



**STAFF REPORT
ACTION REQUIRED
Confidential Attachment**

**Coordinated Street Furniture Program Request for
Proposals (RFP) 9103-06-7316 – Supplementary Report
on Executive Committee Motions**

Date:	May 18, 2007
To:	City Council
From:	City Manager and Deputy City Manager
Wards:	All
Reason for Confidential Information:	The security of the property of the City and receipt of advice which is subject to solicitor-client privilege.
Reference No.:	Ts07122cc.top.doc

SUMMARY

Staff have assessed the wide range of motions tabled at the Executive Committee meeting of April 30, 2007 related to the Coordinated Street Furniture RFP. We have determined that the motions fall into three broad categories:

- those that have been contemplated in the context of the RFP, and thus will be addressed in the final agreement;
- those that would introduce substantive changes to the provisions of the RFP and would be problematic if pursued at this time; and
- those that, although related to the Coordinated Street Furniture Program, can be addressed separately from the RFP.

For purposes of clarity, staff have addressed the various motions by subject matter, with appropriate recommendations. More particularly, the recommendations concern enforcement of existing sign by-law compliance, additional issues for consideration in negotiation of the agreement with the recommended vendor that do not fundamentally alter the provisions of the RFP, procedures to keep Ward Councillors informed of street furniture implementation in their Wards and graffiti issues.

RECOMMENDATIONS

The City Manager and Deputy City Manager recommend that City Council:

1. direct that the confidential information in Confidential Attachment 4 of this report not be released publicly as it contains advice which is subject to solicitor-client privilege;
2. request staff, as part of the negotiation of a final agreement with the recommended vendor, to address the following on terms and conditions satisfactory to the Deputy City Manager and the City Solicitor, and subject to the advice in Confidential Attachment 4:
 - (a) the suggestions for improvements to the environmental benefits of the proposal as set out in the Environmental Impact Statement (Attachment 3);
 - (b) the feasibility of implementing a design modification to litter/recycling receptacles that can be deployed on older, narrower streets in Toronto; and
 - (c) the exclusion of island transit shelters on the St. Clair Avenue West streetcar project from the agreement, on the understanding that advertising will not be provided on such shelters pursuant to commitments made during the Environmental Assessment process for the St. Clair project;
3. recognize and endorse the ongoing actions of Toronto Buildings and Municipal Licensing and Standards staff in continuing to investigate and vigorously enforce the City's sign by-laws against all relevant parties on the basis of complaints received;
4. direct appropriate staff to give notice to terminate the agreement with the operator of the transit shelter outside the entrance of 1200 Bay Street, in coordination with the rollout of the Street Furniture Program;
5. confirm that, pursuant to the provisions of the RFP, the General Manager, Transportation Services will approve the locations of street furniture installations, and direct the appropriate staff to:
 - (a) develop detailed procedures to be included in a Street Furniture Operations Manual, generally along the lines set out in this report, including providing Ward Councillors at least annually with maps of all street furniture installed in their wards, seeking input from Ward Councillors and BIAs on requested new locations prior to each year's installation program and providing prior notice to Ward Councillors of the yearly installation plan for their ward;
 - (b) negotiate a term in the final agreement that in the event an impasse arises with a Ward Councillor disagreeing with the General Manager's determination on a specific street furniture element, such matter be referred to Community Council for a decision as appropriate;

6. endorse the principle that no street furniture element or other item installed by a public agency or utility be placed if it has graffiti on it, and refer the remaining motions related to graffiti to the Deputy City Manager, Cluster B and the inter-agency Graffiti Team for consideration and inclusion in the Action Plan; and
7. request the Deputy City Manager and Chief Financial Officer, and Deputy City Manager, Cluster B to consider, when reporting to the Budget Committee on the financial implications of the final agreement (Recommendation No. 5 of the Executive Committee), the motions concerning dedicating revenues to areas in which they are generated and allocating a portion of revenues for graffiti eradication programs.

Financial Impact

There is no additional financial impact associated with the recommendations contained in this report.

DECISION HISTORY

The Executive Committee, at its meeting of April 30, 2007 considered the staff report, “Coordinated Street Furniture Program – Results of Request for Proposals (RFP) 9103-06-7316”, including staff presentations and a number of deputations. The Committee has made recommendations to City Council concerning the RFP and related issues of effectively managing the public realm. As well, the Executive Committee referred a series of motions to the City Manager for consideration and report directly to Council for its meeting scheduled for May 23, 2007, along with appropriate recommendations (Reference EX8.8). Attachment 1 to this report contains all of the motions, grouped by topic.

<http://www.toronto.ca/legdocs/mmis/2007/ex/decisions/2007-04-30-ex08-dd.pdf> (Begins on Page 15)

COMMENTS

The following subsections of this report provide details respecting various issues raised by the motions tabled at the Executive Committee meeting of April 30, 2007.

By-law Compliance

Motions concerning the issues of compliance with the City’s sign by-laws were tabled at the Executive Committee. Justice Coulter Osborne, Fairness Commissioner to the Street Furniture RFP process, considered this matter in his report (Attachment 2 to the April 17, 2007 staff report). He noted that “it would be a mistake to conflate the issue of enforcement of by-laws with the evaluation of the proposals submitted in response to the Street Furniture RFP. The proposals should be evaluated as prescribed in the RFP.”

Enforcement staff have sought clarification from the recommended vendor in regard to this issue and the City Solicitor and outside legal counsel have been consulted. A detailed analysis of the issue is therefore provided in Confidential Attachment 4 and has

resulted in a recommendation (as set out above) that the relevant enforcement staff continue to vigorously enforce the City's sign by-laws.

Advertising

The motions regarding advertising essentially address two areas of concern; content and video/illumination.

The RFP contained certain guidelines respecting the content of advertising, which largely follow from the longstanding provisions in the existing agreements. One of the innovations that has been introduced in this RFP is a requirement for the successful vendor to identify and submit ads which in its opinion may be problematic, for review and approval to a panel of three City Councillors who sit on the Public Works and Infrastructure Committee, including the Chair. This measure is modelled on a Toronto Transit Commission procedure and will further mitigate the possibility of inappropriate advertising content.

All advertising must comply with the standards set by the Advertising Standards Council of Canada, Federal and Provincial law, as well as restrictions or prohibitions in City Council's advertising policies. The RFP specifically prohibits the advertising of tobacco and tobacco related products, or any advertising which, in the opinion of the General Manager acting reasonably is not of good character and appearance, free from vulgarity or indecent suggestion of any kind, or is offensive to the public on religious, racial or other grounds. The RFP also requires that advertising near schools and places of worship shall exhibit content appropriate for such locations. Finally, the RFP provides that the City shall be entitled to require the successful vendor to remove any advertising that does not comply with the above provisions, without claim for any costs, loss or damages.

There have been instances in the past where the content of a particular ad campaign has resulted in complaints to the General Manager, Transportation Services under the current transit shelter agreement. These instances have been rare over the years and have resulted in investigation by staff in co-operation with the shelter provider. In exercising its rights to require the removal of advertising, the City has in the past been sensitive to free expression and respecting different viewpoints (this approach appears consistent with the intent behind another of the motions placed at Committee proposing a "no censorship" clause related to political/public advocacy and like ads).

We are of the view that the provisions related to advertising content as set out in the RFP are sufficient to protect the City's interests while recognizing that the vendor is being given the right to engage in the sale of commercial advertising, subject to the terms of the agreement. We do not recommend adding what could be construed to be relatively subjective criteria to the process described. It would not be appropriate or necessary for the City to involve itself further in mandating advertising content or attempting to impose additional requirements that were not established in the RFP and would impact on the commercial operations of the vendor, advertising agencies and the companies whose products are being advertised.

A number of the motions raise concerns about the use of video advertising. The RFP, including the draft agreement that was attached, defined the permitted advertising medium quite narrowly in terms of an enclosed illuminated or non-illuminated casing which serves to house printed advertising media on street furniture. Scrolling of printed advertising would be permitted, but animated video ads would not. The recommended vendor's response complies with the RFP requirements for backlit advertising posters with no video measures. Scrolling within any advertising caisson would be done by mechanical means. The agreement will reflect the intent of the RFP and the recommended vendor's submission. Further, under the agreement, advertising will be restricted only to transit shelters and 120 information pillars, and shall not be permitted on any other element, all in keeping with the vendor's proposal. Advertising on these two elements will also be subject to the other restrictions as set out in the RFP.

Green Aspects

The RFP contained several provisions to encourage vendors to apply environmentally friendly solutions in their responses. More particularly, it was noted that street furniture provided under the program should have the capability to incorporate future technological and design advancements. The use of sustainable technology such as solar power, reusable or recyclable components is expected. New innovations such as green roofs and water collection products or services which might contribute to an improved streetscape, environment or access to services are encouraged and should be explored throughout the duration of the agreement. In addition, all vendors were requested to complete the City's Environmentally Responsible Procurement Statement.

As required by the RFP, the recommended vendor's proposal includes numerous measures that address energy efficiency, use of recycled materials, and use of environmentally appropriate finishes, coatings and cleaning products. Their manufacturing facilities are located in the GTA and they apply methods and disposal systems to minimize waste products and divert materials to recycling. With regard to maintenance, modular design features will enable replacement of damaged parts without the need to necessarily scrap an entire street furniture element. The vendor's design team includes certified consultants in Leadership in Energy and Environmental Design (LEED).

In terms of energy use, the proposal involves illuminating a minimum of 1,742 new shelters and over 200 existing by means of solar energy and LED fixtures. The approximately 3,258 new transit shelters with ad caissons will initially use T8 fluorescent lamp fixtures and electronic ballasts. The vendor also commits to replacing existing illuminated shelters with these fixtures. These fixtures have a 50 percent longer lamp life and use 70 percent less mercury.

The net energy savings on a per shelter basis as a result of the electronic ballasts and efficient lamps is estimated to be 40 percent. The total number of shelters will increase by about 50 percent from today's total over the term of the agreement. It is noted that currently nearly 2,000 shelters have no safety lighting whatsoever (it was never required in the legacy agreements) and pursuant to the RFP all shelters are to be lit. This is an

increase of three times the number of lit shelters today. The number of shelters with ad caissons would increase by about 118 percent. Despite the expansion of the shelter inventory, the energy efficient measures proposed will see total power requirements increase about 56 percent over the term from existing energy use. Without these features increase in energy use would be more than double today's amount. The vendor is working on, and committed to, extending the use of solar power to advertising shelters as the technology becomes viable. This will likely reduce energy use further throughout the term of the agreement.

The Toronto Environmental Office was requested to review the environmental benefits of the proposal, in response to one of the motions tabled at Executive Committee. The resulting Environmental Impact Statement is provided as Attachment 3 to this report. It includes suggestions for improvements to the environmental benefits of the proposal which will be discussed with the recommended vendor as an agreement is finalized. Confidential Attachment 4 also contains some reference to this issue.

Individual Elements

Several of the Executive Committee motions are quite specific with respect to design aspects of certain street furniture elements or coordination with existing elements.

The coordination items concern removal of existing elements that are on the streets pursuant to current agreements. It is certainly our intent under the program to remove such existing street furniture as quickly as is feasible and that is reflected in the RFP through the numbers of new elements to be provided in the early years of the agreement. It is noted, however, that when Council established the parameters of the program in June, 2006, it was determined that the City would abide by its contractual obligations. Direction was also provided on the termination of specific items, the bench contracts for example. With respect to the transit shelter near the entrance to 1200 Bay Street, it is recommended that notice be given to remove this structure in coordination with the roll-out of the new street furniture program.

The RFP established criteria and specifications for each element which the prospective vendors responded to in their submissions. While the City requirements did leave some flexibility for design creativity and did take into account the various urban forms in Toronto, the sizes of individual elements like litter/recycling receptacles were influenced to a considerable extent by these specifications. The Technical Review team and the Design Jury have made recommendations for refinements to the submitted designs. Assessment and consideration of the feasibility of providing a smaller litter receptacle will be discussed with the recommended vendor through the design refinement exercise. The matter of meeting the City's Accessibility Design Guidelines was a key requirement in the RFP. Members with specific expertise on accessibility matters and ergonomics participated on the Technical Review team. Again, detailed suggestions for certain design refinements will be provided to the recommended vendor. Finally, the matter of security eyes in the info-pillar element is discussed in Confidential Attachment 4.

Public Realm Unit and Implementation of Street Furniture

The concept and mandate of a Public Realm Unit was set out in the April 17, 2007 staff report to the Executive Committee. Briefly, it was noted that the unit would be action-oriented, having strategic accountability for planning, design oversight, implementing initiatives and managing the public realm. Three “streams” of responsibility are envisaged at this point: management and administration of the street furniture program in accordance with the “Vibrant Streets” vision; pedestrian space policy, planning and coordination including implementation of neighbourhood beautification projects; and project management/coordination for capital streetscape works and other major public space initiatives. This unit would be involved in leveraging private sector investment in all aspects of the public realm.

Although some initial work has been carried out in terms of scoping this unit, its actual formulation and implementation will require extensive, detailed organizational assessment and review. This is an administrative effort under the purview of the Deputy City Manager, Cluster B and will cross numerous existing jurisdictions. While the new unit will undoubtedly assume some existing staff and resources from operating Divisions, it will be just as important to define the interfaces and operational protocols (for example; Municipal Licensing and Standards, Right-of-Way Management, Urban Design, Solid Waste Management, Economic Development, Tourism, TTC, etc.) to ensure appropriate coordination with respect to the public and adjacent private realm. The unit will submit reports to Council as necessary through the Standing Committee having jurisdiction over the particular issue at hand.

Several of the motions reflected concerns about how the management and actual roll-out of street furniture elements would proceed. A number of these sought to establish an “appeal” process in the event a Councillor or community expressed concerns that could not be resolved.

Roll-out of street furniture will be based on a schedule that was contained in the RFP document and is reproduced as Attachment 2 to this report. The RFP roll-out schedule was based, in turn, on the scope of the program established by City Council in June, 2006. The schedule envisages in effect, two needs, namely the replacement of existing elements to be removed from City streets due to expiring existing agreements (benches, litter bins) or lifecycle replacement (transit shelters) and the provision of new elements to meet historic growth demands (transit shelters, litter bins) or new City requirements (info-pillars – Tourism; neighbourhood poster kiosks – MLS; publication boxes – Transportation). The numbers of each element and timing were developed by and in close consultation with the affected lead Division. It is noted that about 40 per cent of the number of elements set out in the RFP are for the replacement of existing items. Further, about 50 per cent of all specified elements in the RFP are litter/recycling containers. The recommended vendor has proposed the acceleration of some elements.

The process for defining, approving, constructing/installing and verifying the actual street furniture locations is based on three primary considerations: the RFP/Agreement, the Vibrant Streets placement guidelines document and a detailed operational procedures manual.

RFP/Agreement: The RFP contained numerous terms related to the installation of street furniture. The aforementioned roll-out schedule sets out the broad framework and anticipated timing. Other provisions clearly stress that although the locations will be developed collaboratively with the successful vendor, the City has final approval for every location and the City will have the ability to require the temporary or permanent removal of any street furniture or advertising element with no cost or claim against the City, as directed by the General Manager, Transportation Services. The RFP also indicates that placement approval may be subject to restrictions for safety or to respond to historic/iconic buildings or public art installations. Consultation with Heritage Preservation Services and BIAs is part of the approval process. The RFP establishes a framework for street furniture siting and placement approvals requiring, among other things, the preparation of site drawings and before and after photos, as well as establishing construction requirements. The terms provided in the RFP shall be carried forward into the legal agreement.

Vibrant Streets: This document is a major accomplishment of the coordinated street furniture process. For the first time, all City Divisions and the public have clear expectations and guidelines as to how the limited public space within the rights-of-ways is to be allocated. Street furniture placement is a key consideration in this regard. The document is founded on the principle of creating a distinct, linear pedestrian clearway and design of streets that are accessible to all users. “Vibrant Streets” provides detailed dimensional criteria for a range of urban street configurations. In fact, “Vibrant Streets” was included as an appendix to the RFP, so vendors had a solid understanding of the City’s intent.

Procedures Manual: In order to convey the requirements of the legal agreement and principles established in the “Vibrant Streets” document into sound operating practices, staff will work with the successful vendor to develop an operational procedures manual to ensure the efficient deployment and ongoing management of the street furniture program. The basis of this approach is well-established with the existing Transit Shelter Manual that guides all aspects of the current program. The manual sets responsibilities of the parties, identification of suitable locations, approval, construction and inspection requirements and criteria for prioritizing shelter installation. Because the process has been in effect for a number of years, we are of the view that only certain refinements within this proven framework will be necessary to manage the new street furniture contract.

The concerns tabled at Executive Committee relating to matters of reviewing and approving street furniture locations, providing information to Ward Councillors and potential to resolve disputes are summarized as follows:

- process for approval of street furniture locations;
- current and proposed locations for all types of street furniture, along with their advertising content be plotted on a Ward map and circulated to Councillors annually;
- as soon as possible after the agreement is signed, preliminary list of locations for each piece of street furniture, particularly the larger elements, transit shelters, washrooms and info pillars, in each ward to be installed for the first few years of the agreement. Further, ensure Councillors have input into the rollout, including identifying priority locations for specific pieces;
- as part of final negotiation of the agreement, include a process for considering and responding to concerns of the community and the Ward Councillor including consideration by Community Council, if appropriate, if agreements are not achieved at a staff or individual Councillor level;
- a clear and accessible complaints protocol be negotiated with the recommended vendor that would allow residents and Councillors easy access to address issues that arise such as cleanliness and broken fixtures and also that do not meet community standards;
- implementation plan and process that incorporates Councillors' input in the placement of street furniture in their Ward;
- submit a report to the Public Works and Infrastructure Committee every six months beginning in January 2008 on implementation of the street furniture contract, including revenue, completion rate, installation locations, public complaints and maintenance issues and any other pertinent information.

As noted above, the framework for establishing a process for review and approval of street furniture locations has been provided in the RFP and supporting documentation. This in turn is based largely on longstanding procedures and provisions followed under existing agreements. Nonetheless, the results of this RFP and specific aspects of the recommended vendor's proposal, along with the recent development by staff of more robust inventory capabilities, will enable improvements in communications and input from Councillors that will be specifically articulated as the procedures manual is refined.

In order to address the issues raised by these motions, it is proposed that staff will provide each Ward Councillor on an annual basis with a Ward map and relevant information of street furniture installed in their Ward under this contract. A process will also be put in place to seek input from Ward Councillors on requested new locations as the following year's installation plan is being developed. Staff would also provide each Councillor with the yearly installation plan for their Ward once finalized.

It is worth mentioning that the successful vendor's proposal involves a sophisticated inventory and maintenance tracking system that will facilitate the above mentioned initiatives. In addition, the RFP requires that information advising of a 24/7 contact number, TTY and email address be posted on the street furniture elements. Finally in terms of staff contact, the consolidation of managing the street furniture program within the proposed Public Realm Unit will provide Councillors and members of the public with one easily identifiable point of contact with City staff.

With respect to dealing with any disputes that may arise from street furniture installation plans, past experience has been that a minimal number of locations have ever been subject to serious concern. In the small number of cases that have, staff have worked with a Ward Councillor and/or affected party on a solution amenable to all. In the unlikely event that this process does lead to an impasse in terms of a Councillor disagreeing with the determination of the General Manager, we would have no objection to an individual matter being referred to Community Council for decision.

Finally, motions were raised respecting distribution of revenue and whether investments in the public realm resulting from this revenue will be correlated to the wards in which they are located, and how local BIAs will be able to access their advertising panel and decide on the appropriate locations. As noted in the April 17, 2007 staff report, allocation of revenue will be dealt with in a subsequent report to the Budget Committee. BIAs will receive assistance respecting their advertising panel through the Economic Development Division's BIA office in consultation with the City's Strategic Communications Section, or they can access this benefit through the contract administrator in the Public Realm Unit.

Graffiti

A range of motions tabled at the Executive Committee relate to graffiti and posterage in the public realm. Generally, these related to broader matters which were not specific to this RFP.

The defacement of a wide range of public, utility and private infrastructure by graffiti is a growing problem throughout the City. Currently City Divisions, ABCs, utility companies and private property owners employ a variety of means and programs to remove, transform and discourage graffiti in their respective areas of responsibility. A more focussed and coordinated approach is clearly required and is now being developed.

Recognizing the significance and complexity of the issue, an experienced interdivisional graffiti eradication team, also including representation from the Toronto Police Service, utility companies, railways, school boards and others affected by this issue, has been established. The intention of this City-led multi-agency team is to develop and implement strategies to reduce graffiti in the short term and in the longer term to create a societal shift where graffiti is broadly viewed as unacceptable.

The multi-agency team provides opportunity for dialogue, problem-solving, and will marshal the resources each agency individually and separately deploys today. This

approach, using a similar model to the multi-divisional implementation of the Clean and Beautiful City programs, will permit improved communication, more accurate tracking and mapping, clearer delineation and responsibility, harmonized service targets, improved response times and a coordinated approach across jurisdictions. The team is chaired by the Executive Director, Municipal Licensing and Standards, as the senior management champion and reports to the Deputy City Manager, Cluster B.

The team is currently developing a detailed Action Plan to ensure the program is sustainable and clearly identify who is responsible for each aspect. The Action Plan is expected to be in place later this summer. This will lead to an inter-divisional Service Level Agreement which outlines and secures the commitment of the parties. The motions related to setting standards for poster and graffiti removal from equipment and facilities within time frames, funding and resource needs are within the mandate of the team and are being addressed as part of the Action Plan. Further, the motions involving a “no graffiti when installed policy” should be adhered to as part of this initiative. Staff will report back as necessary as the Action Plan takes shape.

For Council’s information related to graffiti vis-à-vis the street furniture RFP, the successful vendor is responsible for cleaning and maintenance, including graffiti removal. The successful vendor will become an important partner in the above-noted inter-agency team upon execution of an agreement.

CONTACT

Andrew Koropeski, P.Eng
Director, Toronto and East York District
Transportation Services
Email: akoropes@toronto.ca
Telephone: 416-392-7714
Fax: 416-392-1920

SIGNATURES

Shirley Hoy
City Manager

Richard Butts
Deputy City Manager

ATTACHMENTS

Attachment 1: Motions referred by Executive Committee, April 30, 2007
(P:\2007\Cluster B\TRA\Toronto and East York\top\Ts07122cc.top.doc-Att1)
Attachment 2: Street Furniture Roll-out Schedule
(P:\2007\Cluster B\TRA\Toronto and East York\top\Ts07122cc.top.doc-Att2)
Attachment 3: Environmental Impact Statement
(P:\2007\Cluster B\TRA\Toronto and East York\top\Ts07122cc.top.doc-Att3)
Confidential Attachment 4: Confidential Information

ATTACHMENT 1

Motions Referred by Executive Committee, April 30, 2007

The Executive Committee referred the following motions to the City Manager for consideration and report directly to Council for its meeting scheduled to be held on May 23, 2007, along with appropriate recommendations.

By-law Compliance

- 1 That the Executive Committee recommends that:
 - a) it be a requirement of this agreement, that prior to the finalization of this agreement, the company agree to remove any and all structures that were erected in violation of our current Sign By-laws.
 - b) the agreement contain penalty clauses that protect the City from future violations of the City's Sign By-laws.
- 2 That Astral Media submit a written declaration to the satisfaction of the Chief Building Official in consultation with the Executive Director, Municipal Licensing and Standards and the City Solicitor stating that all of their signs erected across the City of Toronto are in compliance with City By-laws by the time of the execution of the agreement.

Advertising

- 1 That the Executive Committee request the City Manager to report on ensuring the City's principles of equity and diversity in the advertising on bus shelters and pillars in the right-of-way.
- 2 That the Executive Committee request that staff be directed to request the recommended proponent to provide a clarification to staff before the meeting of Council of the meaning of "scrolling advertising of fixed images, referred to in the report dated April 17, 2007, from the Deputy City Manager, Director, Purchasing and Materials Management.
- 3 That the Executive Committee request that staff be requested, as part of the final negotiation of the Agreement, to address on terms and conditions satisfactory to the Deputy City Manager and the City Solicitor, the following issues:
 - a) If video images are to be included under the Agreement that the addition of appropriate limitations such as split screens, the number of advertisement changes per minute, be included to ensure that such advertising does not affect safety for motorists or have negative impacts for nearby residents and businesses.

- b) That a maximum brightness level for ads be defined.
- 4 That the Executive Committee request that staff be requested, as part of the final negotiation of the Agreement, to address on terms and conditions satisfactory to the Deputy City Manager and the City Solicitor, the following issues:
- a) Confirmation that the total square footage of advertising space permitted under the Request for Proposals may only be achieved through the use of the 120 pillars and transit shelters with caissons as permitted under the Agreement and specifically not include third party advertising options.
 - b) Ensuring that the agreement with the local community concerning the passenger islands on St. Clair Avenue West (i.e., that commercial ads space will not be provided in the shelters) will be respected under the Agreement.
 - c) Ensure that the final Agreement include a “No censorship” clause related to political/public advocacy and like ads.

Environment - Green Aspects of Proposal

- 1 That the Executive Committee request Deputy City Manager Richard Butts to submit a report directly to Council for its meeting scheduled to be held on May 23, 2007, on the green aspects of the recommended proponents and how they might be strengthened as part of the final negotiations with the proponent so that a strategy for achieving 100 per cent renewable energy is pursued.
- 2 That the Executive Committee recommends the City adopt a holistic approach to the urban design environment.
- 3 That the Executive Committee recommends that prior to finalizing the agreement, Deputy City Manager Richard Butts be requested to provide an environmental impact statement on the proposed contract with a view to, if necessary, amending the contract to ensure that the environmental impact on the City is less than it is at present and that this statement be submitted to the Council meeting to be held on May 23, 2007.

Elements

- 1 That the “security eyes” be removed from the information pillar design.
- 2 That in order to achieve an immediate reduction in the clutter and advertising on City streets, existing street furniture elements with advertising, such as benches, be replaced as soon as possible with new street furniture without advertising.
- 3 That staff, in consultation with the proponents, come forward with a garbage can that will fit older or narrow streets in Toronto; and that a protocol be developed to

- govern the placement and location of the various street furniture elements that includes consultation with the relevant local councillor.
- 4 That the Executive Committee recommends that Deputy City Manager Richard Butts be requested to consult with the City's Accessibility Committee to ensure that the new street furniture meets City accessibility standards.
 - 5 That in co-ordination with the roll-out of the street furniture program in the City of Toronto, notice should be given to terminate the agreements with the third party operator of the bus shelter and advertising options located outside the entrance of 1200 Bay Street, at the north west corner of Bay and Bloor.

Public Realm Unit/Implementation Issues

- 1 That the City Manager be requested to report directly to Council on the mandate and the reporting relationship of the proposed Public Realm Department or Business Unit.
- 2 That the Executive Committee request the City Manager to report to Council for its meeting scheduled to be held on May 23, 2007, on:
 - a) The process for approval of street furniture locations.
 - b) The distribution of revenue, and whether investments in public realm resulting from this revenue will be correlated to the wards in which they are located.
 - c) The mechanisms and protocols in place to protect BIAs, historical districts and tourism areas from the proliferation of public realm signage.
 - d) The complete timeline of the roll out of installation of street furniture.
- 3 That the Executive Committee recommends that current and proposed locations for all types of street furniture, along with their advertising content, be plotted on a ward map and circulated to Councillors annually.
- 4 That the Executive Committee request that:
 - a) City staff define in a report directly to Council, how local BIAs will be able to access their one advertising panel, and decide on the appropriate location(s).
 - b) City staff work with the recommended proponent to identify as soon as possible, after the Agreement is signed, a preliminary list of locations for each piece of street furniture, particularly the large elements, transit shelters, washrooms and info pillars, in each ward to be installed for the first few years of the Agreement. Further, ensure Councillors have input

into the rollout, including identifying priority locations for specific pieces of furniture.

- 5 That the Executive Committee request that staff be requested, as part of the final negotiation of the Agreement, to address on terms and conditions satisfactory to the Deputy City Manager and the City Solicitor, the following issues:
 - a) That the process for approving the placement of shelters and other street furniture under the Agreement, at new locations, include a process for considering and responding to the concerns of the community and the Ward Councillor, including consideration by the Community Council, if appropriate, if agreements are not achieved at a staff or individual Councillor level.
 - b) That a clear and accessible complaints protocol be negotiated with the recommended proponent that would allow residents and Councillors easy access to address issues that arise such as cleanliness and broken fixtures, and also that do not meet community standards.
- 6 That Deputy City Manager Richard Butts be requested to submit a report to the Executive Committee for its meeting on June 25, 2007, with an implementation plan and a process that incorporates Councillors' input in the placement of street furniture in their Ward.
- 7 That the General Manager, Transportation Services, be requested to submit a report to the Public Works and Infrastructure Committee every six months beginning in January 2008 on the implementation of the Street Furniture contract, including revenue, completion rate, installation locations, public complaints, and maintenance issues and any other pertinent information.
- 8 That the Executive Committee recommends in that regard, the Public Realm Organizational Unit with Municipal Licensing and Standards, be responsible for making recommendations to the appropriate city committee(s) about city action required to enhance both the public and adjacent private realm.

Graffiti

- 1 That the Executive Committee recommends adopt the following principles outlined in communication EX8.8(a), from Councillor Palacio:
 - a) No saltbox, bench, garbage can or other piece of street furniture should be allowed out of a Toronto Works Yard to be placed on City street if it has graffiti on it.
 - b) No piece of street furniture or public works property may be moved or maintained without the graffiti being removed.

- c) Any additional privately owned street furniture, utility boxes or equipment, which are subject to City of Toronto Transportation's authorization to be placed on City owned right-of-way, should be subject to the same strict "no graffiti when installed" policy. This should include phone booths, A-frame signs, post-office boxes and newspaper boxes.
- 2 That the Executive Committee recommends the Public Realm Organizational Unit be requested to report back to the Executive Committee in concert with staff from Municipal Licensing and Standards setting standards for poster and graffiti removal from the public realm based on the following principles:
- a) Each city department or ABC that has equipment on the street shall be responsible for removing graffiti and posters from their equipment and facilities within time frames established by the Public Realm Organizational Unit. For example:

TTC	bus poles
Parking Authority	pay and display machines
Toronto Hydro	hydro poles (etc.)
 - b) A funding allocation approved by the Budget Committee shall be provided from revenues generated by the contract for each department or ABC as required;
 - c) Each division and ABC shall budget an appropriate amount for graffiti and poster removal; and
 - d) Divisions and ABCs will seek assistance from licensing and standards with enforcement activities.

Other

- 1 The Executive Committee recommends that City Council approve the recommendations in the report (April 17, 2007) from Deputy City Manager Richard Butts and the Director, Purchasing and Mate

ATTACHMENT 2
Street Furniture Rollout Schedule as Contained in the RFP

Street Furniture Rollout Schedule as Contained in the RFP

[illegible]

MEMORANDUM

TO: Kypros Perikleous, Supervisor, Transportation Services

FROM: Lawson Oates, Director, Toronto Environment Office

DATE: May 14, 2007

SUBJECT: Environmental Impact Statement – Astral Media Outdoor Street Furniture Proposal

The Toronto Environment Office was requested by Transportation Services to review the environmental benefits of Astral Media Outdoor Street Furniture proposal and provide our comments. The request from Transportation Services originated from a motion by Councillor Moscoe at Executive Committee recommending that prior to finalizing the agreement, Deputy City Manager Richard Butts be requested to provide an environmental impact statement on the proposed contract with a view to, if necessary, amending the contract to ensure that the environmental impact on the City is less than it is at present and that this statement be submitted to the Council meeting to be held on May 23, 2007.

On behalf of Deputy City Manager Richard Butts, Toronto Environment Office Staff have reviewed the TOstreetsmart 100 Series Furniture – Environmental Benefits summary and associated Transit Shelter New & Existing Lighting chart and have several comments and suggestions presented below.

Key Environmental Benefits of the proposal:

- Elimination of the need for conventional power by utilizing solar photovoltaic panels to generate electricity for non-ad caisson transit shelters (1,742 new and 200 retrofit). This will offset greenhouse gas emissions and air quality impacts associated with conventional electricity;
- Reduction in the consumption of electricity by 40% through the use of energy efficient T8 lamps and electronic ballasts in new and retrofitting ad caisson transit shelters (3,258 new and 800 retrofit);
- Encouragement to use bicycles and public transit as transportation options by providing safe and convenient bicycle lock-up and storage infrastructure and safe transportation shelters;
- Waste reduction principles of modular design and replacement of damaged street furniture items as well as a commitment to waste diversion goals of the City; and

- Use of recycled materials and wood from re-growth and managed forests will reduce the environmental footprint of the street furniture.

Suggestion for Improvements to Environmental Benefits of the proposal:

- Include a commitment to adopt best available technology for lighting, solar photovoltaic electricity generation and raw materials for the street furniture and integrate these new technologies over the life of the street furniture contract to ensure continual environmental improvement and energy efficiency;
- Integration of Green Bin organics collection into the recycling/litter receptacles;
- Adopt and promote the use of eco logo and industry certifications for raw materials and coating used in the street furniture e.g. Forest Stewardship Council (FSC) Product Certification, Environmental Choice;
- Design and construct the street furniture to be easily dismantled for reuse and recycling at the end of service life;
- Source local raw materials and supplies for the construction of the street furniture to reduce the transportation associated air emissions;
- Select materials for the street furniture that allow for quick cleanup of graffiti and are robust to defend against vandalism;
- Commit to using 100% recycled paper consumable products in the Automated Public Toilets and certified environmental soaps and detergents; and
- Dispose of used lamps from transit shelter through a recycling facility that will reclaim any mercury in the lamps.

The Toronto Environment Office will be pleased to assist with providing additional environmental considerations as part of a contract negotiation with Transportation Services.



Lawson Oates
Director
Toronto Environment Office

LJO/kl

copy: Richard Butts, Deputy City Manager
Kyle Leetham, Toronto Environment Office