasibility and amendments required to the relevant by-laws to separately define and allow 'motor scooters' to park on sidewalks;

AND BE IT FURTHER RESOLVED THAT the Toronto Parking Authority (the 'TPA') submit a report to the Works Committee detailing how the TPA could designate a small area at all of their indoor and outdoor 'Green P' lots where motorcycles, as defined in the *Ontario Highway Traffic Act*, may park for free."; and

- (2) **the appropriate City officials be authorized and directed to take whatever action is necessary to implement the foregoing, including the introduction in Council of any Bills that are required."**

Communication (October 3, 2005) from the City Clerk advising that City Council on September 28, 29 and 30, 2005, referred the following Motion J(2) by Councillor Ootes, seconded by Councillor De Baeremaeker, to the Works Committee:

"WHEREAS the City of Toronto should do all it can to encourage its residents to use environmentally-friendly modes of transportation, and not penalize them; and

WHEREAS Canada is committed to the Kyoto protocol; and

WHEREAS Torontonians are being urged to do their part in the federal government's One-Tonne Challenge (Canada to reduce our annual greenhouse gas emissions by one tonne); and

WHEREAS the definition of 'motorcycle' under the *Ontario Highway Traffic Act*, means 'a self-propelled vehicle having a seat or saddle for the use of the driver and designed to travel on not more than three wheels in contact with the ground, and includes a motor scooter, but does not include a motor assisted bicycle'; and

WHEREAS motorcycles, as defined in the *Ontario Highway Traffic Act*, use up to 90 percent less gasoline than a regular car or truck; and

WHEREAS motorcycles are significantly smaller than other vehicles, use far less

road space, thus helping to reduce gridlock, and occupy less parking space when parked at an angle to the curb; and

WHEREAS motorcycle operators in Toronto currently experience significant parking problems because other motorists often steal their Pay and Display parking receipts; and

WHEREAS the theft of a motorcycle operator's Pay and Display receipt often results in the rider receiving a parking ticket; and

WHEREAS the above situations dissuade motorcycle operators from using their more environmentally-friendly vehicles;

NOW THEREFORE BE IT RESOLVED THAT the City of Toronto's relevant parking by-laws be amended to exempt motorcycles, as defined in the *Ontario Highway Traffic Act*, from standard parking fees at all on-street parking meters or parking machines;

AND BE IT FURTHER RESOLVED THAT the City of Toronto's relevant parking by-laws be amended to allow motorcycles, as defined in the *Ontario Highway Traffic Act*, to park, where on-street parking is lawfully allowed, at an angle, but not more than sixty (60) degrees to the curb;

AND BE IT FURTHER RESOLVED THAT given the smaller size of motor scooters, appropriate staff of the City of Toronto be requested to review and report to the Works Committee on the feasibility and amendments required to the relevant by-laws to separately define and allow 'motor scooters' to park on sidewalks;

AND BE IT FURTHER RESOLVED THAT the Toronto Parking Authority (the 'TPA') submit a report to the Works Committee detailing how the TPA could designate a small area at all of their indoor and outdoor 'Green P' lots where motorcycles, as defined in the *Ontario Highway Traffic Act*, may park for free."

- 13(a).** Report (October 7, 2005) from the General Manager, Transportation Services providing comments on Motion J(2), entitled "Parking for Motor Scooters and Motorcycles", by Councillor Ootes, seconded by Councillor De Baeremaeker, to allow motorcycles to park free of charge at on-street parking areas controlled by either pay and display parking machines or parking metres, and to consider allowing motor scooters to park on sidewalks.

Recommendations:

It is recommended that:

- (1) the recommendations contained in Motion J(2), entitled “Parking for Motor Scooters and Motorcycles”, introduced at the City Council meeting of September 28, 29 and 30, 2005, be approved, as follows:

“NOW THEREFORE BE IT RESOLVED THAT the City of Toronto’s relevant parking by-laws be amended to exempt motorcycles, as defined in the *Ontario Highway Traffic Act*, from standard parking fees at all on-street parking meters or parking machines;

AND BE IT FURTHER RESOLVED THAT the City of Toronto’s relevant parking by-laws be amended to allow motorcycles, as defined in the *Ontario Highway Traffic Act*, to park, where on-street parking is lawfully allowed, at an angle, but not more than sixty (60) degrees to the curb;

AND BE IT FURTHER RESOLVED THAT given the smaller size of motor scooters, appropriate staff of the City of Toronto be requested to review and report to the Works Committee on the feasibility and amendments required to the relevant by-laws to separately define and allow ‘motor scooters’ to park on sidewalks;

AND BE IT FURTHER RESOLVED THAT the Toronto Parking Authority (the ‘TPA’) submit a report to the Works Committee detailing how the TPA could designate a small area at all of their indoor and outdoor ‘Green P’ lots where motorcycles, as defined in the *Ontario Highway Traffic Act*, may park for free.”; and

- (2) the appropriate City officials be authorized and directed to take whatever action is necessary to implement the foregoing, including the introduction in Council of any Bills that are required.

Communications were received from the following:

- 13(b).** - (October 6, 2005) from Chris Oliver;
- 13(c).** - (October 7, 2005) from Ken Wong;
- 13(d).** - (October 7, 2005) from Andrew Steuter;
- 13(e).** - (October 7, 2005) from Michael Reid;
- 13(f).** - (October 7, 2005) from Richard Dupuis;
- 13(g).** - (October 6, 2005) from Raph Nogal;
- 13(h).** - (September 27, 2005) from Viviane Frenette;
- 13(i).** - (September 21, 2005) from Darren Wilson;
- 13(j).** - (September 14, 2005) from Rui Pita;
- 13(k).** - (September 26, 2005) from Jennifer J. Rhines;
- 13(l).** - (September 14, 2005) from Colin Perkel;
- 13(m).** - (October 7, 2005) from Chris Achong;

- 13(n). - (October 7, 2005) from Bob Smith;
- 13(o). - (October 7, 2005) from Graham Clarke;
- 13(p). - (October 7, 2005) from Andrea Goodman;
- 13(q). - (October 7, 2005) from Judy Ross;
- 13(r). - (October 5, 2005) from Richard Tremblay;
- 13(s). - (October 10, 2005) from Leonard Bolton;
- 13(t). - (October 10, 2005) from Helen Riley;
- 13(u). - (October 11, 2005) from Carmen Diges and Paul Copeland.

14. Idling Control By-law: Enforcement and Education

Report 9, Other Items Clause 12(h)

Action taken by the Committee:

The Works Committee received the communication from the Board of Health.

Communication (September 28, 2005) from the Board of Health advising that the Board on September 26, 2005, considered a report (September 9, 2005) from the Medical Officer of Health on joint enforcement of the Idling Control By-law by Transportation Services and the Toronto Police Services Board, and directed that the report be forwarded to the Works Committee, the Toronto Police Services Board and the Roundtable on the Environment for information.

SOLID WASTE MANAGEMENT SERVICES

15. Contingency Plan for Toronto's Garbage – Motion J(5)

Report 9, Other Items Clause 12(e)

Action taken by the Committee:

The Works Committee received the communication from the City Clerk.

Communication (October 3, 2005) from the City Clerk advising that City Council on September 28, 29 and 30, 2005, referred the following Motion J(5) by Councillor Ootes, seconded by Councillor Balkissoon, to the Works Committee:

“**WHEREAS** the City of Toronto currently ships 105 truck loads of garbage to Michigan each day; and

WHEREAS there is growing evidence that the state of Michigan may choose to close its border with Ontario and make it illegal to deliver, dispose of, or accept

municipal garbage generated outside of the United States; and

WHEREAS many City of Toronto Councillors are on record as being opposed to any type of state-of-the-art incineration methods to deal with our garbage, such as those used in European countries; and

WHEREAS many of these same Councillors opposed the City sending our garbage to Kirkland Lake; and

WHEREAS the Mayor of Toronto has repeatedly stressed the need for Toronto City Council to operate in an open and transparent manner, to benefit the citizens of our City; and

WHEREAS the Mayor of Toronto has spoken about his belief that ‘every elected official in every government must have a personal and professional commitment to honesty, transparency, and responsibility’; and

WHEREAS the Mayor of Toronto has spoken about the need to undertake a governance review to make Councillors and Committees more accountable, and work to improve and increase the information we provide to the public about business at City Hall; and

WHEREAS the Chair of the City’s Works Committee was recently quoted as saying that a ‘confidential contingency plan’ exists, should Michigan close its border to our garbage; and

WHEREAS the City’s impending garbage disposal crisis is of great importance to Toronto’s residents; and

WHEREAS Toronto citizens have a right to know what contingency plans have been made, should Michigan ever refuse to accept our garbage;

NOW THEREFORE BE IT RESOLVED THAT the Chair of the Works Committee bring forward a report to the October 26, 2005 meeting of City Council, that outlines the details of this ‘confidential contingency plan’ and make it a matter of public record;

AND BE IT FURTHER RESOLVED THAT the Works Committee ensure that the public is given an opportunity to make deputations regarding this garbage disposal contingency plan, at the earliest opportunity.”

16. Solid Waste Management Contractual Issues

(In Camera – Security of the Property of the Municipality)

Report 9, Clause 3

The Works Committee recommended that City Council adopt the staff recommendations in the Recommendations Section of the confidential report (October 3, 2005) from the Acting General Manager, Solid Waste Management Services; and that further, in accordance with the Municipal Act, discussions pertaining to this report be held in camera as the subject matter relates to the security of the property of the Municipality.

Action taken by the Committee:

The Works Committee requested the Acting General Manager, Solid Waste Management Services to report to the Works Committee, during the 2006 Budget process, on an accelerated waste diversion program that would see the City achieving a 60 percent diversion rate by 2008 and a 80 percent diversion rate by 2010.

Confidential report (October 3, 2005) from the Acting General Manager, Solid Waste Management Services and the City Solicitor respecting Solid Waste Management Contractual Issues, such report to be considered in camera as the subject matter relates to the security of the property of the Municipality.

TORONTO WATER

17. Biosolids Management Contractual Issues

(In Camera – Security of the Property of the Municipality)

Report 9, Clause 4

The Works Committee recommended that City Council adopt the staff recommendations in the Recommendations Section of the confidential report (October 3, 2005) from the Acting General Manager, Toronto Water; and that further, in accordance with the Municipal Act, discussions pertaining to this report be held in camera as the subject matter relates to the security of the property of the Municipality.

Confidential report (October 3, 2005) from the Acting General Manager, Toronto Water respecting Biosolids Management Contractual Issues, such report to be considered in camera as the subject matter relates to the security of the property of the Municipality.

18. Amendment to Blanket Contract 47007266, Tender Call 316-2002, 03D2-540WS – Installation of Water and Sewer Services at Various Locations – Wards 1 and 2, Etobicoke North, Wards 3 and 4 – Etobicoke Centre, Wards 5 and 6 – Etobicoke Lakeshore

Report 9, Clause 8

The Works Committee recommended that City Council adopt the staff recommendations in the Recommendations Section of the report (September 30, 2005) from the Acting General Manager, Toronto Water.

Report (September 30, 2005) from the Acting General Manager, Toronto Water requesting authority to amend Blank Contract 47007266 by \$380,000.00, issued to Co-X-Co Construction for the installation of Water and Sewer services and unplanned and emergency water and sewer infrastructure repairs at various locations under Tender Call 316-2002, 03D2-540WS.

Recommendations:

It is recommended that:

- (1) authority be granted to amend Contract 47007266 by \$380,000.00 for a revised contract amount of \$4,380,000.00; and
- (2) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.

19. Increase in Blanket Contract Amounts for Toronto Water Contracts 04D1-510WS, 04D1-520WS, 04D1-530WS, 04DS-200WS, 04D3-301WS for the Installation of Water and Sewer Service Connections and Water and Sewer Infrastructure Emergency Repairs

Report 9, Clause 9

The Works Committee recommended that City Council adopt the staff recommendations in the Recommendations Section of the report (October 3, 2005) from the Acting General Manager, Toronto Water.

Report (October 3, 2005) from the Acting General Manager, Toronto Water requesting authority to amend the following Blanket Contracts for Toronto Water Contracts 04D1-510WS, 04D1-520WS, 04D1-530WS, 04D3-300WS, 04D3-301WS for the installation of water and sewer service connections, and water and sewer infrastructure emergency repairs at various locations:

Blanket Contract No.	Toronto Water Contract No./ Contractor	Original Blanket Contract Amount	Requested Blanket Contract Increase	Revised Blanket Contract Amount
47010341	04D1-510WS Aecon Utilities	\$3,063,699.44	\$950,000.00	\$4,013,699.44
47010219	04D1-520WS Vipe Construction	\$2,886,640.65	\$975,000.00	\$3,861,640.65
47010232	04D1-530WS Utility Force Inc.	\$2,598,264.95	\$1,100,000.00	\$3,698,264.95
47010171	04D3-300WS OJCR Construction	\$2,134,720.62	\$760,000.00	\$2,894,720.62
47010200	04D3-301WS Finch Paving (1993) Ltd.	\$2,074,692.55	\$970,000.00	\$3,044,692.55

Recommendations:

It is recommended that:

- (1) Blanket Contract 47010341 be amended by \$950,000.00 to the revised total of \$4,013,699.44;
- (2) Blanket Contract 47010219 be amended by \$975,000.00 to the revised total of \$3,861,640.65;
- (3) Blanket Contract 47010232 be amended by \$1,100,000.00 to the revised total of \$3,698,264.95;
- (4) Blanket Contract 47010171 be amended by \$760,000.00 to the revised total of \$2,894,720.62;
- (5) Blanket Contract 47010200 be amended by \$970,000.00 to the revised total of \$3,044,692.55; and
- (6) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.

TECHNICAL SERVICES

- 20. Negotiation of Agreements – Neighbouring Municipalities Along Steeles Avenue (Report 7, Clause 13 of The Works Committee – Agreements with Sadr Investments Inc., the Regional Municipality of York and the City of Vaughan for the Extension of City Services to a Development at 5690 Steeles Avenue West)**

Report 9, Clause 10

The Works Committee recommended that City Council adopt the recommendation of the Steeles Avenue Sub-Committee contained in the communication (October 5, 2005) from the Sub-Committee, as follows:

“That the Acting General Manager, Toronto Water, City Solicitor and Deputy City Manager and Chief Financial Officer be requested to negotiate an agreement whereby developments that are entirely serviced through the City of Toronto and by the City of Toronto have the development charges accrue to the City of Toronto.”

Communication (October 5, 2005) from the Steeles Avenue Sub-Committee advising that the Sub-Committee on September 28, 2005, considered the amendment to Report 7, Clause 13 of The Works Committee, headed “Agreements with Sadr Investment Inc., the Regional Municipality of York and the City of Vaughan for the Extension of City Services to a Development at 5690 Steeles Avenue West”, adopted by City Council on July 19, 20, 21 and 26, 2005, that the Steeles Avenue Sub-Committee:

- (1) review the agreements with Sadr Investments Inc., the Regional Municipality of York and the City of Vaughan for the extension of city services to a development at 5690 Steeles Avenue West (Ward 1); and
- (2) recommend a template agreement to the Works Committee for similar situations along Steeles Avenue.”;

indicating that the Sub-Committee recommended that the Acting General Manager, Toronto Water, City Solicitor and Deputy City Manager and Chief Financial Officer be requested to negotiate an agreement whereby developments that are entirely serviced through the City of Toronto and by the City of Toronto have the development charges accrue to the City of Toronto.

21. **Contract 05SD-08RD – Tender Call 230-2005 Reconstruction of TTC Track Allowance, Pavement, Curb and Sidewalk on St. Clair Avenue West from Tweedsmuir Avenue to Avenue Road (Wards 21 and 22, St. Paul’s)**

Report 9, Clause 11

The Works Committee recommended that:

- (1) **the report (October 6, 2005) from the Executive Director, Technical Services and the Treasurer be submitted to Council without recommendation;**
- (2) **in the event that the City and/or the Toronto Transit Commission appeal the Divisional Court decision, City Council recommend the streetcar line between Yonge Street and Avenue Road be restored to a usable mode.**

Action taken by the Committee:

The Works Committee requested:

- (i) the City Solicitor to report directly to Council for its meeting on October 26, 2005, on the implications of the ruling of the Divisional Court on the St. Clair Avenue West Project;**
- (ii) the Executive Director, Technical Services and the General Manager, Transportation Services, in consultation with the Chief General Manager, Toronto Transit Commission, to report directly to Council for its meeting on October 26, 2005, on the status of the existing track work on St. Clair Avenue West; and**
- (iii) the Deputy City Manager and Chief Financial Officer, in consultation with Deputy City Manager, Fareed Amin, to review and report to the Works Committee on the processes undertaken on Contract 05SD-06RD by the Technical Services Division, the Legal Division, Purchasing and Materials Management Division and the Toronto Transit Commission, and on steps taken to improve systems, procedures and accountability.**

Report (October 6, 2005) from the Executive Director, Technical Services and the Treasurer advising of the results of the Tender issued for the reconstruction of TTC track allowance, pavement, curb and sidewalk on St. Clair Avenue West from Tweedsmuir Avenue to Avenue Road.

Recommendations:

It is recommended that:

- (1) Contract 05SD-08RD, Tender Call 230-2005 for the reconstruction of TTC track allowance, pavement, sidewalk and curb on St. Clair Avenue West from Tweedsmuir Avenue to Avenue Road, be awarded to Dufferin Construction Company (A Business Unit of St. Lawrence Cement Inc.) in the amount of \$6,613,223.81, including all taxes and charges, being the lowest bid received; and
- (2) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.

21(a). Review of Tender Process for TTC Track Reconstruction on St. Clair Avenue

Communication (October 3, 2005) from the City Clerk advising that City Council on September 28, 29 and 30, 2005, referred the following Motion J(21) by Councillor Balkissoon, seconded by Deputy Mayor Feldman, to the Works Committee:

“WHEREAS the City of Toronto issued Tender 181-2005 for reconstruction of TTC track allowance on St. Clair Avenue; and

WHEREAS the Purchasing and Materials Management Division issued Addendum 3 to the above Tender in order to clarify the manner of completing Item 61 on Schedule ‘A’ to the Tender; and

WHEREAS six bids were received on the scheduled closing and the results were made public in accordance with the City’s normal practice; and

WHEREAS the two lowest bidders did not comply with Addendum 3 above, and were deemed to be informal by the Purchasing and Materials Management Division which assessment was confirmed by City of Toronto Legal Services; and

WHEREAS City staff prepared, printed and submitted a report for inclusion on the agenda of the Works Committee, awarding the tender to the next lowest bidder, Brennan Paving and Construction Ltd.; and

WHEREAS upon complaint in writing from one of the non-compliant bidders, the City of Toronto issued a Notice of Cancellation of Tender 181-2005; and

WHEREAS on the day of the scheduled Works Committee meeting, the City Staff removed the report from the Works Committee agenda; and

WHEREAS the City of Toronto on September 19, 2005, reissued a call for Tender upon virtually the same work as the original Tender, thereby placing those bidders who responded to Tender 181-2005 and whose bids were made public, in a very difficult position in that they are being asked to re-bid the same work; and

WHEREAS the Ontario Road Builders’ Association in a letter dated September 19, 2005 directed to Mr. Jim Matera of the Purchasing and Materials Management Division, and which letter has been sent to all City Councillors, expressed concern that the approach taken by the City is ‘not in keeping with generally accepted industry practices and ethics’, and is ‘patently unfair to the low compliant bidder’; and

WHEREAS the City of Toronto wishes to proceed with all due speed, and at the least legal risk, with the reconstruction of the TTC track allowance on St. Clair Avenue;

NOW THEREFORE BE IT RESOLVED THAT the Deputy City Manager, Mr. Fareed Amin, in consultation with the City Solicitor, prepare a report to the next Works Committee and the Policy and Finance Committee to outline the relative risks involved in awarding the Tender to the lowest compliant bidder, versus the re-tendering, without significant change to the scope of work;

AND BE IT FURTHER RESOLVED THAT staff be directed to extend the closing date of the current re-tender until the Policy and Finance Committee has had the opportunity to deliberate on this issue.”

ADDED ITEMS:

22. Claims of Harbour Remediation & Transfer Inc., Costa Trucking and Contracting Ltd. and Related Third Party Claim Arising from Fred Dominelli Action (Ward Toronto-Danforth)

(In Camera – Litigation or Potential Litigation)

Report 9, Clause 5

The Works Committee recommended that City Council adopt the staff recommendations in the Recommendations Section of the confidential report (October 7, 2005) from the City Solicitor respecting the Claims of Harbour Remediation & Transfer Inc., Costa Trucking and Contracting Ltd. and Related Third Party Claim Arising from Fred Dominelli Action (Ward Toronto-Danforth); and that further, in accordance with the Municipal Act, discussions pertaining to this report be held in camera as the subject matter relates to litigation or potential litigation.

Confidential report (October 7, 2005) from the City Solicitor respecting Claims of Harbour Remediation & Transfer Inc., Costa Trucking and Contracting Ltd. and Related Third Party Claim Arising from Fred Dominelli Action (Ward Toronto-Danforth).

23. Request for Staff Briefing Notes for Consideration During the 2006 Budget Process

Report 9, Other Items Clause 12(1)

Action taken by the Committee:

The Works Committee referred the following items to the appropriate staff with a request that they submit briefing notes to the Works Committee for consideration during the 2006 budget process:

- (a) item (1) in the communication from Councillor De Baeremaeker to the General Manager, Parks, Forestry and Recreation;**
- (b) item (2) in the communication from Councillor De Baeremaeker to the Acting General Manager, Toronto Water;**
- (c) item (3) in the communication from Councillor De Baeremaeker to the Acting General Manager, Solid Waste Management Services; and**

(d) the motion in the communication from Councillor Palacio to the General Manager, Transportation Services.

Communication (October 7, 2005) from Councillor Glenn De Baeremaeker, Ward 38, Scarborough Centre, requesting that the appropriate staff submit briefing notes to Members of the Works Committee on the following for consideration during the 2006 budget process:

- (1) a staff briefing note from the City Forester outlining the amount of water that would be diverted from our storm sewer systems from mature trees if the City was to undertake a 25-year tree planting program funded at a level of either \$3 million, \$6 million, or \$10 million per year;
- (2) a staff briefing note on the feasibility of conducting a mandatory downspout disconnection program and the benefits of a downspout disconnection program would bring to the City, such report to include one scenario where the City could adopt an 11-year cycle that would disconnect the downspouts in four wards per year for eleven years;
- (3) a staff briefing note on the feasibility of providing a second green bin free to homes that have either basement apartments and/or large families and/or are keen recyclers; and
- (4) a staff briefing note on the feasibility of permitting Councillors to have additional free compost days for local residents.

23(a). Communication (October 11, 2005) from Councillor Cesar Palacio, Ward 17, Davenport, submitted the following motion respecting snow clearing and access for employees – Martin Goodman Trail:

“WHEREAS the City of Toronto and its citizens are committed to providing all employees with safe, snow-free access to their homes and places of work; and

WHEREAS the Pedestrian Charter underscores the importance of pedestrian access in the environmental, safety, and economic well-being of our City; and

WHEREAS the Martin-Goodman Trail, on Toronto’s waterfront, currently provides the only pedestrian access for several hundred employees who work along Toronto’s waterfront; and

WHEREAS there is currently no snow clearing on the Martin Goodman Trail despite the large number of pedestrians and cyclists who need this route to get to work; and

WHEREAS the City is in receipt of a petition signed by dozens of these employees, requesting such access (attached);

NOW THEREFORE BE IT RESOLVED THAT the General Manager, Transportation Services report to the next Works Committee on the feasibility and cost (if any) of adding the stretch of the Martin Goodman Trail between the Roncesvalles Pedestrian Bridge and Dowling Avenue Pedestrian Bridge to the sidewalk snow removal program for 2006;

AND BE IT FURTHER RESOLVED THAT the report also consider the cost (if any) of adding the City's entire off-street cycling network to the sidewalk snow removal program;

AND BE IT FURTHER RESOLVED THAT this report be forwarded to the City of Toronto Pedestrian Committee, Cycling Committee and local City Councillors for information.”