

City Council**Motion without Notice**

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| MM44.109 | ACTION | | | Ward:20 |
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Authorization to Replace Existing Pavers within the Right of Way and install Enhanced Security Measures for 1 Blue Jays Way - by Councillor Joe Cressy, seconded by Councillor Kristyn Wong-Tam

** This Motion has been deemed urgent by the Chair.*

** This Motion is not subject to a vote to waive referral. This Motion has been added to the agenda and is before Council for debate.*

Recommendations

Councillor Joe Cressy, seconded by Councillor Kristyn Wong-Tam, recommends that:

1. City Council authorize the General Manager, Transportation Services, to negotiate, enter into and execute an agreement(s) with Rogers Sports Holdings Inc., in its capacity as general partner of Rogers Stadium Limited Partnership for the replacement of the existing decorative paving treatment and waterproofing membrane within the public Right of Way on the north side of Bremner Boulevard from Rees Street to Navy Wharf on terms and conditions satisfactory to the General Manager, Transportation Services, and in a form satisfactory to the City Solicitor, including the following terms and conditions:

a. Rogers Sports Holdings Inc. shall:

1. install the decorative paving treatment and waterproofing membrane at its sole cost and expense;
2. obtain all applicable permits and pay all applicable fees for undertaking the work except for those fees associated to the City's Guidelines for the Use of Pavers on City Streets;
3. agree to an indemnification clause in favour of the City; and
4. provide replacement decorative pavers to the City in the quantity requested by the City within 8 weeks of a request from the City or within a reasonable timeframe thereafter as agreed by the General Manager, Transportation Services; should replacement decorative pavers not be provided by Rogers Sports Holdings, Inc. within 8 weeks of a request from the City or within a reasonable timeframe thereafter as agreed by the General Manager, Transportation Services, the City may replace and repair with a material to the satisfaction of the General Manager, Transportation

Services;

b. upon the expiry of the warranty period, and the acceptance of the decorative paving treatment and waterproofing membrane in writing from the General Manager, Transportation Services, the City shall be the sole owner of the decorative paving treatment and waterproofing membrane and shall assume maintenance obligations. The City shall be entitled to maintain and modify the north side of Bremner Boulevard from Rees Street to Navy Wharf in the City's sole and complete discretion;

c. the execution of the agreement contemplated in this recommendation 1 is conditional on Rogers Sports Holdings Inc. first submitting an encroachment application for enhanced hostile vehicle mitigation security measures around the Rogers Centre and receiving approval for said security measures pursuant to City of Toronto Municipal Code Chapter 743, Streets and Sidewalks, Use of, to the satisfaction of the General Manager, Transportation Services;

d. the security measures authorized by the General Manager, Transportation Services, shall be installed by Rogers Sports Holdings Inc. at Rogers Sports Holdings Inc.'s sole cost and expense at the same time as the decorative paving treatment and waterproofing membrane; and

e. Rogers Sports Holdings Inc. shall hold a public meeting, to the satisfaction of the General Manager, Transportation Services, in consultation with the Ward Councillor, to share the proposed plans for the Right of Way public realm improvements, hostile vehicle mitigation security measures, and improvements to the adjacent plaza prior to final approval and implementation.

2. City Council deem that the replacement of the existing decorative paving treatment and waterproofing membrane within the public Right of Way on the north side of Bremner Boulevard from Rees Street to Navy Wharf be exempt from the City's Guidelines for the Use of Pavers on City Streets and associated fees from Chapter 441, Fees and Charges.

Summary

The existing decorative pavement treatment within the Right of Way south of the Rogers Centre along the north side of Bremner Boulevard from Rees Street to Navy Wharf Court, was part of the original stadium development in 1989. Due to long term salt corrosion and wear and tear, the pavers within the Right of Way and in the plazas at the Rogers Centre are cracking and lifting and the waterproofing for the below grade garage has corroded. The area is in a state of disrepair resulting in reduced accessibility, leaks into underground structures, safety concerns and a poor appearance.

Rogers Sports Holdings Inc. in its capacity as general partner of Rogers Stadium Limited Partnership ("Rogers Sports Holdings Inc.") are currently undertaking a multi-phase rehabilitation of the exterior stadium grounds, including paver replacement within the plazas, waterproofing of the underground garage, and accessibility, security and public realm enhancements. Rogers Sports Holdings Inc. have already completed rehabilitation work within the plazas on the east, north and south sides of the Rogers Centre including in areas immediately abutting Bremner Boulevard.

Rogers Sports Holdings Inc. would like to extend the rehabilitation program into the Bremner

Boulevard Right of Way including replacing the existing decorative pavers with new decorative pavers. They propose to assume responsibilities for installation and all costs incurred with the replacement (estimated to be \$3.5 million), warranty the installation and provide replacement pavers to the City when requested.

Rogers Sports Holdings Inc. have also agreed to coordinate the paver replacement with enhanced security measures and hostile vehicle mitigation around the venue at the same time. Currently, extensive Transportation Services resources are used to protect the venue site, at Toronto Police Services' direction. Permanent security measures will alleviate this resource requirement for both Toronto Police and Transportation Services. All security measures proposed for the public right-of-way will be subject to approval from the General Manager, Transportation Services, and require standard third party encroachment obligations.

Rogers Sports Holdings Inc. are requesting that they be permitted to replace the existing decorative pavers within the Right of Way of Bremer Boulevard with new decorative pavers to match those being installed within the adjacent Rogers Centre plazas and that the City be responsible for maintenance for the Right of Way pavers following installation.

This proposal differs from the permissions and third-party obligations contemplated under City of Toronto Municipal Code Chapter 743, Streets and Sidewalks, Use of, and the City's Guidelines for the Use of Pavers on City Streets, as it is proposed the City will assume maintenance obligations for the pavers upon their installation to the satisfaction of the General Manager, Transportation Services.

In addition to the terms and conditions outlined in the above recommendations, the agreement will also include, but not be limited to, terms and conditions relating to:

Plan approval;

- Approval of contractor(s) for the works;
- Approval to commence work in accordance with agreed plans, drawings and specifications;
Insurance;
- Compliance with City's fair wage policy as set out in City of Toronto Municipal Code Chapter 67, Fair Wage;
- A one year warranty period which commences on the date of completion of the installation and acceptance of the work, in writing, by the General Manager, Transportation Services
- Rogers Sports Holdings Inc to be solely responsible for maintenance, repair and replacement of any defects or deficiencies that occur during the warranty period.

Benefits of the proposal:

- Cost savings: Rogers Sports Holdings Inc. proposal to cover all costs associated with installation – saving the City the cost of continuing to make temporary asphalt repairs to the existing pavers or the capital cost of replacing the pavers with a new treatment;
- Enhanced Public Realm: The proposed would result in significant public realm enhancements along Bremner Boulevards providing high quality and consistent design treatment within this major tourist destination and highly active pedestrian environment;
- Minimize construction disruption: Rogers Sports Holdings Inc. have committed to

aligning the proposed work with other phases of work planned for the continuing improvements to the Rogers Centre plazas reducing disruption;

- Infrastructure enhancement: The proposed would replace waterproofing membranes to better manage water and eliminate leaks to underground structures.

Background Information (City Council)

Member Motion MM44.109