

REVISED



Member Motion

City Council

Notice of Motion

MM24.20	ACTION			Ward: All
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Reopening Council Decisions 2019.IE7.10 and 2019.MM13.10 to modify the scope and duration of the City's first major wastewater energy transfer project - by Councillor Mike Layton, seconded by Councillor Brad Bradford

** Notice of this Motion has been given.*

** This Motion is subject to a re-opening of Items IE7.10 and MM13.10. A two-thirds vote is required to re-open Items. If re-opened, the previous Council decisions remain in force unless Council decides otherwise.*

Confidential Attachment - Criteria to be applied to any negotiations carried on or to be carried on by or on behalf of the City of Toronto.

Recommendations

Councillor Mike Layton, seconded by Councillor Brad Bradford, recommends that:

1. City Council adopt the recommendations in the report (September 23, 2020) from the Deputy City Manager, Corporate Services, amended to read as follows:

1. City Council rescind Council Decision 2019.IE7.10 in its entirety.
2. City Council rescind Council Decision 2019.MM13.10 in its entirety.
3. City Council authorize the Deputy City Manager, Corporate Services or designate, in consultation with the General Manager, Toronto Water, to negotiate, enter into and execute a Wastewater Energy Transfer Agreement with Noventa Toronto Western L.P., and any other agreements necessary to give effect thereto, generally in accordance with the terms and conditions set out in the Attachment 1 and Confidential Attachment 2 to the report (September 23, 2020) from the Deputy City Manager, Corporate Services, and upon such additional terms and conditions satisfactory to the Deputy City Manager, Corporate Services, and in a form satisfactory to the City Solicitor.
4. City Council authorize the General Manager, Transportation Services or designate, to negotiate, enter into, and execute any necessary agreements with Noventa Toronto Western L.P., to permit access to and occupation of the City's public highway impacted by the project, on terms and conditions satisfactory to the General Manager, Transportation Services, and in a form satisfactory to the City Solicitor.

5. City Council request the Chief Planner and Executive Director, City Planning Division, to initiate an Official Plan amendment, if the site is assessed and found to be appropriate, to permit a disposal in excess of 21 years for the proposed energy transfer system described in the report (September 23, 2020) from the Deputy City Manager, Corporate Services, within lands designated Parks and Open Space, and to consult with the appropriate city divisions and local councillor including a community consultation process.

6. City Council direct the Deputy City Manager, Corporate Services or designate, in consultation with the General Manager, Toronto Water, to include a progress update on this project and the status of wastewater energy transfer initiatives to reduce emissions, in the required periodic reporting to Council on TransformTO, and to use such reported information to develop a wastewater energy transfer policy as requested by City Council.

7. City Council direct that Confidential Attachment 2 remain confidential as it contains a combination of commercial and financial information supplied in confidence to the City, which, if disclosed, could reasonably be expected interfere significantly with the contractual or other negotiations of an organization; financial information that belongs to the City and has monetary value or potential monetary value; and positions, plans, procedures, and criteria to be applied to a negotiation carried on by the City.

Summary

City Council decided in October 2019 to authorize Toronto Water to enter into necessary agreements with Noventa Energy, Inc. ("Noventa") for Noventa to facilitate a pilot for a wastewater energy transfer project at Sunnybrook Hospital and, following the result of the pilot, to determine whether to continue the project for much longer duration. However, with the following three developments – a change to the pilot site to Toronto Western Hospital (after Council amended its October 2019 decision), a decision among City staff that the Energy and Environment Office should lead this effort, and a new approach that would require a longer term commitment from the City -- City staff realized that new Council authority would be needed. Given that less than a year has passed since Council's initial authorization, a vote to re-open the matter is first required.

If Council votes to re-open the matter, the attached staff report and recommendations provide an overview of the new approach. The approach could deliver significant greenhouse gas reductions while providing climate resiliency and could allow for discussions about long term City growth opportunities.

The attached materials include a term sheet that sets parameters for the legal agreements to which the City will need to commit. City staff carefully negotiated the term sheet in consultation with Legal Services to ensure significant protection of City infrastructure and property assets with minimal risk exposure.

REQUIRES RE-OPENING:

Items 2019.IE7.10 (October 2 and 3, 2019 City Council meeting) and 2019.MM13.10 (December 17 and 18, 2019 City Council meeting) to rescind the decisions.

Background Information (City Council)

Member Motion MM24.20

(<http://www.toronto.ca/legdocs/mmis/2020/mm/bgrd/backgroundfile-156948.pdf>)

(September 23, 2020) Report from Deputy City Manager, Corporate Services on Proposed Wastewater Energy Transfer Project at Bathurst and Dundas

(<http://www.toronto.ca/legdocs/mmis/2020/mm/bgrd/backgroundfile-156987.pdf>)

Public Attachment 1 - Negotiated Term Sheet for Wastewater Energy Transfer Agreement

(<http://www.toronto.ca/legdocs/mmis/2020/mm/bgrd/backgroundfile-156986.pdf>)

Confidential Attachment 2