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## Public Works and Infrastructure Committee

<b>Meeting No.</b>	8	<b>Contact</b>	Rosalind Dyers, Committee Administrator
<b>Meeting Date</b>	Thursday, September 6, 2007	<b>Phone</b>	416-392-8018
<b>Start Time</b>	9:30 AM	<b>E-mail</b>	<a href="mailto:pwic@toronto.ca">pwic@toronto.ca</a>
<b>Location</b>	Committee Room 1, City Hall		

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<b>Location</b>	Committee Room 1, City Hall		

PW8.2	NO AMENDMENT			Ward: All
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### Collection of Containerized Waste, Recyclables, Organics and Bulky Items – RFQ 6033-07-3143

**Confidential Attachment - The receiving of advice that is subject to solicitor-client privilege.**

#### City Council Decision

City Council on September 26 and 27, 2007, adopted the following motion:

1. Authority be granted to enter into a contract for the Collection of Containerized Waste, Recyclables, Organics and Bulky Items (RFQ 6033-07-3143) from Multi-unit Residential Buildings, Townhouses, Agencies, Boards, Commissions and Divisions for a period of 8 years and 5 months commencing February 1, 2008, and ending on June 30, 2016, in accordance with specifications and requirements of the Solid Waste Management Services Division, with the lowest bidder, Miller Waste Systems, a Division of Miller Paving Limited, in the total estimated amount of \$74,917,366.00, net of GST and annual Consumer Price Index (CPI) adjustment on the anniversary date of the contract.

The Confidential Briefing Note (September 4, 2007) from Grace Patterson, Solicitor, Legal Services, is now public in its entirety and on file in the City Clerk's Office.

(August 14, 2007) Report from the General Manager, Solid Waste Management Services Division and the Director, Purchasing and Materials Management Division.

#### Committee Recommendations

The Public Works and Infrastructure Committee recommends that:

1. authority be granted to enter into a contract for the Collection of Containerized Waste,

Recyclables, Organics and Bulky Items (RFQ 6033-07-3143) from Multi-unit Residential Buildings, Townhouses, Agencies, Boards, Commissions and Divisions for a period of 8 years and 5 months commencing February 1, 2008 and ending on June 30, 2016, in accordance with specifications and requirements of the Solid Waste Management Services Division with the lowest bidder, Miller Waste Systems, a Division of Miller Paving Limited, in the total estimated amount of \$74,917,366.00, net of GST and annual Consumer Price Index (CPI) adjustment on the anniversary date of the contract.

### **Financial Impact**

The total potential contract award is \$79,412,408.00 including GST – PST is not applicable. Funds in the amount of \$8,159,316.80 will be provided in the 2008 operating budget submission, Solid Waste Management Services Accounts SW0091, 0098, 0361, 0368, 0382, 0423, 0441, 0454, 0577, 0584, 0602, for the Collection of Containerized Waste, Recyclables, Organics and Bulky Items from Multi-unit Residential Buildings, Townhouses, Agencies, Boards, Commissions and Divisions for the period February 1, 2008 to December 31, 2008. The cost estimate for 2008 is based on simplified calculations using annualized costs based on implementation of collection services across the City beginning on February 1, 2008. The exact time frames and actual costs will be dependent on rate of implementation of new and existing collection services and phasing of former areas of the City.

The accounts noted above will be revised to reflect service harmonization under one contract, the new multi-unit residential organics program and bulky items re-use/recycling program. Funds will be included in the subsequent years' operating budget submission for each required portion of the contract period. Funds for incidental, hourly or contingency work will be budgeted each year as required. Funds for the multi-unit residential organics program will be budgeted according to the rate of implementation between 2008-2010.

The total estimated funds required for the 8-year, 5-month contract period, February 1, 2008 to June 30, 2016, is \$74,917,366.00, net of GST and annual CPI adjustment on the anniversary date of the contract.

The Deputy City Manager and Chief Financial Officer has reviewed this report and agrees with the financial impact information.

### **Summary**

This report requests authority to award Request for Quotation (RFQ) 6033-07-3143 for the Collection of Containerized Waste, Recyclables, Organics and Bulky Items from Multi-unit Residential Buildings, Townhouses, Agencies, Boards, Commissions and Divisions to Miller Waste Systems, a Division of Miller Paving Limited, the lowest bidder meeting all specifications and requirements.

The period of the contract is for 8 years and 5 months with the areas of former North York and Scarborough to start on February 1, 2008, followed by the remaining areas of the City on July 1, 2008. This contract will end on June 30, 2016.

The new contract will include provisions for the phased-in collection of multi-unit residential

organic material, collection of bulky items for delivery to re-use centres, expanded collection of recyclables, and recording and tracking the volume of waste by location, all in accordance with the goal to achieve 70% diversion by 2010.

## Background Information

2007-09-06-pw08.2

(<http://www.toronto.ca/legdocs/mmis/2007/pw/bgrd/backgroundfile-6298.pdf>)

## Communications

(September 4, 2007) letter from Alan Brewer, District Manager, BFI Canada. (PW.New.PW8.2.1)

(September 6, 2007) letter from Brian Cochrane, President, Toronto Civic Employees' Union, Local 416 (PW.New.PW8.2.2)

## Speakers

Alan Brewer, District Manager, BFI Canada

Councillor Denzil Minnan-Wong, Ward 34, Don Valley East

## 2a Briefing Note: RFQ 6033-07-3143 - Collection of Containerized Waste, Recyclables, Organics and Bulky Items

### Confidential - The receiving of advice that is subject to solicitor-client privilege

(September 4, 2007) Briefing Note from Grace Patterson, Solicitor, Toronto Legal Services.

## Summary

Responding to the request to provide a confidential briefing note on RFQ 6033-07-3143 - Collection of Containerized Waste, Recyclables, Organics and Bulky Items.

PW8.4	REFERRED			Ward: 11, 13
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## Scarlett Road/CP Rail Bridge Class Environmental Assessment Study

## City Council Decision

City Council on September 26 and 27, 2007, referred this Item to the Budget Committee for further consideration, and directed that any change in the status of this project be reported out to Council, through the appropriate Committee, as a discrete item.

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(August 22, 2007) Report from the General Manager, Transportation Services.

## **Committee Recommendations**

The Public Works and Infrastructure Committee recommends that:

1. the increase in overall project cost and acceleration of cash flow funding be deferred for consideration with the Transportation Services 2008 Capital Budget;
2. the General Manager, Transportation Services review any potential cost-sharing arrangements with the Toronto Transit Commission for works programmed for 2010 to 2013, inclusive, and report back to the Budget Committee as part of the 2008 Capital Budget process; and
3. the appropriate City Officials be authorized and directed to take the necessary action to give effect thereto.

## **Financial Impact**

Future discussions with the Toronto Transit Commission (TTC) will need to be undertaken with a view to not only cost-share in the original proposal but also with the incremental enhanced transit portion. A funding request for an increase in overall project cost and acceleration of cash flows will be included in the 2008 Transportation Capital Budget submission. There are no financial impacts to the 2008 capital plan.

The Deputy City Manager and Chief Financial Officer has reviewed this report and agrees with the financial impact information.

## **Summary**

The recommended design of the Scarlett Road/CP Rail Bridge contained in the Class Environmental Assessment Study previously prepared for this project, has been modified to protect for a potential future exclusive transit right-of-way. The modified design was developed in consultation with Toronto Transit Commission staff and does not result in any additional impacts to facilities or properties, outside of those owned by CP Rail, in comparison to the originally recommended design. However, the modifications do result in an increase in the overall project cost to \$19.30 million from the original \$14.85 million recommended in the Transportation Services Division's five-year capital plan. The Environmental Study Report for this project is being amended accordingly, and will be filed in the public record in September 2007.

Advancing the construction of this project by several years has been considered but is not recommended at this time, due to the impact this would have on the funding of other state of good repair projects. It is recommended, however, to advance the programming of the detailed design, property acquisition and other preparatory works in order to reduce the budget impacts of the project in any given year and to ensure that the project can be completed by 2013.

## **Background Information**

2007-09-06-pw08.4

(<http://www.toronto.ca/legdocs/mmis/2007/pw/bgrd/backgroundfile-6300.pdf>)

PW8.5	REFERRED			Ward: All
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## **Proposed Amendment to Polling Process for Traffic Calming Projects**

### **City Council Decision**

City Council on September 26 and 27, 2007, referred this Item to the City Clerk, with a request that she report to the Public Works and Infrastructure Committee providing the total cost of polling for traffic calming projects in the City of Toronto, such costs to be broken down into budget categories.

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(August 1, 2007) Report from the General Manager, Transportation Services.

### **Committee Recommendations**

The Public Works and Infrastructure Committee recommends that:

1. the polling eligibility requirements for traffic calming projects contained in the City's Traffic Calming Policy be amended so as to conform to the polling eligibility requirements outlined in the City of Toronto Municipal Code Chapter 190, "Polling and Notification."

### **Financial Impact**

There are no financial impacts arising from the adoption of the recommendation.

### **Summary**

In 2002, Council adopted the Traffic Calming Policy which included a process for conducting polls for the implementation of traffic calming projects. In January 2007, the City of Toronto Municipal Code Chapter 190, "Polling and Notification" took effect and with it the establishment of polling eligibility requirements that differed from that contained in the Traffic Calming Policy. Changing the Traffic Calming Policy polling eligibility requirements to conform to Municipal Code Chapter 190 will provide for consistent and uniform application in this area and simplify the efforts of Election and Registry Services in conducting traffic calming polls. This report provides information on the background and implications of this change, and also seeks City Council approval of the recommended amendments to the polling process respecting traffic calming projects.

### **Background Information**

2007-09-06-pw08.5

(<http://www.toronto.ca/legdocs/mmis/2007/pw/bgrd/backgroundfile-6301.pdf>)

### **Additional Background Information (City Council)**

- Data on Total Polls - 2007 Closed to Date, submitted by the City Clerk (PW8.5a)
- (January 19, 2007) Sample Ballot for Permit Parking Poll, submitted by the City Clerk

- (PW8.5b)  
 - (March 14, 2007) Sample Ballot for poll for Proposed Installation of Speed Humps, submitted by the City Clerk (PW8.5c)

### Communications

(September 5, 2007) Submission from Elizabeth Littlejohn, Scott McKay and Sam Galati, Toronto Lansdowne Residents' Association (PW.New.PW8.5.1)

(September 6, 2007) Submission from Amy Murabayashi, Toronto Lansdowne Residents' Association (PW.New.PW8.5.2)

(July 27, 2006) Submission from Larry Perlman (PW.New.PW8.5.3)

### Speakers

Amy Murabayashi, Toronto Lansdowne Residents' Association

Elizabeth Littlejohn, Toronto Lansdowne Residents' Association

Anna Galati, Toronto Lansdowne Residents' Association

Larry Perlman

PW8.6	NO AMENDMENT			Ward: 12, 15, 17
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### Proposed Bicycle Lanes on Rogers Road from Old Weston Road to Oakwood Avenue

#### City Council Decision

City Council on September 26 and 27, 2007, adopted the following motions:

1. City Council approve the installation of bicycle lanes on both sides of Rogers Road, from Old Weston Road to Oakwood Avenue, as detailed in Appendix A of this report.
2. City Council approve the amendments to the traffic and parking regulations detailed in Appendix B of this report.
3. City Council authorize and direct the appropriate City officials to take the necessary action to give effect thereto, including the introduction of all necessary bills.

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(August 2, 2007) Report from the General Manager, Transportation Services.

#### Committee Recommendations

The Public Works and Infrastructure Committee recommends that City Council:

1. approve the installation of bicycle lanes on both sides of Rogers Road, from Old Weston Road to Oakwood Avenue, as detailed in Appendix A of this report;
2. approve the amendments to the traffic and parking regulations detailed in Appendix B

of this report; and

3. authorize and direct the appropriate City officials to take the necessary action to give effect thereto, including the introduction of all necessary bills.

### **Financial Impact**

Funds to implement the bicycle lanes on Rogers Road, in the estimated amount of \$125,000.00 are provided for within the Transportation Services Division 2007 Capital Budget in the Cycling Infrastructure Account CTP 807-05.

### **Summary**

This report is being submitted to Public Works and Infrastructure Committee because the proposed bicycle lanes on Rogers Road span two Community Council districts.

The purpose of this report is to obtain authority to install bicycle lanes on Rogers Road from Old Weston Road to Oakwood Avenue. The installation of bicycle lanes within the existing Rogers Road pavement width will require a reduction in on-street parking supply. However, several parking utilization surveys have shown that the resultant parking supply will still be well in excess of current demand for parking in this area.

### **Background Information**

2007-09-06-pw08.6

(<http://www.toronto.ca/legdocs/mmis/2007/pw/bgrd/backgroundfile-6302.pdf>)

2007-09-06-pw08.6.App.A

(<http://www.toronto.ca/legdocs/mmis/2007/pw/bgrd/backgroundfile-6303.pdf>)

2007-09-06-pw08.6.App.B

(<http://www.toronto.ca/legdocs/mmis/2007/pw/bgrd/backgroundfile-6304.pdf>)

2007-09-06-pw08.6.map.1

(<http://www.toronto.ca/legdocs/mmis/2007/pw/bgrd/backgroundfile-6334.pdf>)

2007-09-06-pw08.6.map.2

(<http://www.toronto.ca/legdocs/mmis/2007/pw/bgrd/backgroundfile-6335.pdf>)

PW8.9	NO AMENDMENT			Ward: 39
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### **Extension of No-Fault Grant Program - Public Works and Infrastructure Committee Item PW7.10**

### **City Council Decision**

City Council on September 26 and 27, 2007, adopted the following motions:

1. There should be no extension of the 2005 Flood Damages Grant Program to provide grants to homeowners that were flooded as a result of sewer backups in Ward 39 in December 2006 or February 2007.
2. City Council request the Province of Ontario to review the regulations around home



insurance plans as a result of flooding incidents.

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(July 24, 2007) Letter from the City Clerk.

### **Committee Recommendations**

The Public Works and Infrastructure Committee recommends that:

1. there should be no extension of the 2005 Flood Damages Grant Program to provide grants to homeowners that were flooded as a result of sewer backups in Ward 39 in December 2006 or February 2007; and
2. City Council request the Province of Ontario to review the regulations around home insurance plans as a result of flooding incidents.

### **Financial Impact**

There are no financial impacts resulting from the adoption of this report.

### **Summary**

City Council on July 16, 17, 18 and 19, 2007, referred Item PW7.10 headed "Extension of No-Fault Grant Program", back to the Public Works and Infrastructure Committee for further consideration.

This report recommends that the 2005 Flood Damages Grant Program, also known as the "No-Fault Grant Program", that was established to provide grants to certain eligible properties that were flooded by the August 19, 2005 storm event, not be extended to properties in Ward 39 that were flooded by a sewer backup in December 2006 or a sewer backup in February 2007.

### **Background Information**

2007-09-06-pw08.9

(<http://www.toronto.ca/legdocs/mmis/2007/pw/bgrd/backgroundfile-5796.pdf>)

2007-09-06-pw08.9.attach.1

(<http://www.toronto.ca/legdocs/mmis/2007/pw/bgrd/backgroundfile-6330.pdf>)

2007-09-06-pw08.9.attach.2

(<http://www.toronto.ca/legdocs/mmis/2007/pw/bgrd/backgroundfile-6331.pdf>)

### **Speakers**

Councillor Mike Del Grande, Ward 39, Scarborough-Agincourt

PW8.13	NO AMENDMENT			Ward: 5
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**Legal Proceedings to Recover Damages Regarding the Humber Treatment Plant**

**Confidential - Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board**

**City Council Decision**

City Council on September 26 and 27, 2007, adopted the following motions:

1. Council adopt the confidential instructions to staff in Attachment 1.
2. Council authorize the public release of Recommendation 1 of the confidential instructions to staff in Attachment 1 after Council has adopted the confidential instructions to staff.
3. Council authorize the public release of Recommendation 2 of the confidential instructions to staff in Attachment 1 if any settlement is finalized to the satisfaction of the City Solicitor.
4. The Confidential Information in Attachment 1 remain confidential.

The following Recommendation 1 contained in Confidential Attachment 1 to the report (August 22, 2007) from the City Solicitor, is now public:

1. City Council ratify the commencement of legal proceedings by the City Solicitor against Fenco MacLaren Inc., SNC-Lavalin Inc., SNC-Lavalin Engineers & Constructors Inc., Toromont Energy Ltd. and Comstock Canada Ltd. for damages arising from the commissioning of the cogeneration facility at the Humber Treatment Plant and further authorize the City Solicitor, in consultation with the General Manager for Toronto Water and the Executive Director of Technical Services, to commence legal proceedings against any other parties deemed necessary by the City Solicitor, to appeal any decision where warranted, to discontinue or settle any claim or legal proceeding where the City Solicitor concludes that it is reasonable to do so and execute any documents in furtherance thereof.

Recommendation 2 contained in Confidential Attachment 1 to the report (August 22, 2007) from the City Solicitor, remains confidential, at this time, in accordance with the provisions of the City of Toronto Act, 2006, as it contains information related to litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board. Recommendation 2 will made public upon finalization of any settlement satisfactory to the City Solicitor.

The balance of Confidential Attachment 1 to the report (August 22, 2007) from the City Solicitor, remains confidential, in accordance with the provisions of the City of Toronto Act, 2006, as it contains information related to litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board.

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(August 22, 2007) Report from the City Solicitor.

### **Committee Recommendations**

The Public Works and Infrastructure Committee recommends that:

1. Council adopt the confidential instructions to staff in Attachment 1;
2. Council authorize the public release of Recommendation 1 of the confidential instructions to staff in Attachment 1 after Council has adopted the confidential instructions to staff;
3. Council authorize the public release of Recommendation 2 of the confidential instructions to staff in Attachment 1 if any settlement is finalized to the satisfaction of the City Solicitor; and
4. the Confidential Information in Attachment 1 remain confidential.

### **Financial Impact**

The financial impacts are discussed in the Confidential Information in Attachment 1 of this report. The Deputy City Manager and Chief Financial Officer has reviewed this report and agrees with the financial impact information.

### **Summary**

In 2001, problems were encountered during the commissioning of the cogeneration facility at the Humber Treatment Plant resulting in damages to remediate the system and construction delay. As a result, the City has incurred costs. The purpose of this report is to provide solicitor-client advice and recommended action regarding recovery of these costs.

### **Background Information**

2007-09-06-pw08.13

<http://www.toronto.ca/legdocs/mmis/2007/pw/bgrd/backgroundfile-6333.pdf>

### **Noted and Filed Item:**

The Public Works and Infrastructure Committee noted and filed the following agenda item until such time as the appropriate staff consider revisions to the policy with respect to the replacement of existing ditches and swales:

#### **PW8.8      Report Request – Potential Construction of Storm Sewers and Curbs on Endicott Avenue and Latonia Drive**

(July 23, 2007) Letter from Councillor Rob Ford, Ward 2, Etobicoke North.

Public Works and Infrastructure Committee Report - Meeting No. 8  
Considered by City Council on September 26 and 27, 2007

*Submitted Thursday, September 6, 2007*

*Councillor Glenn De Baeremaeker, Chair, Public Works and Infrastructure Committee*