
Government Management Committee

Meeting No.	25	Contact	Patsy Morris, Committee Administrator
Meeting Date	Wednesday, October 14, 2009	Phone	416-392-9151
Start Time	9:30 AM	E-mail	gmc@toronto.ca
Location	Committee Room 1, City Hall	Vice-Chair	Councillor Bill Saundercook

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GM25.1	ACTION			Ward: 8
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Toronto-York Spadina Subway Extension – Acquisition of Lands From York University

Confidential Attachment - A proposed or pending acquisition or sale of land for municipal or local board purposes

Committee Recommendations

The Government Management Committee recommends that:

1. City Council grant authority for the City to enter into a Memorandum of Understanding with the Toronto Transit Commission and York University for the purposes of the Toronto-York Spadina Subway Extension Project, substantially on the terms and conditions as set out in Attachment 1 of the report (September 29, 2009) from the Chief Corporate Officer - Confidential Information, together with such revisions as are satisfactory to the Chief Corporate Officer, in a form satisfactory to the City Solicitor.
2. City Council severally authorize each of the Chief Corporate Officer and the Director of Real Estate Services to execute the Memorandum of Understanding with the Toronto Transit Commission and York University, on the City's behalf.
3. City Council authorize the public release of the confidential information contained in Attachment 1 of the report (September 29, 2009) from the Chief Corporate Officer, upon the later of, completion and final settlement of all agreements or claims with York University to the satisfaction of the City Solicitor, or commencement of revenue service of the Project.

Origin

(September 29, 2009) Report from the Chief Corporate Officer

Summary

This report seeks authority to enter into a Memorandum of Understanding (“MOU”) between the City of Toronto (“City”), Toronto Transit Commission (“TTC”), and York University

("York U"), for the purposes of acquiring land from York U for the construction and operation of the Toronto-York Spadina Subway Extension Project ("the Project"), which will extend through York U, and include subway stations at York U, and immediately north of York U (Steeles West Station).

Background Information

Report - Toronto-York Spadina Subway Extension - Acquisition of Lands from York University

(<http://www.toronto.ca/legdocs/mmis/2009/gm/bgrd/backgroundfile-24068.pdf>)

Confidential Attachment 1

GM25.2	ACTION			Ward: 28
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Lease of Portion of St. Lawrence Hall

Committee Recommendations

The Government Management Committee recommends that:

1. City Council grant authority to enter into a Lease between the City of Toronto, as Landlord, and 685071 Ontario Inc. c.o.b. as Biagio Ristorante, as Tenant, for a five year term with an option to renew for a further five (5) year term, on terms substantially in accordance with Appendix "A", contained in the report (August 27, 2009) from the Chief Corporate Officer, and in a form acceptable to the City Solicitor.
2. City Council authorize the Chief Corporate Officer to administer and manage the lease agreement, including the provision of any consents, approvals, notices and notices of termination, provided that the Chief Corporate Officer may, at any time, refer consideration of such matters to City Council for its determination and direction.

Origin

(August 27, 2009) Report from the Chief Corporate Officer

Summary

This report seeks Council approval for a new lease with 685071 Ontario Inc. c.o.b. as Biagio Ristorante ("Biagio"), for part of the main floor and basement of 155 King Street East, a City-owned property known as the St. Lawrence Hall (the "Property").

Background Information

Report - Lease of Portion of St. Lawrence Hall

(<http://www.toronto.ca/legdocs/mmis/2009/gm/bgrd/backgroundfile-24071.pdf>)

Appendix A - Major Terms and Conditions

(<http://www.toronto.ca/legdocs/mmis/2009/gm/bgrd/backgroundfile-24072.pdf>)

Appendix B - Location Map

(<http://www.toronto.ca/legdocs/mmis/2009/gm/bgrd/backgroundfile-24073.pdf>)

Speaker

Councillor Michael Walker, Ward 22, St. Paul's

GM25.3	ACTION			Ward: 6
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Donation of Land from Bell Canada to City of Toronto - 2413R Lake Shore Boulevard West

Committee Recommendations

The Government Management Committee recommends that:

1. City Council approve the donation of the property known as 2413R Lake Shore Boulevard West (the "Property"), as proposed in the offer to donate submitted by Bell Canada, including future and ongoing obligations arising from the donation, as detailed in the Financial Impact Statement contained in the report (September 21, 2009) from the Chief Corporate Officer and the General Manager, Parks, Forestry and Recreation.
2. City Council accept the offer to donate the Property from Bell Canada substantially on the terms outlined in Appendix "A" to the report (September 21, 2009) from the Chief Corporate Officer and the General Manager, Parks, Forestry and Recreation, and that each of the Chief Corporate Officer and the Director of Real Estate Services be authorized severally to accept the offer on behalf of the City.
3. City Council direct that on completion of the offer to donate, a receipt for income tax purposes in the amount of \$22,000.00, be issued by the City to Bell Canada.
4. City Council authorize the City Solicitor to complete these transactions on behalf of the City including making payment of any necessary expenses, and amending the closing date and other dates to such earlier or later date(s) and on such terms and conditions as she may from time to time consider reasonable.
5. City Council authorize and direct the appropriate City Officials to take the necessary action to give effect thereto.

Origin

(September 21, 2009) Report from the Chief Corporate Officer and the General Manager, Parks, Forestry and Recreation

Summary

This report concerns land owned by Bell Canada, known as 2413R Lake Shore Boulevard West (the "Property"). The purpose of this report is twofold. Firstly, the report seeks City Council's approval of a donation of the Property from Bell Canada to the City as required under the Policy on Donations to the City for Community Benefits (the "Donations Policy"), described below. Secondly, the report seeks authority from City Council for the City to acquire the

Property in accordance with a written offer to donate which has been submitted to the City by Bell Canada.

As proposed by Bell Canada and outlined in this report, the donation of the Property will comply with the Donations Policy and the terms of acquisition under the offer to donate are fair and reasonable.

Background Information

Report - Donation of Land from Bell Canada to City of Toronto - 2413R Lake Shore Boulevard West

(<http://www.toronto.ca/legdocs/mmis/2009/gm/bgrd/backgroundfile-24076.pdf>)

Appendix B - Sketch

(<http://www.toronto.ca/legdocs/mmis/2009/gm/bgrd/backgroundfile-24077.pdf>)

Appendix C - Map

(<http://www.toronto.ca/legdocs/mmis/2009/gm/bgrd/backgroundfile-24078.pdf>)

Speaker

Councillor Michael Walker, Ward 22, St. Paul's

GM25.4	ACTION			Ward: 2
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New Market Rent for the Pipeline Easement Agreement on Galaxy Boulevard

Committee Recommendations

The Government Management Committee recommends that:

1. City Council grant authority to enter into an amending agreement for applying a new market rental rate of \$5,500.00 per annum, net, plus GST, for the period from December 1, 2006 until November 30, 2016 with respect to the existing Pipeline Easement in favour of Trans-Northern Pipelines Inc., in a form acceptable to the City Solicitor.
2. City Council grant authority to the Chief Corporate Officer to administer and manage the Amending Agreement, including the provision of any consents, approvals, notices and notices of termination provided that the Chief Corporate Officer may, at any time, refer consideration of such matter (including their content) to City Council for its determination and direction.

Origin

(September 23, 2009) Report from the Chief Corporate Officer

Summary

The purpose of this Report is to seek authority to enter into an amending agreement for applying a new market rental rate for the existing Pipeline Easement on Galaxy Boulevard in favour of Trans-Northern Pipelines Inc.

Background Information

Report - New Market Rent for the Pipeline Easement Agreement on Galaxy Boulevard
(<http://www.toronto.ca/legdocs/mmis/2009/gm/bgrd/backgroundfile-24079.pdf>)

Appendix A - Location Map

(<http://www.toronto.ca/legdocs/mmis/2009/gm/bgrd/backgroundfile-24080.pdf>)

GM25.7	ACTION			Ward: All
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Authority to Enter Agreement with Astral Media Outdoor (Toronto) G.P. Regarding Installation of Concrete Pads

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

Committee Recommendations

The Government Management Committee recommends that:

1. City Council adopt the confidential instructions to staff in attachment 1 of the report (September 29, 2009) from the City Solicitor.
2. City Council authorize the release of the confidential recommendations and agreement attached thereto, when the agreement is signed by all parties.

Origin

(September 29, 2009) Report from the City Solicitor

Summary

This report seeks to obtain authority to enter into an attached agreement with Astral Media Outdoor (Toronto) G.P. and Astral Media Inc. (referred to together as "Astral") in order to resolve a dispute between Astral and the City regarding the installation and maintenance of concrete pads under certain street furniture.

The proposed settlement is a reasonable resolution of this dispute and I recommend it. The General Manager of Transportation Services concurs with the recommendations in this report.

Background Information

Report - Authority to Enter Agreement with Astral Media Outdoor (Toronto) G.P. Regarding Installation of Concrete Pads

(<http://www.toronto.ca/legdocs/mmis/2009/gm/bgrd/backgroundfile-24083.pdf>)

Confidential Attachment 1 & Settlement Agreement

GM25.8	ACTION			Ward: All
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Standing Authority for City Solicitor to Submit Contractual Disputes of \$500,000.00 or Less to Arbitration

Committee Recommendations

The Government Management Committee recommends that:

1. City Council grant standing authority to the City Solicitor, in consultation with the responsible operating Division Head, Deputy City Manager or the City Manager, to refer contractual disputes to arbitration, where the amount in issue, exclusive of interest, costs and arbitrator's fees, is \$500,000.00 or less.
2. City Council direct that such authority include the authority to negotiate the terms under which such arbitrations are to be conducted, including appeal rights or that the arbitration award be final and binding, and to enter arbitration agreements including those terms.
3. City Council direct that such authority include the authority to discontinue or settle such arbitrations where it is concluded that it is reasonable to do so, to appeal arbitration awards where permitted and warranted, to take proceedings to enforce arbitration awards where necessary, to write off amounts that are uncollectible where it is appropriate to do so, or otherwise to deal with the recovery of such claims, in consultation, where appropriate, with the responsible Division Head, Deputy City Manager or City Manager, and to execute any documents in furtherance thereof.
4. City Council request the Deputy City Manager and Chief Financial Officer to report any accounts receivable written off as part of this policy in the annual Accounts Receivable Write-off report.

Origin

(October 2, 2009) Report from the City Solicitor

Summary

This report seeks authority for the City Solicitor, in consultation with the responsible Division Head, Deputy City Manager or the City Manager, to submit contractual disputes to arbitration, where the amount in issue, exclusive of any interest, costs or arbitrator's fees is \$500,000.00 or less.

Background Information

Report - Standing Authority for City Solicitor to Submit Contractual Disputes of \$500,000.00 or Less to Arbitration

<http://www.toronto.ca/legdocs/mmis/2009/gm/bgrd/backgroundfile-24085.pdf>

GM25.10	ACTION			Ward: All
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2008 Consulting Services Expenditure – City Divisions and Major Agencies, Boards and Commission

Committee Recommendation

The Government Management Committee

1. Recommends that City Council receive for information the report (June 9, 2009) from the Treasurer entitled "2008 Consulting Services Expenditure - City Divisions and Major Agencies, Boards and Commissions."

Decision Advice and Other Information

The Government Management Committee:

1. In order to streamline efficiency and knowledge base, requested the Treasurer to explore the possibility of placing information on, i.e. an Excel spreadsheet, to provide a database of consulting services on an on-going basis and submit a report thereon to the Government Management Committee.
2. Forwarded a copy of the report (June 9, 2009) from the Acting Treasurer to the Auditor General for information.

Origin

(June 9, 2009) Report from the Acting Treasurer

Summary

The report is to inform the Committee and Council on the consulting services expenditure of City Divisions and major Agencies, Boards and Commission (ABCs) for the year ended December 31, 2008. It contains a summary and details, by category and vendor, of the Operating and Capital consulting services expenditure for 2008, with 2007 comparative.

Background Information

Report - 2008 Consulting Services Expenditure - City Divisions and Major Agencies, Boards and Commission

(<http://www.toronto.ca/legdocs/mmis/2009/gm/bgrd/backgroundfile-23818.pdf>)

Appendix A: 2008 Consulting Services Expenditure - Operating

(<http://www.toronto.ca/legdocs/mmis/2009/gm/bgrd/backgroundfile-23819.pdf>)

Appendix B: 2008 Consulting Services Expenditure - Capital

(<http://www.toronto.ca/legdocs/mmis/2009/gm/bgrd/backgroundfile-23820.pdf>)

GM25.13	ACTION			Ward: 10
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Emergency Repair Work and Permanent Remedial Work Resulting from a Storm Sewer Failure and Road Collapse on Finch Avenue West

Committee Recommendation

The Government Management Committee recommends that:

1. City Council increase the Toronto Water's 2009 Capital Budget and 2010-2013 Capital Plan by \$1,766,000.00 in WBS Element CWW468-07 Storm Sewer Replacement funded from Wastewater Capital Reserve Fund XR6004 to fund the cost of the emergency repairs.

Origin

(September 21, 2009) Report from the Executive Director, Technical Services

Summary

The purpose of this report is to advise on the procurement and status of the emergency repair work and on the permanent remedial work resulting from a storm sewer failure and road collapse on Finch Avenue West, between Dufferin Street and Wilmington Avenue and to request authority for Toronto Water to amend its 2009 Capital Budget.

Background Information

Report - Emergency Repair Work and Permanent Remedial Work Resulting from a Storm Sewer Failure and Road Collapse on Finch Avenue West
(<http://www.toronto.ca/legdocs/mmis/2009/gm/bgrd/backgroundfile-24089.pdf>)

GM25.14	ACTION			Ward: 38
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Procurement of Required Services for the Emergency Repair of Highland Creek 900mm Sanitary Trunk Sewer Located in Bendale Park

Committee Recommendation

The Government Management Committee recommends that:

1. City Council increase Toronto Water's 2009 Capital Budget by \$1,415,000.00 in WBS Element CWW014-13 Trunk Sewer Rehabilitation funded from Wastewater Capital Reserve Fund XR6004 to fund the cost of the emergency repairs.

Origin

(August 17, 2009) Report from the General Manager, Toronto Water and the Director, Purchasing and Materials Management

Summary

The purpose of this report is to advise on the emergency procurement in the amount of \$1,414,453.20, net of all taxes, related to the emergency repair of the Highland Creek 900mm sanitary trunk sewer located in Bendale Park (Lawrence Ave East and McCowan Rd) and to request to amend the Capital Budget to include the cost of the emergency work. A purchase order (6027882) was issued in the amount of \$1,443,855.00 plus \$200,000.00 contingency allowance with a total value of \$1,643,855.00 net of GST to Capital Sewer Services Inc.

The repair of this trunk sewer was deemed an emergency by General Manager of Toronto Water under Chapter 195-10 F of the Municipal Code. It was necessary to complete the work without a formal competitive tender process due to the risk of imminent failure of the trunk sewer that could have resulted in basement flooding, sewage back up into Highland Creek, impact on health and safety of the public using Bendale Park, and lastly, the legislative requirements for maintaining the integrity of these critical sewers.

Repair of three sanitary trunk sewer sections was completed within the timeframe required to meet the City's requirements and was within the original cost estimates provided by contractor.

Background Information

Report - Procurement of Required Services for the Emergency Repair of Highland Creek 900mm Sanitary Trunk Sewer Located in Bendale Park

<http://www.toronto.ca/legdocs/mmis/2009/gm/bgrd/backgroundfile-24090.pdf>

GM25.16	ACTION			Ward: 28
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Easement Agreement / Grant of Right of Way Affecting a Closed Portion of Market Street

Committee Recommendations

The Government Management Committee recommends that:

1. City Council authorize the granting of an easement in the nature of a Right of Way ("ROW") to Metrolinx over the closed portion of Market Street, illustrated as Part 1 on the Property Information Sheet (Sketch No. PS-2008-016), attached to the report (September 29, 2009) from the President, Toronto Parking Authority, subject to the following terms and conditions:
 - a. a 99-year stratified interest;
 - b. the ROW be granted for the sum of \$346,000;
 - c. the ROW will be limited to an area of 269.14 square meters with dimensions of approximately 10.1 meters by 26.8 meters and stratified in height extending from grade level to a limit of 5.18 meters;
 - d. the ROW is for non-exclusive use as a new vehicular service and maintenance ingress / egress point to the railway corridor; and

- e. the TPA retains a right to re-configure the ROW if required.
2. City Council authorize the appropriate City Officials to take the actions necessary to give effect thereto.

Origin

(September 29, 2009) Report from the President, Toronto Parking Authority

Summary

The purpose of this report is to obtain City Council approval for the granting of an easement to Metrolinx (formerly the Greater Toronto Transit Authority), o/a GO Transit over a closed portion of Market Street for use as a new vehicular service and maintenance ingress / egress point to the Union Station railway corridor. City Legal and the Property Management Committee has reviewed this matter and concurred. The proposed easement lands were declared surplus pursuant to a Delegated Approval Form – Tracking No. 2009-105.

Background Information

Report - Easement Agreement / Grant of Right of Way Affecting a Closed Portion of Market Street

<http://www.toronto.ca/legdocs/mmis/2009/gm/bgrd/backgroundfile-24092.pdf>

Attachment - Property Information Sheet

<http://www.toronto.ca/legdocs/mmis/2009/gm/bgrd/backgroundfile-24093.pdf>

Attachment - Site Location Map

<http://www.toronto.ca/legdocs/mmis/2009/gm/bgrd/backgroundfile-24094.pdf>

GM25.18	ACTION			Ward: All
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Purchase Order Amendment to Contract 47010369 - For the Supply and Delivery of Vinyl (Thermal Transfer Imaging Film), Ribbons and Repairs

Committee Recommendation

The Government Management Committee recommends that:

1. City Council grant authority to amend Sole Source Contract 47010369 to Mikon Engineering Ltd. for the supply and delivery of vinyl (thermal transfer imaging film), ribbons and repairs for the Durochrome Thermal Transfer Printer for Parks, Forestry and Recreation from \$480,000.00 net of GST by the amount of \$495,000 net of GST to a revised total value of \$975,000.00 net of GST and also extend the contract expiry date to December 31, 2012.

Origin

(September 21, 2009) Report from the General Manager, Parks, Forestry and Recreation and the Director, Purchasing and Materials Management

Summary

This report provides background information and requests authority to amend and increase the value of Sole Source Contract 47010369 issued to Mikon Engineering Ltd., the only authorized Ontario dealer, for the supply and delivery of vinyl (thermal transfer imaging film), ribbons, and repairs for the Durachrome Thermal Transfer Printer to be used by the Parks, Forestry and Recreation Sign Shop to provide various printed materials such as signs, posters, banners, logos, for all City Divisions, AB&Cs, Council, and the Mayor's Office.

Background Information

Report - Purchase Order Amendment to Contract 47010369 - For the Supply and Delivery and Vinyl (Thermal Transfer Imaging Film), Ribbons and Repairs

(<http://www.toronto.ca/legdocs/mmis/2009/gm/bgrd/backgroundfile-24136.pdf>)

GM25.20	ACTION			Ward: 10
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Acquisition of Toronto District School Board's 819 Sheppard Avenue West Site

Committee Recommendations

The Government Management Committee recommends that:

1. City Council direct that authority be granted to enter into an Agreement of Purchase and Sale with the Toronto District School Board to acquire the property municipally known as 819 Sheppard Avenue West at a purchase price of \$7,572,500.00 plus applicable taxes and registration fees, estimated at \$148,100.00 substantially on the terms outlined in Appendix "A" to this report and on such other terms and conditions as may be acceptable to the Chief Corporate Officer and in a form satisfactory to the City Solicitor.
2. City Council direct that funds drawn from the Parkland Acquisition Reserve Fund - City Wide Land Acquisition (XR-2210), estimated at \$601,960.00 be repaid through allocation of future cash-in-lieu of parkland dedication from developments in Ward 10 exceeding the base 5% contribution.
3. City Council direct that the \$3,889,000.00 to be drawn from the Land Acquisition Reserve Fund (XR-1012) for the purchase and capital repairs be repaid to the Land Acquisition Reserve Fund over 20 years from net lease payments paid by the private school currently occupying the building or upon sale of the property.
4. City Council forward the report (October 7, 2009) from the Chief Corporate Officer and the General Manager, Parks, Forestry and Recreation to the Budget Committee for consideration with the 2010 Capital Budget.

5. City Council direct that each of the Chief Corporate Officer and the Director of Real Estate Services be authorized severally to execute, on behalf of the City, the Agreement of Purchase and Sale(s) with the Toronto District School Board.
6. City Council authorize the City Solicitor to complete the transaction(s) on behalf of the City including making payment of any necessary expenses and amending the closing date and other dates to such earlier or later date(s) and on such terms and conditions as she may from time to time consider reasonable.
7. City Council authorize and direct the appropriate City Officials to take the necessary action to give effect thereto.

Origin

(October 7, 2009) Report from the Chief Corporate Officer and the General Manager, Parks, Forestry and Recreation

Summary

The Toronto District School Board (TDSB), at its meeting of June 25, 2008, adopted a resolution pursuant to Section 194(3) of the Education Act to declare 16 properties as not required for the purposes of the Board. Pursuant to Ontario Regulation 444/98, the Toronto Lands Corporation (TLC) which is the real estate arm of the TDSB circulated these properties under a Proposal for Sale. Parks, Forestry and Recreation identified an interest in acquiring 819 Sheppard Avenue West which is in an area of low parkland provision.

Negotiations with the Toronto District School Board (TDSB) have been ongoing since April of 2009. The City and TDSB have agreed to the Terms and Conditions as shown on Appendix "A" to this report and describe the salient terms of this proposed acquisition which are considered fair and reasonable.

Real Estate Services seeks authority for the City to acquire the property municipally known as 819 Sheppard Avenue West.

Background Information

Report - Acquisition of Toronto District School Board's 819 Sheppard Avenue West Site

(<http://www.toronto.ca/legdocs/mmis/2009/gm/bgrd/backgroundfile-24204.pdf>)

Potential Acquisition of Toronto District School Board Property Located at 819 Sheppard Avenue West Site - Notice of Pending Report

(<http://www.toronto.ca/legdocs/mmis/2009/gm/bgrd/backgroundfile-24268.pdf>)

Submitted Wednesday, October 14, 2009

Councillor Bill Saunderson, Vice-Chair, Government Management Committee