

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF DECEMBER 14, 2009

Item 1, Report No. 54, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on December 14, 2009.

1 INTERNATIONAL DAY OF PERSONS WITH DISABILITIES – DECEMBER 3, 2009

The Committee of the Whole recommends:

- 1) That the recommendation contained in the following report of the Commissioner of Community Services and the Director of Recreation and Culture, dated December 1, 2009, be approved; and
- 2) That the deputation of Mr. John Scaini, Vice-Chair, Accessibility Advisory Committee, 104 Valleyway Crescent, Maple, L6A 1K8, be received.

Recommendation

The Commissioner of Community Services and the Director of Recreation and Culture, in consultation with the Chair of the Vaughan Accessibility Advisory Committee, recommend:

1. That the presentation by David Hingsburger – Director of Clinical and Educational Services for VITA Community Living Services be received; and,
2. That the Schedule of Activities for International Day of Persons with Disabilities – December 3, 2009 (Attachment 1) be received.

Contribution to Sustainability

This report is consistent with the priorities previously set by Council in the Green Directions, Vaughan, Community Sustainability Environmental Master Plan, Objective 4.1:

- To foster a city with strong social cohesion, an engaging arts scene, and a clear sense of its culture and heritage.

Economic Impact

Although there are no direct costs associated with this information report, the costs associated with the promotion and delivery of International Day of Persons with Disabilities activities for 2009 are included within the approved 2009 operating budget.

Communications Plan

The Recreation and Culture Department and Vaughan Accessibility Advisory Committee (VAAC) will continue to communicate and inform the community as it relates to its programs, initiatives, and the celebration of International Day of Persons with Disabilities through the City website, media, advertising, and the distribution of flyers to community centres, Vaughan Public Libraries and elementary and secondary schools in Vaughan. Outreach to community groups, cultural organizations and businesses will take place via poster distribution and a news release.

Purpose

The purpose of this report is to provide information to Council relating to International Day of Persons with Disabilities on December 3, 2009 via a presentation by David Hingsburger – Director of Clinical and Educational Services for VITA Community Living Services; and, the schedule of activities for this day (Attachment 1).

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Background - Analysis and Options

People with disabilities represent a significant and growing part of the population. “**Realizing the Millennium Development Goals for All: Empowerment of Persons with Disabilities and Their Communities around the World**” is the theme for the 2009 International Day of Persons with Disabilities. This annual observance promotes an understanding of disability issues and aims to mobilize support for dignity, rights and well-being of persons with disabilities. It also seeks to increase awareness of the benefits to be derived from the integration of persons with disabilities into every aspect of political, social, economic and cultural life.

Each year, Vaughan celebrates International Day of Persons with Disabilities in a myriad of ways. This year will be marked with a presentation from David Hingsburger and a musical performance by the Vaughan Shining Stars. Mr. Hingsburger is the Director of Clinical and Educational Services for VITA Community Living Services, 2009 honouree on the Disability Hall of Fame, famous therapist, advocate and writer. Mr. Hingsburger will talk about the inclusion, the progress and the advancement of persons with disabilities and the rights and freedom they gained in the community. The Vaughan Shining Stars is a choir of persons with disabilities from various community agencies who, under the guidance of Jeffery Smith from the Sara Elizabeth Centre, developed their musical contribution title “Let Me Shine”, composed by Jeffrey Smith, for this day.

Further activities to celebrate the annual observance include a display of art by the Fun Club in Council Chambers and a series of city-wide recreational activities on December 3, 2009. The complete list of the 2009 recreational activities can be found on Attachment 1. One activity of note is an inclusive basketball game that has been organized in partnership with the Vaughan Secondary School and Vaughan Special Olympics Ontario. The inclusive basketball game will be held at Maple Community Centre on Thursday, December 3, 2009 at 5:00pm.

VAAC, in partnership with the City of Vaughan, seeks to improve the quality of programs and services for persons with disabilities on an ongoing basis. While the inclusion of citizens with disabilities is a corporate-wide vision shared by Council and staff as stated in the Vaughan Vision 2020, VAAC’s role is to assist the Corporation in the preparation and implementation of the annual Accessibility Plan; to advise council on the planning and accessibility of municipal buildings and services; and to address and identify the needs of the community by the removal and prevention of barriers in the City of Vaughan’s by-laws, policies, programs and practices. VAAC follows the guidance of the Ontarians with Disabilities Act (ODA), 2001 and the Accessibility for Ontarians with Disabilities Act (AODA), 2005.

Some of VAAC’s most recent achievements include the following:

- participated in the Accessibility Advisory Committees Regional Forum through the Ministry of Communities and Social Services;
- provided public information and education on Accessibility in Vaughan during the 2009 National Access Awareness Week;
- organized a workshop for Information and Technology Management with respect to the TEXTNET software;
- provided recommendations to the City of Vaughan - Technical Advisory Committee (TAC) for the planning and implementation process of the Accessibility Plan and the Accessibility for Customer Service Policy;
- participated to the Vaughan Metropolitan Centre Community Visioning Open House; and

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- recommends systems, services and programs to increase accessibility.

A recent example of a new system to improve accessibility for individuals with moderate loss and with/without hearing in the recreational programs and events, under the recommendation of the VAAC and in collaboration with Canadian Hearing Society, the Recreation and Culture Department purchased a **William Sound Multichannel FM System** consisting of 5 Pocket Talker Listening Receivers and 1 Transmitter. With a reception distance of approximately 80 feet, the transmitter functions like a microphone. The transmitter is connected with either the microphone lapel or the conference mike and sends the sound wirelessly to the receiver enabling the person to hear clearly and loudly. The assistive device can be used for one-on-one or multiple conversations at the same time. The assistive device was used during the summer camp program to assist a hard of hearing summer student staff to communicate with campers. Further, the device will be used to enable the access for persons with moderate loss and with/without hearing in summer camp programs, general programs, fitness classes, public events and public meetings.

Each year new recreational opportunities are created to reflect the diverse needs of the community such as Just Dance and Spotlight. In order to support the Active Together - Physical Activity Strategy, this year the Recreation and Culture Department took a special approach to bridge the gap from an access point of view for persons with disabilities by developing adaptive sport programs such as: FUNdamentals of sports, In the Zone, Active Play and Interactive Adaptive Aquatics. Volunteer opportunities have been developed for students with disabilities through the T.E.A.C.H. program. Further, staff continued to work with new community partners to address service and program gaps. For example, additional social recreation and programs for children/youth/adults are offered through Alternatives, Community Living York South, META Centre, MS Society, Kinark, VITA and Vaughan in Action Community Program.

In addition, summer employment opportunities have been opened to young adults with disabilities. To enhance the participation of persons with disabilities in swimming, the Recreation and Culture Department has purchased water wheelchairs at all pools and provided one-on-one support in all programs.

Relationship to Vaughan Vision 2020/Strategic Plan

This report is consistent with the priorities previously set by Council and the necessary resources have been allocated and approved.

Regional Implications

N/A

Conclusion

While this report describes the programs and services for improving the access of citizens with disabilities during the last year, we are aware that not all barriers have been identified or removed. The VAAC will continue to raise awareness on accessibility issues and make recommendations on the preparation of the annual corporate wide Accessibility Plan and the implementation of the AODA so that citizens with disabilities will not be limited in any way. VAAC will also continue to raise public awareness and understanding of issues affecting people with disabilities during International Day of Persons with Disabilities on December 3, 2009 as a time to make a renewed commitment to these principles of dignity and justice and to ensure implementation of the Convention on the Rights of Persons with Disabilities.

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Attachments

1. Schedule of Activities for International Day of Persons with Disabilities – December 3, 2009

Report Prepared By

Mary Reali, Director of Recreation and Culture, ext 8234

Monika Piil, Area Recreation Manager – East, ext 8806

Mihaela Neagoie, Active Living Coordinator, Special Needs / Volunteer Development, ext 7405

(A copy of the attachments referred to in the foregoing have been forwarded to each Member of Council and a copy thereof is also on file in the office of the City Clerk.)

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Item 2, Report No. 54, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on December 14, 2009.

2

HEALTHY COMMUNITIES GRANT

The Committee of the Whole recommends approval of the recommendation contained in the following report of the Commissioner of Community Services, dated December 1, 2009:

Recommendation

The Commissioner of Community Services, in consultation with the Director of Recreation and Culture, recommends:

1. That the following be received:

- Presentation from the Director of Recreation and Culture on the *Active Together* Physical Activity Strategy and Youth in Action Strategy;
- Information on the “On Your Mark” initiative; and,
- Cheque presentation with respect to the Healthy Communities Grant.

Contribution to Sustainability

This report is consistent with the priorities previously set by Council in the Green Directions, Vaughan, Community Sustainability Environmental Master Plan:

4.1 To foster a city with strong social cohesion, an engaging arts scene, and a clear sense of its culture and heritage.

4.1.1. Develop an implementation plan for the initiatives described in the City’s Active Together Master Plan through a phased and budgeted program.

Economic Impact

The Healthy Communities grant of \$28,800 will offset costs related to the “On Your Mark” program.

Communications Plan

The promotion of the “On Your Mark” program will be through Vaughan schools, the City website, Recreation Guide, flyers, posters and our community partners.

Purpose

The purpose of this report is to receive the presentation and information on the Healthy Communities grant of \$28,800 received by the City of Vaughan; the status presentation on the Active Together Strategy and the Youth Strategy.

Background - Analysis and Options

In November 2008 City of Vaughan Council approved the “*Active Together*” Physical Activity Strategy, a component of Vaughan’s ten year *Active Together* Master Plan for the provision of parks, recreation, culture and library facilities and services.

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The purpose of the *Active Together* Physical Activity Strategy is to increase awareness of rising inactivity and obesity levels across Vaughan, and encourage involvement in physical activity among residents by removing barriers to participation. The target population that possesses below normal activity levels is comprised of the following demographics:

- Females, who tend to be less active than males and show a drop in participation during the pre-teen years;
- Children and youth, who show declining activity with age;
- Persons with disabilities, who experience barriers to participation both from an access standpoint and through an adequate supply of opportunities; and,
- Older adults, who are becoming more active but also face barriers in terms of transportation.

The provincial Ministry of Health Promotion's new Healthy Communities approach is part of an evolving process that will position Ontario as a leader in health promotion. The Ontario government has committed to implementing a holistic and integrated approach that will work to improve the health of Ontarians. This new approach, "Healthy Communities Ontario" encourages the development of new partnerships and strengthens existing ones, resulting in improved access to priority health promotion programs and services for Ontarians. This new approach will be mobilized by the Healthy Communities Fund, which supports provincial and community organizations to plan and deliver integrated initiatives that address multiple risk factors and promote health and wellness, at all levels, across the province.

The City of Vaughan Recreation and Culture Department applied for a grant under the Healthy Communities Fund and received a \$28,800 grant from the Ministry to support the new City initiative "On Your Mark", a physical activity and healthy lifestyle program for children and youth in Vaughan.

In 2009, *Youth in Action – Youth Strategy 2009 & Beyond* was approved by Council. The Strategy outlines five (5) goals, including objectives and measurables to be implemented within defined timeframes. The five goals are to:

1. increase participation of youth in physical activities;
2. expand the scope of the program selection for youth;
3. provide programs and services to youth in geographically under served areas;
4. increase the number of active youth memberships; and,
5. increase the awareness of youth programs and opportunities.

The grant funding will help in achieving the goals of the Youth Strategy by increasing youth participation in physical activities, and provide programs and services to youth in geographically under served areas.

A presentation on the status of the Active Together and Youth Strategy will be presented at the meeting by the Director of Recreation and Culture.

The "On Your Mark" initiative is a component of the *Active Together* Physical Activity Strategy. The program, in partnership with Vaughan Community Health Centre, is designed to increase awareness of healthy lifestyle choices in communities city wide, with a focus on children and youth. It will provide opportunities that support a welcoming, inclusive and social environment, while increasing the physical activity levels and healthy choices of Vaughan residents.

The "On Your Mark" initiative will increase awareness of healthy lifestyle choices in communities city wide. It will increase participation from isolated communities and increase the numbers of active residents specifically children and youth. Through the *Active Together* Physical Activity Strategy it will assist us in achieving our objective by providing opportunities that support a welcoming, inclusive and social environment, while increasing the physical activity levels and

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healthy choices by Vaughan residents. The participants will participate in physical fitness activities provided by City of Vaughan recreation staff while participating in healthy eating, goal setting, motivation and injury prevention workshops provided by Vaughan Community Health Centre. The participants will have the opportunity to track their goals and progress through an interactive journal and diary that will also be distributed to all secondary schools. After the participants go through the fitness program they will have the materials to take home with them to continue their physical activity goals and prepare for the retreat that challenges them to meet their goals in the summer.

Relationship to Vaughan Vision 2020/Strategic Plan

In consideration of the strategic priorities related to Vaughan Vision 2020, the report will provide:

- STRATEGIC GOAL:
Service Excellence - Providing service excellence to citizens.
- STRATEGIC OBJECTIVES:
Enhance and Ensure Community Safety, Health & Wellness.

This report is consistent with the priorities previously set by Council, and the necessary resources to implement this program have been allocated and approved.

Regional Implications

N/A

Conclusion

The grant received by the Ministry of Health Promotions will help get Vaughan children and youth active through the "On Your Mark" program. This initiative will increase awareness of healthy lifestyle choices. It will increase participation of youth and children in isolated communities and increase physical activity. Through the *Active Together* Physical Activity Strategy it will assist us in achieving its objective by providing opportunities that support a welcoming, inclusive and social environment, while increasing the physical activity levels and healthy choices.

Attachments

None

Report Prepared By

Mary Reali, Director of Recreation and Culture, ext.8234
Heather Kaufmann, Active Living Coordinator, ext.7438

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Item 3, Report No. 54, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on December 14, 2009.

3

**PROCLAMATION REQUEST
FAMILY LITERACY DAY – JANUARY 27, 2010**

The Committee of the Whole recommends approval of the recommendation contained in the following report of the City Clerk, dated December 1, 2009:

Recommendation

The City Clerk recommends:

- 1) That January 27, 2010 be proclaimed as “Family Literacy Day”; and
- 2) That the proclamation be posted on the City’s website and published on the City Page Online.

Contribution to Sustainability

N/A

Economic Impact

N/A

Communications Plan

The Corporate Communications Department posts proclamations issued by the City on the City’s website under “Events – Proclamations” and on the City Page Online.

Purpose

To respond to the request received from the President, ABC CANADA Literacy Foundation.

Background - Analysis and Options

The correspondence received from the President, ABC CANADA Literacy Foundation is attached. (Attachment 1)

The proclamation request meets the City’s Proclamation policy, as follows:

“That upon request, the City of Vaughan issue Proclamations for events, campaigns or other similar matters:

- (i) which are promoted by any organization that is a registered charity pursuant to Section 248 of the Income Tax Act”

ABC CANADA Literacy Foundation launched in 1990 is Canada’s private-sector voice championing of adult literacy. The Foundation created Family Literacy Day in 1999 to increase public awareness of the importance of adults and their children enjoying learning activities together, thereby increasing their chances to succeed at home, at work and in the community. The Family Literacy Day theme in 2010 is *Sing for Literacy* and citizens are encouraged to attend events planned in the community and support the literacy cause.

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Relationship to Vaughan Vision 2020/Strategic Plan

This report supports the strategic priorities established by Vaughan Vision 2020, in particular “Enhance and Ensure Community Safety, Health and Wellness”.

Regional Implications

N/A

Conclusion

Staff is recommending that January 27, 2010 be proclaimed as “Family Literacy Day”, and that the proclamation be posted on the City’s website and the City Page Online.

Attachments

Attachment: Correspondence received from ABC CANADA Literacy Foundation, dated October 16, 2009

Report prepared by:

Connie Bonsignore, Administrative Assistant to the City Clerk

(A copy of the attachments referred to in the foregoing have been forwarded to each Member of Council and a copy thereof is also on file in the office of the City Clerk.)

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Item 4, Report No. 54, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on December 14, 2009.

4 RESOLUTION FROM CANADIAN COALITION OF MUNICIPALITIES AGAINST RACISM AND DISCRIMINATION (CCMARD)

The Committee of the Whole recommends approval of the recommendation contained in the following report of the Community Equity and Diversity Committee, dated December 1, 2009:

Recommendation

The Community Equity and Diversity Committee recommends that following resolution be adopted by Council.

“BE IT RESOLVED that the representatives of the undersigned member municipalities of the Canadian Coalition of Municipalities Against Racism and Discrimination, partner organizations, and supporters unanimously:

- 1) express our strong and ongoing commitment to champion equity and respect for all people through the Coalition, the endorsement of the Ten Common Commitments Against Racism and Discrimination and each municipalities own unique plan of action;
- 2) acknowledge that racism and discrimination in Canada continues to divide communities, threaten democratic and participatory citizenship and entrench and aggravate inequalities within society;
- 3) recognize that the work of the Coalition will be strengthened by an increased membership representative of municipalities across Canada;
- 4) welcome the ongoing role of the Canadian Commission for UNESCO in the international coalition and the regional coalitions;
- 5) call upon municipal governments, in partnership with local, municipal, provincial and pan-Canadian organizations, to invest in efforts and recommendations set forth by the Coalition;
- 6) further call upon the Federation of Canadian Municipalities to make a strong and ongoing commitment to support the work of the Canadian Coalition of Municipalities Against Racism and Discrimination and to reiterate its call to its members in the Member's Advisory issued October 14, 2005 to join the Coalition.”

Economic Impact

There is no economic Impact.

Communications Plan

N/A

Purpose

The purpose of this report is for Council to adopt the resolution from the Canadian Coalition of Municipalities against Racism and Discrimination (CCMARD).

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Background - Analysis and Options

At its meeting of November 4, 2009, the Community Equity and Diversity Committee recommended the above noted resolution from Canadian Coalition of Municipalities Against Racism and Discrimination (CCMARD) be adopted by Council.

Relationship to Vaughan Vision 2020/Strategic Plan

This report is consistent with the priorities previously set by Council.

Regional Implications

N/A

Conclusion

The Community Equity and Diversity Committee requests that this resolution be adopted by Council.

Attachments

N/A

Report prepared by:

Adelina Bellisario, Assistant City Clerk

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Item 5, Report No. 54, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on December 14, 2009.

5 DRINKING WATER QUALITY MANAGEMENT SYSTEM - TOP MANAGEMENT REVIEW

The Committee of the Whole recommends approval of the recommendation contained in the following report of the City Manager, the Commissioner of Engineering and Public Works, the Director of Public Works, the Director of Engineering Services and the Director of Development/Transportation Engineering, dated December 1, 2009:

Recommendation

The City Manager, the Commissioner of Engineering and Public Works, the Director of Public Works, the Director of Engineering Services and the Director of Development/Transportation Engineering, which for the purposes of the City's Drinking Water Quality Management Standard are collectively referred to as "Corporate Top Management", recommend that the following report be received for information.

Contribution to Sustainability

The provision of safe drinking water to residents and businesses is key to the vitality and sustainability of the City.

Economic Impact

There is no direct economic impact as a result of this report.

Communications Plan

Not applicable.

Purpose

To advise Council, as the Owners of the Drinking Water Systems, as to the status of the QMS suitability, adequacy and effectiveness.

Background - Analysis and Options

In accordance with our Drinking Water Quality Management Standards Operational Plan Procedure number QMS-20, an annual management review must be held at least once per year by Operational Top Management to review the overall suitability, adequacy and effectiveness of the QMS.

Summary of Operational Top Management Review

Operational Top Management review was held on October 1, 2009. During this session, an agenda of items A-P were reviewed (as outlined in element 20 "Management Review", of the Operational Plan). Decisions and actions were determined, along with responsibility and due dates. The purpose of this management review (as defined by the Ministry of the Environment) was to evaluate the suitability, adequacy and effectiveness of the quality management system that includes the consideration of items A-P. Operational Top Management reviews must be held annually to re-visit our commitment to the plan, and to identify and respond to any applicable changes. The next meeting is scheduled for Friday, September 14, 2010

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Deficiencies Identified:

No deficiencies have been identified.

Decisions Made:

Minor changes are required to the plan in order to update the reporting forms to accommodate the inclusion of a “Contribution to Sustainability” section, as per the updated Committee report format. This, and other minor changes will be done by staff, and the revisions to the plan will be circulated to the City Clerk.

Action Items:

In going through the 21 elements, it was determined that some actions were required to ensure the ongoing maintenance of the Operational plan and ensure ongoing operational effectiveness.

These include:

- Collecting additional information regarding number of watermain breaks, and consumer complaints
- Providing a copy of the Drinking Water Works Permits and Drinking Water Licences to the City’s Water Operators (copies have already been provided to both Development Engineering and Engineering Services staff to ensure new development and reconstruction projects are done as per the permit and licence requirements)
- Updating the Operational Plan as mandated
- Scheduling the 2010 meetings with Water staff to discuss continuous improvements
- Obtaining an updated list of existing and future water works capital projects from Engineering Services
- Reviewing the issue of licenced operators and their role, if any, in terms of new watermain installations

Timelines and responsibilities have been included in the above noted actions, and an internal follow-up meeting will be held to ensure compliance with those timelines.

Other QMS Issues Identified:

A total of seven Opportunities For Improvement (OFI) were noted during the external audits performed by the Canadian General Standards Board. Most of these were related to documentation and updating them as required. These are in the process of being implemented.

Relationship to Vaughan Vision 2020

The Quality Management System Policy states:

As the owners and operators of the City of Vaughan’s water distribution systems, we are committed to:

- *Providing safe drinking water to our residents and businesses*
- *Complying with applicable legislation and regulations as related to the provision of safe drinking water*
- *Implementing and continually improving the effectiveness of our Quality Management System.*

The City’s quality management policy has been developed in accordance with the objectives of the Vaughan Strategic Plan, specifically to enhance, community safety, health and wellness and to maintain assets and infrastructure integrity.

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Regional Implications

There are no regional implications as a result of this report.

Conclusion

As required by the Ministry, the annual Management Review has taken place, and the findings and actions are presented in this report.

Attachments

N/A

Report prepared by:

Brian T. Anthony
Lena Moshi

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6

**CITYVIEW BOULEVARD AND SHELBOURNE DRIVE
ALL-WAY STOP CONTROL REVIEW
WARD 1**

The Committee of the Whole recommends approval of the recommendation contained in the following report of the Commissioner of Engineering and Public Works, dated December 1, 2009:

Recommendation

The Commissioner of Engineering and Public Works recommends:

That a by-law be enacted to install an all-way stop control at the intersection of Cityview Boulevard and Shelbourne Drive, as the Provincial All-way Stop Warrant is met.

Contribution to Sustainability

The installation of an all-way stop control at the intersection of Cityview Boulevard and Shelbourne Drive will promote and improve traffic flow and pedestrian movements in this area.

Economic Impact

The cost to install the all-way stop signs and pavement markings (stop bars) would be absorbed in the 2010 Operating Budget. The on-going costs to maintain the signs and pavement markings would be incorporated in future year Operating Budgets.

Communication Plan

Engineering Services staff will contact the resident on the outcome of Council's decision in this matter. The resident that sent in the request to staff has been advised that this report will be submitted to the December 1, 2009, Committee of the Whole meeting. York Regional Police have been contacted to provide speed enforcement on Cityview Boulevard.

Purpose

To review the feasibility of implementing an all-way stop control at the intersection of Cityview Boulevard and Shelbourne Drive, in response to a request from a local resident.

Background - Analysis and Options

Engineering Services staff received a resident's request to review the traffic activity at the intersection of Cityview Boulevard and Shelbourne Drive. Cityview Boulevard is a primary roadway with a 23.0 metre right-of-way, and an 11.5 metre pavement width; and Shelbourne Drive is a local roadway with a 17.5 metre right-of-way with an 8.0 metre pavement width. The speed limit is a statutory 50 km/h on Cityview Boulevard and on Shelbourne Drive. The existing stop control is located on the west approach of Shelbourne Drive. The area is shown in Attachment No.1.

Staff conducted a turning movement count on Wednesday, October 21, 2009, at the intersection of Cityview Boulevard and Shelbourne Drive during the morning and afternoon peak time periods of 7:00 am to 9:00 am, and 4:00 pm to 6:00 pm. The weather on this day was partly cloudy in AM and rain in PM. The data collected was compared to the Provincial Warrant for All-way Stop Control with the following results:

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| | | |
|---------------------------------------|-----------|------|
| Warrant 1 – Minimum Vehicular Volumes | Warranted | 147% |
| Warrant 2 – Accident Hazard | Warranted | 0% |
| Warrant 3 – Sight Restriction | Warranted | 0% |

All-way stop controls are recommended when one of the above warrants are satisfied to 100% or more. There have been no reported collisions at this intersection susceptible to prevention by implementing an all-way stop control. There are no sight distance restrictions at this intersection.

According to the results above, this intersection does meet the minimum requirements of the Provincial All-way Stop Warrant. Staff note that there is a high volume of eastbound left turns; the implementation of an all-way stop control will be beneficial to assist travel through this intersection.

There is a traffic signal proposed at this intersection that will be installed by the developer subject to Development Charge funding approval in the 2010 Capital Budget. With the winter months approaching, the installation and operation of the traffic signal would be anticipated in the Summer 2010. Due to the high traffic volume at the intersection, it would be beneficial to implement the all-way stop prior to the signal installation which will take place in the later part of 2010. Once the traffic signals are in operation, the All-Way Stop control will be removed.

Relationship to Vaughan Vision 2020/Strategic Plan

In consideration of the strategic priorities related to Vaughan Vision 2020, the recommendations of this report will assist in:

- Pursue Excellence in Service Delivery;
- Enhance and Ensure Community Safety, Health and Wellness ; and
- Lead and Promote to Environmental Sustainability.

This report is consistent with the priorities previously set by Council.

Regional Implications

Not Applicable.

Conclusion

Based on Engineering Services staff's review, it is recommended that an all-way stop control be installed at the intersection of Cityview Boulevard and Shelbourne Drive, as the Provincial All-way Stop Warrant is met.

Attachments

1. Location Map

Report prepared by:

David Fan, Traffic Analyst, Ext. 3109
Mike Dokman, Supervisor Traffic Engineering, Ext. 3118

DF:mc

(A copy of the attachments referred to in the foregoing have been forwarded to each Member of Council and a copy thereof is also on file in the office of the City Clerk.)

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grading of all lots in the subdivision has been certified by the Developer's Engineering Consultant with the exception of Blocks 85 and 86. Accordingly, the Developer has requested that the roads and municipal services in the subdivision excluding Colonna Drive be assumed by the City.

Colonna Drive is being used as the construction access road for phases 2, 3 and 4 of the Royale Villa Subdivision; accordingly, the top asphalt has not been placed on the road. In addition, the dwellings on Blocks 85 and 86 are currently under construction. Since the balance of the subdivision is completed, it is appropriate to assume the Royale Villa Phase 2 subdivision excluding Colonna Drive and Blocks 85 and 86, and reduce the Municipal Services Letter of Credit to \$52,000 to guarantee the completion of remaining works. It is expected that Colonna Drive will be completed in early summer 2010.

All documentation required by the Subdivision Agreement for assumption has been submitted. Engineering staff, in conjunction with the Developer's Consulting Engineer, have conducted all the necessary inspections of the municipal services in the subdivision and are now satisfied with the extent of the works being recommended for assumption.

The Commissioner of Engineering and Public Works has received clearance from all pertinent City Departments including Development/Transportation Engineering, Development Planning, Building Standards, Parks Development, Parks Operations and Forestry, Public Works, and Clerks. In addition, the Reserves and Investments Department has confirmed that all of the City's financial requirements associated with this subdivision have been satisfied.

Relationship to Vaughan Vision 2020

The development of this subdivision and the assumption of the municipal services are consistent with Vaughan Vision 2020, which encourages management excellence through planned and managed growth and the maintenance of City assets and infrastructure. This report is consistent with the priorities previously set by Council and the necessary resources have been allocated and approved.

Regional Implications

There are no Regional implications with respect to the assumption of the municipal works within this subdivision development.

Conclusion

The construction of the roads and municipal services associated with the Royale Villa, Phase 2 Plan of Subdivision 65M-3604 has been completed in accordance with the Subdivision Agreement with the exception of Colonna Drive and the final grading of two Blocks. Accordingly, it is appropriate that the roads and municipal services in 65M-3604 except for Colonna Drive be assumed and the Municipal Services Letter of Credit be reduced to \$52,000.

Attachments

1. Location Map

Report prepared by:

Vick Renold, C.E.T. – Senior Engineering Assistant, ext. 8461

Frank Suppa, Manager of Development Inspection and Grading, ext. 8073

(A copy of the attachments referred to in the foregoing have been forwarded to each Member of Council and a copy thereof is also on file in the office of the City Clerk.)

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Item 8, Report No. 54, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on December 14, 2009.

8 **SITE DEVELOPMENT FILE DA.09.062**
GARDENIA ORCHARD ESTATES
WARD 1

The Committee of the Whole recommends:

- 1) That the recommendation contained in the following report of the Commissioner of Planning, dated December 1, 2009, be approved; and
- 2) That the coloured elevation drawings submitted by the applicant, be received.

Recommendation

The Commissioner of Planning recommends:

1. THAT Site Development File DA.09.062 (Gardenia Orchard Estates) BE APPROVED, subject to the following conditions:
 - a) that prior to the execution of the Site Plan Letter of Undertaking:
 - i) the final site plan, building elevations and landscape plan shall be approved by the Vaughan Development Planning Department.

Contribution to Sustainability

The applicant has advised the Development Planning Department that the following sustainable features will be provided within the building design:

- i) Low-E argon, double-paned windows;
- ii) water conserving low flow/reduced plumbing fixtures;
- iii) Energy Star rated high efficiency gas furnaces; and,
- iv) Energy Star rated appliances.

Economic Impact

There are no requirements for new funding associated with this report.

Communications Plan

N/A

Purpose

To permit the development of the subject lands shown on Attachments #1 and #2 with 6, two-storey street townhouse units within one townhouse block (Block 135 on Registered Plan 65M-4107), as shown on Attachments #3 to #6 inclusive.

Background - Analysis and Options

Location

The subject lands are located north of Major Mackenzie Drive, west of Highway 400, specifically at the southwest corner of Cityview Boulevard and Canada Drive within Planning Block 33 West,

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in Part of Lot 24, Concession 5, City of Vaughan. The surrounding land uses are shown on Attachment #2.

Official Plan and Zoning

The subject lands are designated "Medium Density Residential/Commercial" by OPA #600 (Vellore Village 1). The proposed residential street townhouse development conforms to the Official Plan.

The subject lands are zoned RT1 Residential Townhouse Zone by By-law 1-88, subject to Exception 9(1218). The proposed residential street townhouse development complies with By-law 1-88.

Site History

On June 28, 2004, Vaughan Council approved Draft Plan of Subdivision File 19T-00V10 (Weston-400 Holdings Inc.) to permit the development of 488 residential units consisting of 328 single-detached dwelling units, 52 semi-detached units and 108 street townhouse units. The above-noted Plan of Subdivision was registered as Plan 65M-4107 on November 18, 2008, and facilitates the subject block for 6 street townhouse dwelling units. Servicing for the proposed development has been allocated.

Site Plan Review

The Vaughan Development Planning Department is generally satisfied with the proposed site plan, landscape plan and building elevations as shown on Attachments #3 to #6 inclusive, and will continue working with the Applicant to finalize details of the development proposal.

The subject lands are located within Planning Block 33 West and are subject to Architectural Control. The site plan and elevation plans have been reviewed and approved by the Block 33 West Control Architect, being The Planning Partnership Limited.

The Vaughan Engineering Department has approved the final grading and site servicing plans for the proposed development.

Relationship to Vaughan Vision 2020/Strategic Plan

This report is consistent with the priorities set forth in Vaughan Vision 2020, particularly "Plan & Manage Growth & Economic Vitality".

Regional Implications

The subject lands are located internal to the subdivision and therefore, there are no Regional implications.

Conclusion

The Vaughan Development Planning Department has reviewed Site Development File DA.09.062 (Gardenia Orchard Estates) in accordance with OPA #600, By-law 1-88, the Block 33 West Plan, comments from City Departments, and the area context. The Development Planning Department is satisfied that the proposed development for 6 street townhouse dwelling units is appropriate and compatible with the existing and permitted uses in the surrounding area, and with the lotting in the approved Plan of Subdivision. Accordingly, the Development Planning Department can support the approval of the Site Development Application.

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Attachments

1. Context Location Map
2. Location Map
3. Site Plan
4. Landscape Plan
5. Elevations
6. Rendered Elevation

Report prepared by:

Mary Serino, Planner 1, ext. 8215
Carmela Marrelli, Senior Planner, ext. 8791
Mauro Peverini, Manager of Development Planning, ext. 8407

/LG

(A copy of the attachments referred to in the foregoing have been forwarded to each Member of Council and a copy thereof is also on file in the office of the City Clerk.)

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Item 9, Report No. 54, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on December 14, 2009.

9 **SITE DEVELOPMENT FILE DA.09.061**
YORK REGION DISTRICT SCHOOL BOARD
WARD 3

The Committee of the Whole recommends:

- 1) **That the recommendation contained in the following report of the Commissioner of Planning, dated December 1, 2009, be approved; and**
- 2) **That the coloured elevation drawings submitted by the applicant, be received.**

Recommendation

The Commissioner of Planning recommends:

1. THAT Site Development File DA.09.061 (York Region District School Board) BE APPROVED, subject to the following conditions:
 - a) that prior to the issuance of a building permit:
 - i) the final site plan, building elevations and landscaping plan shall be approved by the Vaughan Development Planning Department; and,
 - ii) the final site servicing and grading plans shall be approved by the Vaughan Engineering Department.

Contribution to Sustainability

The applicant has advised the Development Planning Department that the following sustainable features will be provided within the site and building design:

- i) upgraded roof and wall insulation;
- ii) double glazed Low "E" glass;
- iii) high efficiency boilers;
- iv) variable speed pumps and fans;
- v) heat recovery systems;
- vi) full building automation systems;
- vii) occupancy sensors;
- viii) high efficiency motors; and,
- ix) LED exit lights.

Economic Impact

There are no requirements for new funding associated with this report.

Communications Plan

N/A

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Purpose

The York Region District School Board has submitted a Site Development Application (File DA.09.061) on the subject lands shown on Attachments #1 and #2, to permit the development of a new 5642.70 m², 2-storey elementary school, as shown on Attachment #3.

Background - Analysis and Options

Location

The 2.43 ha subject lands are located east of Pine Valley Drive and south of Major Mackenzie Drive, at the northwest corner of Via Campanile and Garibaldi Road within Planning Block 39, in Part of Lot 19, Concession 6, City of Vaughan, as shown on Attachments #1 and #2. The surrounding land uses are shown on Attachment #2.

Official Plan and Zoning

The subject lands are designated “Low Density Residential” with a “School” overlay by OPA #600. The proposed site development conforms to the Official Plan.

The subject lands are zoned RD3 Residential Detached Zone Three by By-law 1-88, subject to Exceptions 9(1283) and 9(1285), which permit the proposed elementary school. The final site plan must comply with By-law 1-88, or alternatively, any required variances must be approved by the Committee of Adjustment and shall be final and binding.

Site History

On September 25, 2009, Vaughan Council approved Draft Plan of Subdivision File 19T-97V19 (Sugarberry Holdings Inc.) and 19T-97V21 (Brawlawn Developments Inc.) to facilitate the development of 2 residential subdivisions, including a school block in each plan comprised of Block 126 on Registered Plan 65M-4136 and Block 85 on Registered Plan 65M-4139.

Site Plan Review

The Vaughan Development Planning Department is generally satisfied with the proposed site plan, landscaping plan and building elevations, as shown on Attachments #3, #4, #5 and #6, respectively. The final plans will be approved to the satisfaction of the Vaughan Development Planning Department.

The Vaughan Development Planning Department is working with the applicant and the Vaughan Engineering Department to finalize the grading and servicing plans, stormwater management, access, and on-site vehicular circulation for the proposed school development. The final plans and reports must be approved to the satisfaction of the Vaughan Engineering Department. A condition of approval is included in the recommendation.

The subject lands are located with Planning Block 39 and are subject to Architectural Control. The site plan and elevation plans have been reviewed and approved by the Block 39 Control Architect, being Watchorn Architect Inc.

Relationship to Vaughan Vision 2020/Strategic Plan

This report is consistent with the priorities set forth in Vaughan Vision 2020, particularly “Plan & Manage Growth & Economic Vitality”.

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Regional Implications

The subject lands do not abut a Regional Road, and therefore, the proposed development is not subject to Regional approval.

Conclusion

The Development Planning Department has reviewed Site Development File DA.09.061 in accordance with OPA #600, By-law 1-88, the Block 39 Plan, comments from City Departments and external public agencies, and the area context. The Development Planning Department is satisfied that the proposed development for an elementary school is appropriate and compatible with the existing and permitted uses in the surrounding area. The applicant will be required to satisfy all requirements of the Vaughan Development Planning Department and the Vaughan Engineering Department. Accordingly, the Development Planning Department can support the approval of the Site Development Application.

Attachments

1. Context Location Map
2. Location Map
3. Site Plan
4. Landscape Plan
5. Elevations - East and South
6. Elevations - West and North

Report prepared by:

Mary Serino, Planner 1, ext. 8215
Carmela Marrelli, Senior Planner, ext. 8791
Mauro Peverini, Manager of Development Planning, ext.8407

/LG

(A copy of the attachments referred to in the foregoing have been forwarded to each Member of Council and a copy thereof is also on file in the office of the City Clerk.)

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EXTRACT FROM COUNCIL MEETING MINUTES OF DECEMBER 14, 2009

Item 10, Report No. 54, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on December 14, 2009.

**10 ZONING BY-LAW AMENDMENT FILE Z.09.023
1668135 ONTARIO INC.
WARD 2**

The Committee of the Whole recommends approval of the recommendation contained in the following report of the Commissioner of Planning, dated December 1, 2009:

Recommendation

The Commissioner of Planning recommends:

1. THAT Zoning By-law Amendment File Z.09.023 (1668135 Ontario Inc.) BE APPROVED, to amend By-law 1-88, specifically Exception 9(1304), to permit the following site-specific zoning exceptions to the R5 Residential Zone for the subject lands (approved Draft Plan of Subdivision 19T-06V15) shown on Attachment #3:

| <u>LOTS</u> | <u>BY-LAW STANDARD</u> | <u>BY-LAW 1-88 REQUIREMENTS: R5 ZONE</u> | <u>PROPOSED EXCEPTIONS: R5 ZONE</u> |
|------------------------|------------------------------------|--|---|
| <u>24-31 AND 36-43</u> | <u>MIN. SETBACK TO GARAGE</u> | <u>6.4M</u> | <u>6.0M</u> |
| <u>24-31 AND 36-42</u> | <u>MIN. REAR YARD SETBACK</u> | <u>7.5M</u> | <u>6.0M</u> |
| <u>43</u> | <u>MIN. REAR YARD SETBACK</u> | <u>7.5M</u> | <u>5.6M</u> |
| <u>20</u> | <u>MIN. EXTERIOR SIDE YARD</u> | <u>4.5</u> | <u>2.3M</u> |
| <u>24</u> | <u>MIN. EXTERIOR SIDE YARD</u> | <u>4.5</u> | <u>4.2M</u> |
| <u>43</u> | <u>MIN. EXTERIOR SIDE YARD</u> | <u>4.5</u> | <u>3.3M</u> |
| <u>24-31 AND 36-43</u> | <u>MAXIMUM LOT COVERAGE</u> | <u>50%</u> | <u>53%</u> |

Contribution to Sustainability

N/A

Economic Impact

There are no requirements for new funding associated with this report.

Communications Plan

On September 4, 2009, a Notice of Public Hearing was circulated to all property owners within 150m of the subject lands, and to the West Woodbridge Homeowners' Association. The recommendation of the Committee of the Whole to receive the Public Hearing report of September 29, 2009, and to forward a comprehensive report to a future Committee of the Whole Meeting was ratified by Council on October 13, 2009.

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Purpose

To amend the City's Zoning By-law 1-88, specifically Exception 9(1304), to permit the following site-specific zoning exceptions to the R5 Residential Zone for certain lots within approved plan of subdivision 19T-06V15, as shown on Attachment #3:

| <u>LOT(S)</u> | <u>BY-LAW STANDARD</u> | <u>BY-LAW 1-88 REQUIREMENTS: R5 ZONE</u> | <u>PROPOSED EXCEPTIONS: R5 ZONE</u> |
|------------------------|------------------------------------|--|---|
| <u>24-31 AND 36-43</u> | <u>MIN. SETBACK TO GARAGE</u> | <u>6.4M</u> | <u>6.0M</u> |
| <u>24-31 AND 36-42</u> | <u>MIN. REAR YARD SETBACK</u> | <u>7.5M</u> | <u>6.0M</u> |
| <u>43</u> | <u>MIN. REAR YARD SETBACK</u> | <u>7.5M</u> | <u>5.6M</u> |
| <u>20</u> | <u>MIN. EXTERIOR SIDE YARD</u> | <u>4.5</u> | <u>2.3M</u> |
| <u>24</u> | <u>MIN. EXTERIOR SIDE YARD</u> | <u>4.5</u> | <u>4.2M</u> |
| <u>43</u> | <u>MIN. EXTERIOR SIDE YARD</u> | <u>4.5</u> | <u>3.3M</u> |
| <u>24-31 AND 36-43</u> | <u>MAXIMUM LOT COVERAGE</u> | <u>50%</u> | <u>53%</u> |

Background - Analysis and Options

Location

The subject lands are shown on Attachments #1 and #2 and are located on the north side of Langstaff Road, west of the Canadian Pacific Rail line, in Part of Lot 11, Concession 8, City of Vaughan. The surrounding land uses are shown on Attachment #2.

Official Plan

The subject lands are designated "Low Density Residential" by OPA #240 (Woodbridge Community Plan), which permits single detached and semi-detached dwellings. The proposal to permit zoning exceptions to facilitate the semi-detached dwelling units conforms to the Official Plan.

Zoning

The subject lands are zoned R5 Residential Zone by By-law 1-88 subject to Exception 9(1304), which permits both single detached and semi-detached dwellings. The proposed exceptions to the R5 Zone require an amendment to the Zoning By-law.

History

The subject lands are comprised of 17 lots within approved Draft Plan of Subdivision 19T-06V15, which contains a total of 43 lots. On May 12, 2008, Vaughan Council approved Draft Plan of Subdivision File 19T-06V15 and Zoning By-law Amendment File Z.06.074 to rezone the subdivision lands from A Agricultural Zone and OS1 Open Space Conservation Zone to R5 Residential Zone (tableland) and OS1 Open Space Conservation Zone (valley lands, buffer, and stormwater block), together with the following zoning exceptions to implement the plan of subdivision consisting of 43 lots (86 semi-detached units):

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- a) permit a rear yard setback of 4.0 m for Lots 6 and 7, whereas 7.5 m is required;
- b) permit a rear yard setback of 5.0 m for Lots 8, 33, 34 and 35, whereas 7.5 m is required;
- c) permit a rear yard setback of 6.0 m for Lots 9 and 32, whereas 7.5 m is required;
- d) permit a rear yard setback of 6.5 m for Lot 10, whereas 7.5 m is required;
- e) permit a minimum lot area of 212 m² (per unit) for Lot 8, whereas 225 m² is required;
- f) permit a minimum lot area of 215 m² (per unit) for Lot 9, whereas 225 m² is required;
- g) permit a minimum interior side yard setback of 1.2 m, whereas 1.5 m is required; and,
- h) require dwellings to be setback a minimum distance of 30 m from the railway right-of-way.

These zoning exceptions have already been incorporated into By-law 1-88 as Exception 9(1304).

The approved plan of subdivision 19T-06V15 is not yet registered.

Planning Considerations

The proposed site-specific exceptions to the R5 Residential Zone standards for the subject lands are considered to be consistent and compatible with the existing zoning for the other lands within the subdivision. The requested exceptions pertain to 3 corner lots (Lots 20, 24 and 43) and 14 other lots (Lots 25-31 and 36-42) within the draft plan of subdivision, as follows:

- i) The requested increase in the maximum permitted lot coverage from 50% to 53% is considered to be minimal and can be supported;
- ii) The proposed reduced setback to a garage from 6.4 m to 6 m is considered to be minimal and of sufficient depth to park a vehicle;
- iii) The proposed reduced rear yards of 5.6 m and 6 m for Lot 43 and Lots 24-31 and 36-42, respectively, are consistent with the reductions granted to other lots within the subdivision as noted earlier.
- iv) The proposed reduced exterior side yards of 2.3 m and 3.3 m for Lots 20 and 43, respectively, occurs at the narrowest point between the dwelling and the lot line, which begins to flare outwards, and cannot meet the required 4.5 m setback in these locations. The proposed exterior side yard setback of 4.2 m for Lot 24 is considered to be minimal and supportable.

The subject lands are located in an isolated area bounded by Langstaff Road, the C.P.R. line and Rainbow Creek, and will not impact upon the other surrounding lands. For the above-noted reasons, the Development Planning Department has no objections to the proposed exceptions to By-law 1-88, which will facilitate an appropriate subdivision design.

Relationship to Vaughan Vision 2020/Strategic Plan

This report is consistent with the priorities set forth in Vaughan Vision 2020, particularly “Plan & Manage Growth & Economic Vitality”.

Regional Implications

N/A

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Conclusion

The Development Planning Department has reviewed the proposed application to permit exceptions to certain lots within an approved Draft Plan of Subdivision as shown on Attachment #3, in accordance with the policies of OPA #240 (Woodbridge Community Plan), the requirements of By-law 1-88, the comments received from City Departments, and the surrounding area context. The Development Planning Department is satisfied that the proposed zoning exceptions to the R5 Residential Zone standards will result in an appropriate development of the subdivision. In addition, the zoning exceptions would not have an impact on other surrounding land uses. Accordingly, the Development Planning Department can support the approval of the Zoning By-law Amendment Application.

Attachments

1. Context Location Map
2. Location Map
3. Proposed Exceptions

Report prepared by:

Clement Messere, Planner, ext. 8409
Carmela Marrelli, Senior Planner, ext. 8791
Mauro Peverini, Manager of Development Planning, ext. 8407

/LG

(A copy of the attachments referred to in the foregoing have been forwarded to each Member of Council and a copy thereof is also on file in the office of the City Clerk.)

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EXTRACT FROM COUNCIL MEETING MINUTES OF DECEMBER 14, 2009

Item 11, Report No. 54, of the Committee of the Whole, which was considered by the Council of the City of Vaughan on December 14, 2009, was dealt with by approving:

That this matter be deferred to the Committee of the Whole meeting of February 2, 2010, for a staff report addressing the concerns contained in the written submission from Mr. Nick Pinto, The West Woodbridge Homeowners Association Inc., 57 Mapes Avenue, Woodbridge, L4L 8R4, dated December 14, 2009.

11 OFFICIAL PLAN AMENDMENT FILE OP.07.012
ZONING BY-LAW AMENDMENT FILE Z.07.050
NASER GJURECI
WARD 2

The Committee of the Whole recommends:

- 1) That the recommendation contained in the following report of the Commissioner of Planning, dated December 1, 2009, be approved; and
- 2) That the following deputations be received:
 - a) Ms. Lidia Vanderhorst, 11 Lansdowne Avenue, Woodbridge, L4L 2B1;
 - b) Mr. Vittorio Pacini, 35 Lansdowne Avenue, Woodbridge, L4L 2B1; and
 - c) Mr. Naser Gjureci, applicant, 15 Lansdowne Avenue, Woodbridge, L4L 2B1.

Recommendation

The Commissioner of Planning recommends:

- 1. THAT Official Plan Amendment File OP.07.012 (Naser Gjureci) BE APPROVED, to amend OPA #240 (Woodbridge Community Plan) for the subject lands shown on Attachment #2, to redesignate the property from "Low Density Residential" to "Medium Density Residential" to permit 6 block townhouse dwelling units.
- 2. THAT Zoning By-law Amendment File Z.07.050 (Naser Gjureci) BE APPROVED, to amend the City's By-law 1-88 to rezone the subject lands shown on Attachment #2 from R3 Residential Zone to RM2(H) Multiple Residential Zone with the Holding Symbol "(H)" and OS1 Open Space Conservation Zone in the manner shown on Attachment #3, to facilitate the development of 6 block townhouse dwelling units with the following zoning exceptions:

| <u>BY-LAW 1-88 STANDARD</u> | <u>BY-LAW 1-88 MINIMUM REQUIREMENTS (RM2 MULTIPLE RESIDENTIAL ZONE)</u> | <u>PROPOSED EXCEPTIONS (TO THE RM2 MULTIPLE RESIDENTIAL ZONE)</u> |
|---|---|---|
| <u>MINIMUM LOT FRONTAGE (ALONG LANSDOWNE AVENUE)</u> | <u>30 M</u> | <u>9.14 M</u> |
| <u>MINIMUM REAR YARD SETBACK (ALONG EAST PROPERTY LINE)</u> | <u>4.5 M</u> | <u>3.3 M FOR THE EAST PORTION OF THE BUILDING (UNIT #6)</u> |

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3. THAT the implementing zoning by-law include a clause requiring that prior to the removal of the Holding Symbol “(H)” that:
 - i) servicing shall be identified and allocated by Vaughan Council; and,
 - ii) a Site Development Application shall be approved for the proposed development.
4. THAT the lands to be zoned OS1 Open Space Conservation Zone be deeded to the Toronto and Region Conservation Authority.

Contribution to Sustainability

The proposed block townhouse development is subject to Site Plan Control and the implementation of sustainable site and building features will be reviewed during the site plan stage.

Economic Impact

There are no requirements for new funding associated with this report.

Communications Plan

On January 11, 2008, a Notice of a Public Hearing with respect to the Official Plan and Zoning By-law Amendment Applications was circulated to all property owners within 120 m of the subject lands. The Public Hearing was held on February 4, 2008. Deputants at the hearing addressed the Committee of the Whole both in support and in opposition to the proposed development and identified the following issues:

- a) Mr. Nelson Espinola, Escala Designs Inc., the agent for the Owner introduced a new plan comprised of 6 townhouse units (7 units in original plan) and expressed support for the revised development proposal.
- b) Mr. Mike Vanderhorst, Mr Francesco Cirillo and Mr. Vittorio Pacini, of 11, 14 and 35 Lansdowne Avenue, respectively, expressed the following concerns:
 - i) the neighbourhood is already a congested area;
 - ii) parking for the development should be provided on-site and not on Lansdowne Avenue;
 - iii) 11 Lansdowne Avenue will be impacted as a result of its proximity to the development and the proposed driveway location;
 - iv) the proposed townhouse development is located too close to 11 Lansdowne Avenue; and,
 - v) concerns with respect to garbage pick-up, snow storage and parking.

One letter from a Mr. C. Campagner, the owner of 24 Lansdowne Avenue was received by the Development Planning Department on February 4, 2008, which outlined the following concerns:

- i) the lack of visitor and on-street parking; and,
- ii) concerns respecting on-site garbage and recycling administration.

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At the Public Hearing, members of the Committee of the Whole suggested the removal of one townhouse unit. The conceptual site plan presented at the Public Hearing identified a 1.2 m setback between the proposed development and the nearest lot line of 11 Lansdowne Avenue, which members of the Committee of the Whole identified as being insufficient, and suggested an additional unit be deleted or that the plan be redesigned to provide a greater separation distance between the existing lot and the proposed development. As a result of the comments from area residents and the Committee members, the applicant has redesigned the project as shown on Attachment #3, by relocating the townhouse development further east and away from 11 Lansdowne Avenue, and by adding 2 visitor parking spaces and an amenity area east of 11 Lansdowne Avenue, as shown on Attachment #3. The revised site plan will be discussed later in this report.

The recommendation of the Committee of the Whole to receive the Public Hearing report of February 4, 2008, was ratified by Council on February 11, 2008.

Purpose

The Owner has submitted the following applications on the subject lands shown on Attachments #1 and #2:

1. An Official Plan Amendment Application (File OP.07.012) to amend OPA #240 (Woodbridge Community Plan) to redesignate the subject lands from "Low Density Residential" to "Medium Density Residential".
2. A Zoning By-law Amendment Application (File Z.08.046) to amend the City's By-law 1-88, specifically to rezone the subject lands from R3 Residential Zone to RM2 Multiple Residential Zone and OS1 Open Space Conservation Zone, together with the necessary zoning exceptions to facilitate the proposed development.

The applications will facilitate the development of a 6 unit residential townhouse block served by a private driveway with access from Lansdowne Avenue, as shown on Attachment #3.

Background - Analysis and Options

The subject lands shown on Attachments #1 and #2 are located on the north side of Regional Road #7, and east of Kipling Avenue, specifically on the east side of Lansdowne Avenue being Lots 16, 17, 18, 19 and 20 on Plan 554, and known municipally as 15 Lansdowne Avenue, City of Vaughan. The 0.17 ha property is currently vacant, and has 9 m of frontage on Lansdowne Avenue.

Previous Applications

In 1994, an application to amend Zoning By-law 1-88 to permit the development of two semi-detached dwellings (total of 4 units) on the property was submitted to the City. The applicant was informed that the proposed development required a corresponding Official Plan Amendment application, and subsequently on February 14, 1995, the applicant withdrew the Zoning Amendment application.

On November 6, 2000, applications to amend the Official Plan (OPA #240 – Woodbridge Community Plan) and Zoning By-Law 1-88 (Files OP.00.021 and Z.00.102 – 9 Way Development Inc.) were submitted to the City, which proposed 5 residential detached dwellings served by a private driveway. The applications were circulated and considered at a Public Hearing on January 22, 2001. Subsequently, on November 6, 2001, the City received a letter from the Owner requesting that the applications be revised to permit a 6 unit townhouse block accessed by a private laneway from Lansdowne Avenue. The revised applications were considered by Council at a Public Hearing held on January 21, 2002. The applications were subsequently closed by the applicant.

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Provincial Policy Statement (PPS)

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development, and sets the policy foundation for regulating the development and use of land. The PPS includes policies that direct new growth to urban areas which contributes to the creation of strong and safe communities, healthy environments and long term economic growth. It also promotes a full range of housing types and densities to meet projected demographic and market requirements of current and future residents, by ensuring that all forms of residential intensification in parts of built-up areas have sufficient infrastructure to create a potential supply of new housing units. The PPS is supportive of intensification. The proposed development represents intensification of an existing infill parcel of land.

Places to Grow

The Places to Grow Plan (“Growth Plan”) sets out Provincial policies applicable to the Greater Golden Horseshoe. The policies of the Growth Plan encourages compact built forms, transit supportive communities, diverse land uses, a range and mix of housing types, and directs growth to settlement areas that offer municipal water and wastewater systems. The proposed development would provide an alternative housing form within the existing neighbourhood. The proposal would result in the intensification of the property with the development of 6 townhomes in a location that is easily accessible and is supportive of Regional transit.

Region of York Official Plan

The subject lands are designated “Urban Area” in the Region of York Official Plan, and abuts Regional Road #7, which is a Regional Corridor. The Plan encourages a broad range of housing types within efficient and mixed use compact communities at an overall transit-supportive density in urban areas. The proposed development is consistent with Regional Official Plan policies by providing an additional housing opportunity to the local area that is compact and efficient, by directing development to existing built-up portions of urban areas, and by locating medium density development in the vicinity of existing and planned transit services.

City of Vaughan Official Plan

The subject lands are designated “Low Density Residential” by OPA #240 (Woodbridge Community Plan), which permits single family detached and semi-detached units at a maximum density of 8.6 units per gross residential hectare. Based on a gross residential site area of 0.305ha comprised of the subject property (0.17 ha), plus 0.135 ha comprised of half of the boundary roads (being Regional Road #7 and Landsowne Avenue), would yield as-of-right permission of approximately 3 residential units. The Owner has submitted an Official Plan Amendment to redesignate the subject lands from “Low Density Residential” to “Medium Density Residential” to permit the proposed development comprised of 6 residential block townhouse units. A goal of OPA #240 is to provide for a predominantly low density community with some higher density to accommodate senior citizens and other family housing needs. The Official Plan also encourages the development of a variety of uses in a form that will create a livable community with a strong sense of identity. The development of this irregular shaped parcel of land will introduce a housing form providing an additional housing opportunity in an existing predominantly low density built-up neighbourhood.

Zoning

The subject lands are zoned R3 Residential Zone by By-law 1-88, which does not permit the proposed townhouse units. The Owner has submitted a Zoning By-law Amendment Application to rezone the subject lands from R3 Residential Zone to RM2 Multiple Residential Zone to permit 6 block townhouse units on the property. In order to facilitate the development, the following zoning exceptions are required.

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| <u>BY-LAW 1-88 STANDARD</u> | <u>BY-LAW 1-88 MINIMUM REQUIREMENT (RM2 MULTIPLE RESIDENTIAL ZONE)</u> | <u>PROPOSED EXCEPTIONS (RM2 MULTIPLE RESIDENTIAL ZONE)</u> |
|---|--|--|
| <u>MINIMUM LOT FRONTAGE (ALONG LANSDOWNE AVENUE)</u> | <u>30 M</u> | <u>9.14 M</u> |
| <u>MINIMUM REAR YARD SETBACK (ALONG EAST PROPERTY LINE)</u> | <u>4.5 M</u> | <u>3.3 M FOR THE EAST PORTION OF BUILDING (UNIT #6)</u> |

The subject property has a lot area of approximately 0.17 ha, and is “key” shaped with a narrow driveway leading to a plateau area set above Regional Road #7. The irregular shaped lot shown on Attachment #2 is bounded by Lansdowne Avenue and a residential lot to the west, open space and Regional Road #7 to the south, a public school to the east, and a residential lot to the north. The reduction to the minimum lot frontage is a result of existing conditions and the proposed 3.3m rear yard setback applies only to a small portion of Unit #6, which abuts the school site to the east. The Development Planning Department can support the zoning exceptions as they are considered to be minor in nature.

The Development Planning Department will require that the lands be zoned with the addition of the site Holding Symbol “(H)”, which will be removed upon the City of Vaughan identifying and allocating servicing capacity for the development, and Council approving a Site Development Application for the subject lands.

Preliminary Site Plan and Elevations

The proposed site plan shown on Attachment #3 is designed in a manner to respond to the constraints of the irregular “key” shaped lot and the comments received at the Public Hearing. The site plan proposes 6 townhouse units served by a main driveway. The townhouse units are traditional in design, each with a rear yard, a parking space in a single garage and one parking space on a driveway. The latest plan relocates the proposed townhouse development easterly in order to create a greater separation distance (7 m) between the existing dwelling and the closest lot line of 11 Lansdowne Avenue. In addition, a small amenity area and 2 visitor parking spaces are provided adjacent to Unit #1 to serve the development.

From the perspective of building mass, the current proposal represents a more compact form of development and would have less of an impact to the neighbouring properties than the amount of development that would be permitted as-of-right on this site under the current R3 zoning provisions. Although, the proposed block townhouse development appears to be a more intense use, it is less dense than a single detached home complying with the R3 standards of the Zoning By-law. That is, one detached home with a similar exception for lot frontage would require a minimum interior side yard of 1.2 m (from the north, south and west property lines), and permit a maximum lot coverage of 40% and a maximum building height of 9.5 m, whereas the current proposal is setback a minimum of 7 m (to 10 m) to the nearest lot line from 11 Lansdowne Avenue, and has a maximum lot coverage of 30% and a maximum building height of 9.2 m. In consideration of the above, the proposed development represents a more compact and efficient building form that provides an additional housing opportunity within an established neighbourhood and has been designed in a manner that creates less impact to neighbouring units.

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The preliminary elevations shown on Attachments #4 and #5 incorporate a “double-fronted” appearance in order to respond to the property’s location abutting Regional Road #7. The main difference between the north and south elevations are with respect to the garage doors and roofline being provided on the north (front) elevation. The east elevation and specifically the west elevation will require an upgraded treatment. The plans are conceptual at this point in time and will be reviewed in greater detail during the site plan process to identify opportunities to provide additional landscaping, appropriate pedestrian connections, and upgraded architectural design. The Development Planning Department has reviewed the proposed conceptual site plan and is generally satisfied with the plan.

The proposed development, if approved, will function as a traditional condominium, with road maintenance, snow removal, and garbage and recycling pick-up being administered by the Condominium Corporation.

Parking and Access

The proposed site plan includes 14 parking spaces comprised of 2 spaces per residential unit, being one on the driveway and the other in the garage, and 2 general visitor parking spaces. By-law 1-88 requires, a minimum of 1.5 parking spaces per unit, and 0.25 visitor parking spaces per unit calculated as follows:

$$6 \text{ units @ } 0.25 \text{ visitor spaces/unit} = 1.5 \text{ spaces}$$

The proposed parking supply complies with By-law 1-88. One driveway accessed from Landsdowne Avenue will be located along the north property line to service the development. The driveway will also serve as the main fire fighting route and access for all utility and emergency vehicles.

Land Use and Built Form

The Provincial Growth Plan defines intensification as the development of a property, site or area at a higher density than currently exists through, in part, the development of vacant and/or underutilized lots within previously developed areas or infill development. The subject lands represent an underutilized lot in an existing developed area and can also be considered an infill site. An intent of the Growth Plan is to accommodate 40% of all new residential development within existing urban areas.

The subject lands abut Regional Road 7, which is a Regional Corridor and is in close proximity to a planned Transit Stop as identified in OPA #661 (Avenue Seven Land Use Futures Study) located at the corner of Kipling Avenue and Regional Road 7. In addition, the Region of York has adopted the York Region 2031 Intensification Strategy, to implement a strategy for intensification, consistent with the Provincial Growth Plan. The Strategy includes an Intensification Matrix Framework (IMF), which identifies key strategic areas where intensification can be best accommodated, including “local Infill” areas. A local infill area includes vacant land.

The development of the subject lands would provide a different and compatible housing option that supports transit and achieves an appropriate transition of built form with the adjacent land uses, which is consistent with the Growth Plan and the Region’s Intensification Strategy.

The proposed site plan provides for a minimum 7 m and 10 m separation distances from the closest property line and the existing structure on 11 Landsdowne Avenue respectively. The site also abuts an existing school property to the east and Regional Road 7 to the south. The proposed built form (townhouses) and land use are also considered to be compatible with the existing land use context and introduces an additional housing opportunity into the local area that is compact, makes more efficient use of the land and services and is transit supportive.

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In addition, through the Site Plan review process, final details of the plan with respect to matters such as building design, buffering and landscaping will be reviewed in detail to facilitate a compatible infill development.

Vaughan Engineering Department

The Vaughan Engineering Department has reviewed the proposed applications and has provided the following comments:

- i) road network access, site circulation and sanitary/water servicing and grading will be reviewed at the Site Development stage;
- ii) the Engineering Transportation Section is generally supportive of the plan shown on Attachment #3, from the perspective of site circulation. Revisions to the access radius is recommended, which will be further reviewed during the Site Development Application process;
- iii) in accordance with the City's Servicing Capacity Distribution Protocol as adopted by Council on April 14, 2009, servicing allocation capacity for the subject lands has not been reserved, nor assigned potential future capacity at this time. However, the City intends to undertake an annual review of the status of the available and unused servicing capacity and related Distribution Protocol capacity at which time servicing for the subject lands will be revisited based on the status of the subject applications; and,
- iv) a Functional Servicing Report (FSR) prepared by EMC Group Limited, dated September 9, 2009 was submitted, reviewed and found acceptable to the Engineering Department.

In light of the Engineering Department's comments respecting the availability of servicing, it is recommended that the property be zoned with the Holding Symbol "(H)", which will be removed when servicing for development is identified and allocated by Vaughan Council.

Toronto and Region Conservation Authority (TRCA)

The Toronto and Region Conservation Authority (TRCA) has reviewed the proposed applications and the supporting Slope Stability Assessment report prepared by V.A. Wood Associates Limited, dated June 25, 2008, and is satisfied with the findings. However, due to the constrained size of the site, the TRCA will accept reducing the erosion access allowance from 6m (recommended by the Study) to 3m to allow small structures within the rear yards of the proposed development and to minimize impact on the subject property. The proposed siting of the townhomes shall continue to respect the 6 m erosion allowance limit.

In light of the above, the TRCA has no objection to the approval of the proposed applications, subject to the following conditions:

- i) the portion of the 3 m easement from the stable top-of-bank, as outlined in the Slope Stability Report prepared by V.A. Wood Associates Limited that encroaches onto the subject property be zoned to an appropriate Open Space category;
- ii) the future site plan drawings for the proposal must illustrate a permanent fence along the edge of the 3 m easement in order to ensure that future property owners do not encroach into the easement; and,

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- ii) a TRCA Permit is required under Ontario Regulation 166/06, prior to the issuance of a municipal building permit.

Relationship to Vaughan Vision 2020/Strategic Plan

This report is consistent with the priorities set forth in Vaughan Vision 2020, particularly “Plan & Manage Growth and Economic Vitality”.

Regional Implications

The Region of York Planning Department has reviewed the proposed development and has indicated that it is consistent with the Regional Official Plan policies to direct development to existing built-up urban areas, and to provide a wider range of housing types and accessibility to existing and planned transit services. Based on their preliminary review, the Region of York has no objection to the proposed land use change and has exempted the Official Plan Amendment Application from Regional approval.

The Region of York Transportation Services Department has reviewed the noise control report prepared by S.S. Wilson Associates, dated January 9, 2009, provided in support of the applications and has no objection to the development. However, prior to Site Plan approval, an updated noise report is required to address the future implementation of the GO Train service along the Canadian Pacific Rail corridor (further to the east) and is to include any Regional requirements. All recommended noise attenuation features must be a minimum height of 2.2 m to a maximum of 3.0 m metres. Furthermore, all detailed site servicing, site grading and landscape drawings must be submitted as part of the site plan submission for Regional approval, and the Owner shall be required to enter into a Site Plan Agreement with the Regional Municipality of York.

Conclusion

The Development Planning Department has reviewed Official Plan and Zoning By-law Amendment Application Files OP.07.028 and Z.07.012 (Naser Gjureci) in the context of the applicable Provincial policies, Regional and City Official Plan policies, the requirements of By-law 1-88, and the surrounding land use context.

The Provincial Policy Statement (PPS) and the Places to Grow Plan encourage intensification and promotes a full range of housing types and densities to meet projected demographics and market requirements of current and future residents in existing built up areas. In this respect, the proposed development conforms to the PPS and the Growth Plan since the applications propose intensification in an existing built-up area and adds to the range of housing in the area.

The Region of York Official Plan (YROP) identifies the subject lands as an “Urban Area”. The objectives of the Regional Plan include targeting growth to existing built-up portions of the Urban Areas, and to permit a broad range of housing types. The proposed development is consistent with the Regional Official Plan with respect to directing growth to an urban area and by facilitating more efficient use of the existing infrastructure and promoting a wider range of housing types within the existing neighbourhood.

OPA #240 (Woodbridge Community Plan) designates the subject lands “Low Density Residential”, which permits single family detached and semi-detached units. A goal of OPA #240 is to provide for a predominantly low density community with some higher density to accommodate other family housing needs. The redesignation of this property to “Medium Density Residential” to permit block townhouses is consistent with the policies of OPA #240, by introducing a new housing form, and providing an additional housing opportunity in an existing predominantly low density neighbourhood.

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On this basis, the Development Planning Department can support the approval of the Official Plan Amendment Application to redesignate the subject lands from “Low Density Residential” to “Medium Density Residential” to permit the proposed 6 unit townhouse block as shown on Attachment #3.

The Development Planning Department can also support the approval of the Zoning By-law Amendment Application to rezone the subject lands from R3 Residential Zone to RM2(H) Multiple Residential Zone with the Holding Symbol “(H)” and to OS1 Open Space Conservation Zone. The Holding Symbol “(H)” shall remain on the lands until such time as Vaughan Council identifies and allocates servicing capacity and approves a Site Development Application for the proposed development. Should the Committee concur, the recommendation in this report can be adopted.

Attachments

1. Context Location Map
2. Location Map
3. Preliminary Site Plan
4. Preliminary North and West Elevations
5. Preliminary South and East Elevations

Report prepared by:

Eugene Fera, Planner, ext. 8064
Carmela Marrelli, Senior Planner, ext. 8791
Mauro Peverini, Manager of Development Planning, ext. 8407

/LG

(A copy of the attachments referred to in the foregoing have been forwarded to each Member of Council and a copy thereof is also on file in the office of the City Clerk.)

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Item 12, Report No. 54, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on December 14, 2009.

12

**AWARD OF TENDER T09-468
BALDWIN AVENUE CULVERT REPLACEMENT
WARD 4**

The Committee of the Whole recommends approval of the recommendation contained in the following report of the Commissioner of Engineering and Public Works, dated December 1, 2009:

Recommendation

The Commissioner of Engineering and Public Works in consultation with the Director of Purchasing Services and the Director of Reserves and Investments recommends:

1. That Tender T09-468, Baldwin Avenue Culvert Replacement be awarded to Esposito Bros. Construction Ltd. in the amount of \$442,842.83, plus G.S.T., subject to TRCA and COMRIF approval;
2. That a contingency allowance in the amount of \$67,000.00, plus G.S.T. be approved within which the Commissioner of Engineering and Public Works or his designate is authorized to approve amendments to the Contract;
3. That the City retain R.V. Anderson Associates Limited to provide contract administration and construction inspection services, including Geotechnical and Material Testing and Disbursements at an estimated cost of \$38,686.00, plus G.S.T.;
4. That a Contingency Allowance in the amount of \$4,000.00, plus G.S.T. be approved for contract administration and construction inspection services within which the Commissioner of Engineering and Public Works or his designate is authorized to approve additional Engineering services;
5. That the necessary By-law be passed authorizing the temporary closure of Baldwin Avenue approximately 50 metres south of Highway 7 to facilitate the timely construction of the culvert replacement for a six week period which is tentatively scheduled to occur between January 4, 2010 and April 5, 2010;
6. That the budget for Capital Project EN-1650-07 be increased by \$150,000.00 and funded by Debenture Financing;
7. The inclusion of the matter on a Public Committee or Council agenda for additional funding request for the Baldwin Avenue Culvert Replacement is deemed sufficient notice pursuant to Section 2(l) (c) of By-law 394-2002; and
8. That the Mayor and City Clerk be authorized to sign the appropriate documents.

Contribution to Sustainability

The replacement of the Baldwin Avenue Culvert will ensure that an acceptable level of service by the City's Infrastructure is maintained for the health and well being of its citizens.

Economic Impact

The total estimated cost is \$570,000.00, which includes a contingency allowance and contract administration, inspection services, including Geotechnical and Material Testing. The original

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budget amount for this project included \$450,000.00 from Capital Budget Project EN-1650-07 and \$62,000.00 from Capital Budget Project EN-1777-09 for a total of \$512,000.00. From this amount, \$76,028.50 has been committed to R.V. Anderson Associates Limited for design services.

The net funds available to construct the works minus the 3% administration fee is approximately \$420,000.00. In order to carry out the project, additional funds in the order of \$150,000.00 are requested for Project No. EN-1650-07 to be funded by Debenture Financing.

COMRIF has committed approximately \$290,000.00 towards this project (two thirds of eligible costs up to \$433,000.00), therefore, the net cost to the City for this contract is approximately \$372,000.00.

Long range financial implications will include operating and maintenance costs associated with this type of infrastructure which are not quantified at this time.

Communications Plan

Once the project is awarded, Engineering Services staff will advise the Ward Sub-Committee and will send out a 'Notice of Construction' letter to the affected residents.

A comprehensive communication plan will be implemented to inform all stakeholders of the proposed temporary Baldwin Avenue road closure and the temporary removal of the traffic diverter at Rockview Gardens Avenue. This communication plan will include written notification of the road closure to the area property owners and stakeholders, including emergency public service agencies (Police, Fire and Ambulance) and school bus companies, as well as Canada Post.

The temporary removal of the traffic diverter at Rockview Gardens Avenue will ensure safer access to and from the area to Keele Street and Highway 7 for the duration of the project. The traffic diverter will be reinstated when the project is completed.

Access Vaughan will be provided with information regarding the closure and associated contact information in order to effectively respond to enquiries from the general public. The contractor will be responsible for the installation and maintenance of all barricades and construction signage in order to provide pedestrian safety and local access around the construction area. The appropriately worded road side signage will be installed a minimum of two weeks prior to the road closure as a means of informing motorists of the temporary road closure in accordance with the Ontario Traffic Manual Book 7.

Purpose

Council approval to award Tender T09-468, Baldwin Avenue Culvert Replacement and also to seek Council approval of the temporary closure of Baldwin Avenue approximately 50 metres south of Highway 7 to facilitate the timely construction of the culvert replacement.

Background - Analysis and Options

On November 15, 2004, the \$900 Million Canada-Ontario Municipal Rural Infrastructure Fund (COMRIF) program was launched to improve and renew public infrastructure across the province of Ontario.

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Council at its meeting on September 11, 2006, approved the Bridge Rehabilitation application in the amount of \$2,089,000.00 under Intake Three of the Canada Ontario Municipal Rural Infrastructure (COMRIF) funding program. The application was for three locations: Humber Bridge Trail Bridge, Baldwin Avenue Culvert and the Peelar Road Culvert. On January 10th, 2007 COMRIF announced that they would contribute 2/3 funding for rehabilitation of the Baldwin Avenue Culvert for eligible costs up to \$433,000.00

This funding is contingent on compliance with certain requirements as stated in the funding agreement. The federal portion of the funding is contingent on a Federal Environmental Assessment (EA) in addition to any provincial or municipal class EAs which may be required.

The City's consultant on this project, R.V. Anderson Associates Limited, was hired through a competitive bid process to carry out the design of the project, as well as to complete any and all requirements of COMRIF. The majority of the requirements have been met and TRCA approval is expected to be issued following their December 11 executive meeting. Final COMRIF approval is expected to be issued following TRCA approval.

The work covered by this tender includes the replacement of the Baldwin Avenue Culvert, including the replacement of a section of sanitary sewer and watermain (Capital Budget Projects EN-1650-07 and EN-1777-09). (See Attachment No. 1 for project location).

This tender was advertised in the Daily Commercial News, on the Ontario Public Buyers Association (OPBA) on Biddingo and on the City webpage, and closed on November 4, 2009. A total of twenty-eight (28) sets of bid documents were picked up from Purchasing Services Department, and the following fifteen (15) bids were received:

| <u>Contractor</u> | <u>Total Bid Amount (excl. G.S.T.)</u> |
|--------------------------------------|--|
| Esposito Bros. Construction Ltd. | * \$442,842.83 |
| Dagmar Construction Inc. | \$499,941.28 |
| Grascan Construction Ltd. | \$533,000.00 |
| Clearway Construction Inc. | \$539,966.27 |
| NEI Construction Corp. | \$545,085.00 |
| Kapp Contracting Inc. | \$547,619.05 |
| Lakeside Contracting Company Limited | \$594,680.00 |
| Moretti Excavating Limited | \$609,931.25 |
| G.C. Romano Sons (Toronto) Limited | \$615,430.00 |
| Dig-Con International Limited | \$658,458.80 |
| Metric Contracting Services Corp. | \$675,527.00 |
| CDC Contracting | \$695,238.10 |
| Graham Bros. Construction Limited | \$746,088.71 |
| Drainstar Contracting Ltd. | \$920,330.00 |
| FCM Construction Limited | \$957,142.86 |

* Corrected for arithmetic error

The estimated cost for this project including provisional items, a contingency allowance, contract administration and inspection and all applicable taxes is \$570,000.00 and is calculated as follows:

| | |
|---|--------------|
| Esposito Bros. Construction Ltd. Bid Price (excl. G.S.T.) | \$442,842.83 |
| Contingency Allowance (±15%) | \$ 67,000.00 |
| Contract Administration and Inspection, including | |
| Geotechnical Inspections and Material Testing (estimated 6 weeks) | \$ 38,686.00 |
| Contingency Allowance (Contract Administration and Inspection) (±10%) | \$ 4,000.00 |
| Sub-Total | \$552,528.83 |

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| | |
|--|-----------------------------|
| G.S.T. (5% amount is 100% recoverable) | \$ 27,626.44 |
| Treasury Administration (3%) | <u>\$ 16,575.86</u> |
| Total | \$596,731.13 |
| Less G.S.T. Recoverable | <u>\$ (27,626.44)</u> |
| Net Total Cost | \$569,104.69 |
| | ROUNDED \$570,000.00 |

Current funding available for this project includes approximately \$360,000.00 from Capital Budget Project EN-1650-07 and approximately \$60,000.00 from Capital Budget Project EN-1777-09 for a total of \$420,000.00. The total estimated project cost is \$570,000.00, therefore, the budget for Capital Project EN-1650-07 should be increased by \$150,000.00 and funded by Debenture Financing. COMRIF has committed approximately \$290,000.00 towards this project which is two thirds funding for eligible costs up to a maximum total project cost of \$433,000.00.

The additional cost to this project over and above the original engineer’s estimate of \$386,500.00 can be attributed to poor soil conditions which required the use of helical pile foundations under the footings, as well as the replacement of sections of sanitary sewer and watermain at the structure, which was not anticipated at the time that the engineer’s estimate was prepared. In view of the above, the contingency allowance has been increased from 10% to 15% to account for potential sub-surface conditions that may arise during the course of construction.

Engineering Services staff and the City’s consultant, R.V. Anderson Associates Limited have reviewed the submitted bids and are satisfied that Esposito Bros. Construction Ltd. is deemed qualified to undertake this project. Therefore, it is appropriate to award this contract to the low bidder, Esposito Bros. Construction Ltd.

Relationship to Vaughan Vision 2020/Strategic Plan

In consideration of the strategic priorities related to Vaughan Vision 2020, the recommendations of this report will assist in:

- Pursue Excellence in Service Delivery;
- Enhance and Ensure Community Safety, Health & Wellness; and
- Lead and Promote Environmental Sustainability

This report is consistent with the priorities previously set by Council.

Regional Implications

Not Applicable.

Conclusion

To facilitate the safe and timely replacement of the Baldwin Avenue Culvert, it is recommended that a By-law be passed to implement the temporary road closure of Baldwin Avenue approximately 50 metres south of Highway 7 for a six week period scheduled to occur between January 4, 2010 and April 5, 2010.

Staff recommends that the Baldwin Avenue Culvert Replacement project be awarded to Esposito Bros. Construction Ltd. In the amount of \$442,842.83, plus G.S.T.

Should Council concur with the additional funding request, this action would be considered as an amendment to the Capital Budget. Pursuant to the Municipal Act, before amending a budget, a municipality shall give notice of its intention to amend the budget at a Council meeting. Where a

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capital project has been subject to a public meeting during the adoption of the approved capital budget and where additional funding is required to complete the approved works, inclusion of the matter in a staff report requesting additional funding on a Public Committee or Council Agenda is deemed sufficient notice pursuant to Section 2(1)(c) of By-law 394-2002.

Attachments

1. Location Map

Report prepared by:

John Zanchettin, C.E.T., Senior Engineering Assistant, ext. 3113
Tom Ungar, P. Eng., CHRP, Design Engineer, ext. 3110

JZ:ep

(A copy of the attachments referred to in the foregoing have been forwarded to each Member of Council and a copy thereof is also on file in the office of the City Clerk.)

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Item 13, Report No. 54, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on December 14, 2009.

13 **KLEINBURG-NASHVILLE SERVICING STRATEGY MASTER PLAN
CLASS ENVIRONMENTAL ASSESSMENT STUDY ASSIGNMENT
ADDITIONAL PROFESSIONAL ENGINEERING FEES
WARD 1**

The Committee of the Whole recommends approval of the recommendation contained in the following report of the Commissioner of Engineering and Public Works, the Commissioner of Planning and the Director of Development/Transportation Engineering, dated December 1, 2009:

Recommendation

The Commissioner of Engineering and Public Works, the Commissioner of Planning and the Director of Development/Transportation Engineering, in consultation with the Director of Purchasing Services and the Director of Reserves and Investments recommend:

1. That additional funding in the amount of \$37,800 plus G.S.T. be approved for professional engineering services by AECOM Canada Limited (formerly known as KMK Consulting Inc.) in connection with the Kleinburg-Nashville Servicing Strategy Master Plan Class Environmental Assessment Study assignment with funding from approved Capital Project No. DT-7035-09; and
2. That a contingency allowance in the amount of \$10,000 plus G.S.T. be approved within which the Commissioner of Engineering and Public Works or his designate is authorized to approve amendments to the Contract with AECOM Canada Limited.

Contribution to Sustainability

The Kleinburg - Nashville Servicing Strategy Master Plan Study will conform to the requirements of the Municipal Engineers Association Municipal Class Environmental Assessment process. In alignment with the objectives of the City's sustainability strategy all natural, social, cultural and economic issues will be considered.

Economic Impact

The total approved funding for the Kleinburg-Nashville Servicing Strategy Master Plan is \$126,500. Capital Budget Project No. 1420-0-02 accounts for \$75,000 and Capital Budget Project No. DT-7035-09 accounts for the remaining \$51,500.

The required additional engineering services associated with this Study are estimated to be \$37,800 excluding G.S.T. A 10% contingency allowance is typically carried for Class EA Studies of this nature based on the total contractual amount.

The costs associated with the additional engineering services will be covered by approved Capital Budget Project No. DT-7035-09 with funding from City-Wide Development Charges.

Communications Plan

The Kleinburg - Nashville Servicing Strategy Master Plan includes a comprehensive public consultation process involving all affected stakeholders. The public consultation process is being conducted in consultation with Staff and the Ward Sub-Committee in accordance with the Master Plan requirements of the Municipal Class Environmental Assessment (Class EA) process. A Notice of Study Commencement was issued in September 2007 as the first point of contact with the public and relevant stakeholders. In addition, the first Public Information Forum took place in December 2007.

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All future public notices required to complete this Study will be placed in local press and on the City's website in order to allow the public to continue participating in the study, resulting in a proactive, transparent consultation process. In addition, a communications database is being kept up to date of all agencies, stakeholders, property owners and other individuals contacted over the duration of the study.

It is anticipated that all public consultation associated with this study will be closely coordinated (where possible) with the City's on-going Growth Management Strategy and City-Wide OP Review process.

Purpose

The purpose of this report is to seek Council approval to increase funding for professional engineering services by AECOM Canada Limited in order to complete the Kleinburg-Nashville Servicing Strategy Master Plan Class EA Study.

Background - Analysis and Options

In early 2007, the Region of York completed its water/wastewater environmental assessment study for the Kleinburg-Nashville community. In June of 2007, KMK Consultants Limited, now operating as AECOM Canada, was retained by the City to undertake a local Servicing Strategy Master Plan Class Environmental Assessment Study. The study was originally required to establish a comprehensive infrastructure servicing strategy to accommodate existing and approved development areas within the Official Plan Amendment 601 area and would build upon the planned Regional infrastructure upgrades.

In September of 2007, a notice of Study Commencement was issued by the City, followed by a Public Information Forum (PIF) that was held in December of 2007. Upon considering all public input from the first PIF, preliminary servicing alternatives were prepared by the City's consultant and circulated to all interested stakeholders.

In 2008, completion of the study was put on hold due to the initiation of the City's Growth Management Strategy and City-Wide OP Review exercise, in which the existing Kleinburg-Nashville secondary plan area (OPA 601) was identified as a Focused Area Study.

Therefore, additional engineering scope will be required to update and complete the overall Water and Wastewater Servicing Strategy Master Plan for the Kleinburg – Nashville area. This will ensure that infrastructure is comprehensively planned and delivered in a timely manner to support development within Kleinburg – Nashville in accordance with the new Official Plan.

Further to this, the City's Consultant shall integrate the proposed Regional water and wastewater infrastructure projects (ie. York Region's Master Plan update recommendations) into their recommended plan.

Accordingly, it is cost effective and timely for the City to approve additional funding for professional engineering services to AECOM Canada Limited to update and expand upon their previous work and to complete the overall Servicing Strategy Master Plan in conjunction with the on-going Kleinburg-Nashville Focused Area Study.

Additional consulting engineering fees will be required due to the;

- revised population projections, land use and local road network;
- required coordination with York Region's recent Master Plan Update (and related North West Vaughan Collector EA);

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- considerations for servicing implications related to the ultimate expansion of the OPA 601 community limits;
- additional requirement for a second Public Information Forum; and
- required coordination with the City-Wide OP Review and Focus Area Study Consultants.

A proposal has been submitted by AECOM Canada Limited to complete the required Kleinburg – Nashville Master Plan Class EA for an estimated cost of \$37,800 excluding G.S.T. Staff has reviewed the Proposal and is satisfied with the work plan and schedule.

AECOM Canada Limited (formerly KMK Consultants Ltd.)

| | |
|--|--------------------------------------|
| Approved Fees to York Region (1420-0-02) | \$29,980 |
| Approved Fees to AECOM (1420-0-02) | \$45,000 |
| Additional Fees and Disbursements (DT-7035-09) | <u>\$37,800</u> |
| Sub-Total Consulting Fees | \$112,780 |
| | |
| Contingency Allowance (10%) | <u>\$ 10,000</u> |
| Sub-Total | \$122,780 |
| | |
| GST (5% amount is 100% recoverable) | \$6,139 |
| Treasury Administration (3%) | <u>\$3,683</u> |
| | |
| Total | \$132,602 |
| Less GST Recoverable | <u>\$(6,139)</u> |
| | |
| Total Cost | \$126,463 (Rounded \$126,500) |

The 2009 approved Capital Budget Project No. DT-7035-09 provides sufficient budget for the completion of the required Servicing Strategy Master Plan with funding from City-Wide Development Charges.

Relationship to Vaughan Vision 2020/Strategic Plan

In consideration of the strategic priorities related to Vaughan Vision 2020, the recommendation of this report will assist in:

- The pursue of excellence in service delivery;
- Leadership initiatives and promotion of environmental sustainability;
- Effective governance; and
- Planning and managing growth, and economic vitality.

This report is therefore consistent with the priorities previously set by Council and the necessary resources have been allocated and approved.

Regional Implications

The Region of York has been identified as one of the key public agency stakeholders on all notification lists associated with this Class EA Study. As such, it is expected that Regional Staff will be involved throughout the duration of the Study and will provide input and comment as required to ensure its successfully completion.

Conclusion

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In order to support the conclusions and recommendations of the Kleinburg-Nashville Focused Area Study, and to facilitate timely development within the community, the City must complete a .../4

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water and wastewater servicing strategy master plan. Accordingly, it is recommended that the requested additional professional engineering fees for AECOM Canada Limited be approved and that a contingency allowance of 10% be carried in order to complete the Study.

Attachments

Not Applicable.

Report prepared by:

Tony Artuso, Senior Engineering Assistant, Engineering Planning & Studies, Ext. 8396
Michael Frieri, Development Supervisor, Engineering Planning & Studies, Ext. 8729

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Item 14, Report No. 54, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on December 14, 2009.

**14 VAUGHAN METROPOLITAN CENTRE SERVICING STRATEGY MASTER PLAN
CLASS ENVIRONMENTAL ASSESSMENT STUDY ASSIGNMENT
ADDITIONAL PROFESSIONAL ENGINEERING FEES
WARDS 3 AND 4**

The Committee of the Whole recommends approval of the recommendation contained in the following report of the Commissioner of Engineering and Public Works, the Commissioner of Planning and the Director of Development/Transportation Engineering, dated December 1, 2009:

Recommendation

The Commissioner of Engineering and Public Works, the Commissioner of Planning and the Director of Development/Transportation Engineering, in consultation with the Director of Purchasing Services and the Director of Reserves and Investments recommend:

1. That additional funding in the amount of \$149,200 excluding G.S.T. be approved for professional engineering services by The Municipal Infrastructure Group in connection with the completion of the Vaughan Metropolitan Centre Servicing Strategy Master Plan Class Environmental Assessment Study assignment (Capital Project No. 1596-0-06);
2. That a contingency allowance in the amount of \$20,000 excluding G.S.T., be approved within which the Commissioner of Engineering and Public Works or his designate is authorized to approve amendments to the Contract with The Municipal Infrastructure Group;
3. That the budget for Capital Project 1596-0-06 be increased from \$77,000 to \$250,000 to cover the estimated cost of completing the Vaughan Metropolitan Centre Servicing Strategy Master Plan Class Environmental Assessment Study with funding from Development Charges;
4. That the inclusion of this matter on a Public Committee or Council agenda with respect to increasing the capital budget identified as the Vaughan Metropolitan Centre Servicing Strategy Master Plan Class Environmental Assessment Study is deemed sufficient notice pursuant to Section 2(1)(c) of Bylaw 394-2002 and;
5. That the Mayor and Clerk be authorized to sign a Mutual Non-Disclosure Agreement between the City of Vaughan, the Toronto Transit Commission (Spadina Subway Extension Project) and The Municipal Infrastructure Group (TMIG).

Contribution to Sustainability

The Vaughan Metropolitan Centre Servicing Strategy Master Plan Study will include consideration of Best Management Practices for storm water management including; soak-away pits, rainwater harvesting, green roofs, porous pavement, bioretention areas and wet ponds. The Study will conform to the requirements of the Municipal Engineers Association Municipal Class Environmental Assessment process. In alignment with the City's sustainability strategy, all natural, social, cultural and economic issues will be considered.

Economic Impact

The current approved funding for the Vaughan Metropolitan Centre Master Servicing Strategy is \$77,000 within Capital Budget Project No. 1596-0-06. Additional funding for the revised scope of engineering services has not been approved in any Capital Budget year.

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The additional engineering services required to complete the Vaughan Metropolitan Centre Servicing Strategy Master Plan Class Environmental Assessment Study is estimated to cost \$149,200 plus G.S.T. A 10% contingency allowance is typically carried for Class EA studies of this nature. Accordingly, a new total budget amount of \$250,000 will be required for the study.

Communications Plan

The Vaughan Metropolitan Centre (VMC) Servicing Strategy Master Plan will include a comprehensive public consultation process involving all affected stakeholders. The public consultation process will be conducted in consultation with Staff and the Ward Sub-Committee in accordance with the Master Plan requirements of the Municipal Class Environmental Assessment (Class EA) process. A Notice of Study Commencement will be issued as the first point of contact with the public and relevant stakeholders. This notice will be placed in local press and is intended to allow the public to participate from the beginning of the study, resulting in a proactive and transparent consultation process. In addition, a communications database will be created and kept up to date of all agencies, stakeholders, property owners and other individuals contacted over the duration of the study. It is anticipated that all public consultation associated with this study will be closely coordinated (where possible) with the City's on-going Growth Management Strategy and City-Wide OP Review process.

Purpose

The purpose of this report is to seek Council approval to:

- increase funding for Capital Project No. 1596-0-06;
- expand the scope of professional engineering services and fees associated with the Vaughan Metropolitan Centre Master Servicing Strategy as provided by The Municipal Infrastructure Group; and
- execute a Mutual Non-Disclosure agreement between the City, the Toronto Transit Commission and The Municipal Infrastructure Group.

Background - Analysis and Options

In February of 2008 the engineering consulting firm The Municipal Infrastructure Group (TMIG) was retained by the City to complete the Vaughan Metropolitan Centre Master Servicing Strategy Study. This study was required to identify potential servicing constraints and establish a master servicing plan for the lands subject to Official Plan Amendments 500, 528 and 529 all related to the Vaughan Metropolitan Centre.

The study has been substantially completed by TMIG based on the existing Official Plan. However, the Vaughan Metropolitan Centre (VMC) secondary plan area as originally defined and approved by OPA 500, 528 and 529 is now under review in conjunction with the City's on-going Growth Management Strategy and City-Wide Official Plan review process. The VMC has been identified as a major Regional Growth Centre and will become the terminus point for the Spadina Subway Extension to Vaughan. Accordingly, significant changes to the original secondary plan area are currently under consideration. The VMC Focused Area Study began in early 2009 and is estimated to be completed in early 2010. The new plan will provide updated residential and employment population projections, a revised road network configuration, a boundary expansion from the original approved OP and generally a revised framework.

The original servicing study completed by TMIG must now be updated to suit the new proposed plan under consideration. In addition, the scope of the Study will be expanded to a Municipal Class Environmental Assessment Master Plan to accommodate the imminent detailed design and construction of municipal infrastructure works required to service the VMC Subway Station and the ultimate build-out of the new secondary plan.

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The Master Plan Class EA will ensure that infrastructure is comprehensively planned and delivered in a timely manner to support the full build-out of the VMC and the Spadina Subway Extension.

The Master Plan Class EA Study will:

- assist and inform the VMC planning consultant to fulfill the obligations of the City-Wide Official Plan Review and Focus Area Study work;
- identify land and/or easement requirements;
- identify overall infrastructure costs;
- assist in updating the City's Development Charges By-laws;
- undertake preliminary geotechnical and hydro-geological assessments of existing and propose storm water management facilities; and
- provide direction to the Spadina Subway Extension VMC Station design team.

TMIG is very familiar with the servicing infrastructure and related issues within the VMC area. Their work to date has involved coordination with the City's VMC planning consultants and Regional Staff. It is cost effective and timely to allow The Municipal Infrastructure Group to update and expand upon their previous work and to undertake the overall Servicing Strategy Master Plan Class EA Study for the VMC lands.

A proposal has been submitted by The Municipal Infrastructure Group to update the servicing strategy and complete the required Municipal Class Environmental Assessment component for an estimated cost of \$149,200 excluding G.S.T. Staff has reviewed the proposal and is satisfied with the proposed work plan and schedule. The estimated completion date for the study is the spring of 2010.

The Municipal Infrastructure Group

| | |
|--|--------------------------------------|
| Phase I Fees | \$ 73,090 |
| Additional Fees and Disbursements | <u>\$149,200</u> |
| Total Consulting Fees | \$222,290 |
| Contingency Allowance (10%) | <u>\$ 20,000</u> |
| Sub-Total | \$242,290 |
| | |
| GST (5% amount is 100% recoverable) | \$ 12,115 |
| Treasury Administration (3%) | <u>\$ 7,269</u> |
| Total | \$261,674 |
| | |
| Less GST Recoverable | <u>\$(12,115)</u> |
| Total Cost | \$249,559 (Rounded \$250,000) |
| | |
| Less Approved Capital Funds (DT-1596-0-06) | <u>\$(77,000)</u> |
| | |
| Additional Required Capital Funds | \$173,000 |

Funding for the additional engineering services associated with this study will be from City-Wide Development Charges.

Accordingly, it is recommended that additional capital budget funds for Capital Project 1596-0-06 be approved to cover the required additional professional engineering services to update the VMC Study.

In accordance with TTC policy, TMIG will be required to enter into a Mutual Non-Disclosure Agreement with the City and the TTC. This agreement will ensure that shared information related to the Spadina Subway Extension project remains confidential and is utilized solely for the purpose of completing the scope of their work for the City.

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Relationship to Vaughan Vision 2020/Strategic Plan

In consideration of the strategic priorities related to Vaughan Vision 2020, the recommendation of this report will assist in:

- The pursue of excellence in service delivery;
- Leadership initiatives and promotion of environmental sustainability;
- Effective governance; and
- Planning and managing growth, and economic vitality.

Specific Strategic Plan Initiatives applicable to the recommendations made in this report include Vaughan's corporate priorities to :

- Work with other levels of government to continue to support the expansion of the Go Rail System, local transit and the Subway; and
- Support and plan high capacity transit at strategic location throughout the City.

This report is therefore consistent with the priorities previously set by Council and the necessary resources have been allocated and approved.

Regional Implications

The Region of York will be identified as one of the key public agency stakeholders on all notification lists associated with this Class EA Study. As such, it is expected that Regional Staff will be involved throughout the duration of the Study and will provide input and comment as required to ensure its successful completion.

Conclusion

Should Council concur with the additional funding request this action would be considered as an amendment to the Capital Budget. Pursuant to the Municipal Act 2001, before amending a budget, a municipality shall give notice of its intention to amend the budget at a Council meeting. Where a capital project has been subject to a public meeting during the adoption of the approved capital budget and where additional funding is required to complete the approved works, inclusion of the matter in a staff report requesting additional funding on a public Committee or Council agenda is deemed to be sufficient notice pursuant to Section 2(1) (c) of By-law 394-2002.

The completion of the Vaughan Metropolitan Centre Servicing Strategy Master Plan Class EA Study will facilitate the efficient and orderly implementation of core municipal infrastructure to support the VMC Subway Station and Transit Oriented Development within the Plan.

Attachments

Not applicable.

Report prepared by:

Tony Artuso, Senior Engineering Assistant, Engineering Planning & Studies, Ext. 8396
Michael Frieri, Development Supervisor, Engineering Planning & Studies, Ext. 8729

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Item 15, Report No. 54, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on December 14, 2009.

**15 STATUS REPORT ON ENTRY SIGNAGE FOR HERITAGE DISTRICTS
WARDS 1, 2 AND 5**

The Committee of the Whole recommends:

- 1) That the recommendation contained in the following report of the Commissioner of Planning, dated December 1, 2009, be approved; and
- 2) That temporary signage indicating the main entrances to the Heritage Conservation Districts in Maple, Kleinburg and Woodbridge be installed in 2010.

Recommendation

The Commissioner of Planning in consultation with the Commissioner of Community Services recommends:

1. THAT this report be received for information purposes in response to Council's resolution of June 30, 2009.

Contribution to Sustainability

N/A

Economic Impact

N/A

Communications Plan

N/A

Purpose

The purpose of this report is to provide Council with information on the status of the Heritage Conservation District Entry Signage at designated approaches in the Woodbridge, Kleinburg, Thornhill and Maple Heritage Conservation Districts.

Background - Analysis and Options

Item 3, Report No. 35 of the Committee of the Whole of June 23, 2009, which was adopted without amendment by Council of the City of Vaughan on June 30, 2009, resolved:

“That appropriate staff prepare and submit to the Committee of the Whole no later than December 31, 2009 a draft plan for the placement of signs at designated approaches to the Woodbridge, Kleinburg, Thornhill and Maple Heritage Conservation Districts, such plan to address design and cost issues; and,

That upon approval in principle of such a plan, it be referred to the Budget Committee, as part of the 2010 budget process.”

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Heritage Entry Signage by District

The following is the status of the Heritage Entry Signage by District:

a) Maple (Ward 1)

The Maple Heritage Conservation District entry signage design has been completed as a component of the “Maple Streetscape Master Plan Study”, and entry signage has been installed or is currently in the process of being installed at 4 designated gateway locations along the streetscape. These locations include: Major Mackenzie Drive and Jane Street; Major Mackenzie Drive and McNaughton Road; Keele Street and Teston Road; and, Keele Street and Cromwell Road in Frank Robson Park (north of Rutherford Road).

b) Kleinburg (Ward 1)

The Kleinburg Heritage Conservation District entry signage design and signage locations are a component included in the “Islington Avenue Streetscape Master Plan Study”, which is currently underway and should be completed in early 2010. Although the study is not completed, gateway entry signage is contemplated in 3 locations at: Major Mackenzie Drive and Islington Avenue; Highway 27 and Nashville Road; and, Highway 27 and Islington Avenue.

c) Woodbridge (Ward 2)

The budget required to complete the design and location of signage in the Woodbridge Heritage Conservation District was included in the Vaughan Development Planning Department’s 2010 Capital Budget request initiatives (Project #DP-9016-10). However this project (Woodbridge Heritage Conservation District Urban Design Streetscape Master Plan Study) did not make the funding line for the 2010 Capital Budget, and as a result, it will be submitted as part of the Development Planning Department’s 2011 Capital Budget request.

d) Thornhill (Ward 5)

It is anticipated that the Thornhill Heritage Conservation District entry signage design and placement will be a component of the “Thornhill Heritage District Urban Design Streetscape Master Plan Study”, which is scheduled to be included in the Development Planning Department’s urban design initiatives request as part of the 2011 Capital Budget process.

Relationship to Vaughan Vision 2020/Strategic Plan

This report is consistent with the priorities set forth in Vaughan Vision 2020, particularly “Plan & Manage Growth & Economic Vitality” and “Preserve Our Heritage and Support, Diversity, Arts & Culture”.

Regional Implications

N/A

Conclusion

Heritage signage has been installed or is currently being installed at designated gateway locations in the Maple Heritage Conservation District in accordance with the approved Maple Streetscape Master Plan Study. In Kleinburg, the Islington Avenue Streetscape Master Plan Study is currently underway, and the heritage signage design and locations will be determined once the study is completed in early 2010. The Development Planning Department will be

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including both the Woodbridge and Thornhill Heritage Conservation District Urban Design Streetscape Master Plan Studies in its urban design initiatives request for the 2011 Capital Budget Process.

Attachments

N/A

Report prepared by:

Moira Wilson, Urban Designer, ext. 8017
Rob Bayley, Manager of Urban Design, ext. 8254

/CM

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Item 16, Report No. 54, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on December 14, 2009.

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**OFFICIAL PLAN AMENDMENT FILE OP.09.005
SITE PLAN CONTROL AMENDMENT FILE 13.6
CITY OF VAUGHAN
THE PLANNING AND CONSERVATION LAND STATUTE LAW
AMENDMENT ACT - BILL 51 AMENDMENTS
ALL WARDS**

The Committee of the Whole recommends approval of the recommendation contained in the following report of the Commissioner of Planning, dated December 1, 2009:

Recommendation

The Commissioner of Planning recommends:

1. THAT Official Plan Amendment File OP.09.005 (City of Vaughan – Bill 51 Amendments) BE APPROVED to require the following within the implementing OPA #705:
 - a) mandatory pre-application consultation meetings with the City for Planning Act applications, including: Official Plan and Zoning By-law Amendments; Site Development; and Draft Plan of Subdivision and Condominium (common element / vacant land); and,
 - b) identify the material(s) and information required to constitute a “complete” application.
2. THAT Site Plan Control Amendment File 13.6 (City of Vaughan) BE APPROVED to amend OPA #200 (Site Plan Control) to include policies respecting the following within the implementing OPA #706:
 - a) to enhance the requirements for exterior design, including without limitation the character, scale, appearance, colour, and design features of buildings and their sustainable design, but only to the extent that it is a matter of exterior design;
 - b) to enhance the sustainable design elements on any adjoining highway under Vaughan’s jurisdiction, including without limitation trees, shrubs, hedges, plantings or other ground cover, permeable paving materials, street furniture, curb ramps, waste and recycling containers, and bicycle parking facilities; and,
 - c) to encourage facilities to have regard for accessibility for persons with disabilities.
3. THAT a By-law BE ENACTED to make Pre-Application Consultation mandatory in the City of Vaughan, prior to the submission of a development application(s) in the form shown on Attachment #3, and in a form satisfactory to the City Solicitor.
4. THAT the following amendments to the City’s Site Plan Control By-law 228-2005 (shown on Attachment #4) BE APPROVED, and that the implementing by-law include the following policies:
 - a) to enhance the requirements for exterior design, including without limitation the character, scale, appearance, colour, and design features of buildings and their sustainable design, but only to the extent that it is a matter of exterior design;

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- b) to enhance the sustainable design elements on any adjoining highway under Vaughan's jurisdiction, including without limitation trees, shrubs, hedges, plantings or other ground cover, permeable paving materials, street furniture, curb ramps, waste and recycling containers, and bicycle parking facilities;
- c) to encourage facilities to have regard for accessibility for persons with disabilities; and,
- d) to amend the definition of "development" to exclude the placement of a portable classroom on a school site of a District School Board if the school site was in existence on January 1, 2007, thereby exempting District School Boards from the site plan control requirements for portables for existing schools.

Contribution to Sustainability

The Bill 51 amendments to the Planning Act include provisions to permit a municipality to require sustainable features in a development application, as identified in this report.

Economic Impact

The changes included in the new Planning Act through Bill 51 will result in increased costs to the City including additional notice requirements for complete applications and refusal decisions. Wherever possible, costs can be reduced by coordinating new notification procedures with existing notice requirements, including Notices to the Public of Complete/Incomplete Application with a Notice of a Public Meeting. The full costs associated with implementing Bill 51 are unknown at this time.

Communications Plan

On October 8, 2009, a Notice of Public Hearing was posted on the City of Vaughan website (City Page). On October 15, 2009, a Notice of Public Hearing was published in the Vaughan Citizen and Liberal to advise the public of the proposed amendments to the Official Plan, the Site Development By-law, and the required implementing by-laws to effect the changes of Bill 51. A Public Hearing was held on November 10, 2009, where the Development Planning Department presented a summary of the changes to the Planning Act resulting from The Planning and Conservation Land Statute Law Amendment Act (Bill 51) Amendments to both Council and members of the public. The recommendation of the Committee of the Whole to receive the Public Hearing report of November 10, 2009, will be ratified by Council on November 24, 2009. As of November 17, 2009, no comments from the public have been received by the Development Planning Department.

Purpose

This report outlines the amendments required to implement the new policies contained in Bill 51 as they relate to the processing of Planning Act applications, as follows:

- a) To establish a City-wide Official Plan to mandate pre-application consultation and to prescribe the minimum information required to deem a Planning Act application complete;
- b) To add policies and provisions to the Official Plan for Site Plan Control (OPA #200) with respect to matters relating to exterior building design (including character, scale, appearance, colour, and sustainable design), and facilities to have regard for accessibility;

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- c) To establish a municipal by-law making Pre-Application Consultation mandatory prior to the submission of a development application; and,
- d) To add provisions to the City's Site Plan Control By-law (228-2005) with respect to matters relating to exterior building design (including character, scale, appearance, colour, and sustainable design), and facilities to have regard for accessibility.

Background - Analysis and Options

On February 13, 2006, the Development Planning and Legal Departments jointly reported to Council on the First Reading of Bill 51 "*The Planning and Conservation Land Statute Amendment Act*" and recommended a number of changes to the Act to the Ministry of Municipal Affairs and Housing.

On September 5, 2006, the Development Planning and Legal Departments provided a report to Council on the proposed regulations associated with Bill 51. This report also recommended a number of changes to the regulations to the Ministry of Municipal Affairs and Housing.

Bill 51 received Royal Assent on October 19, 2006. On December 15, 2006, notice was given that *The Planning and Conservation Land Statute Amendment Law Act* (Bill 51) and its associated regulations would come into effect on January 1, 2007.

The Ontario Regulation 548/06, which addresses the transition provisions, provides that in the case of an application for official plan amendment, zoning by-law amendment, site plan approval, consent, subdivision and condominium (vacant land or common element), the date that the applications are considered to have "commenced" is the date that the applications were submitted, provided all fees are paid and the applications are deemed complete. If any of the referenced applications were "commenced" on or after January 1, 2007, they are then subject to the new requirements of the Planning Act. Any application which "commenced" prior to January 1, 2007, shall be continued to be disposed of under the Planning Act as it is read on December 31, 2006.

Under Bill 51, Council, local boards and the Ontario Municipal Board must now make their decisions consistent with the Provincial Policy Statement and Provincial Plans in effect at the time of the decision, and not at the time of the application.

Bill 51 includes various amendments to the Planning Act in order to make the planning process more open and accessible. Bill 51 strengthens the land use planning framework by providing additional tools and processes to municipalities to assist in the implementation of related Provincial initiatives, all aimed at developing stronger and more sustainable communities.

Pre-Application Consultation and Complete Application – Official Plan Amendment (OPA #705)

The purpose of draft OPA #705 is two-fold: a) to mandate Pre-Application Consultation; and, b) to prescribe the minimum information required to deem a Planning Act application as "complete".

a) Pre-Application Consultation Meeting

Pursuant to the Bill 51 amendments to the Planning Act, it is proposed that the City require all applicants to attend a Pre-Application Consultation (PAC) meeting prior to submitting a Planning Act application. The purpose of the PAC meeting is for the applicant to present a development proposal and subsequently, for City staff to identify the materials required for a full and complete submission of the development application(s), (i.e. Official Plan Amendment, Zoning By-law Amendment, Site Development, Draft Plan of Subdivision, and/or Draft Plan of Condominium (vacant land and common element). PAC meetings are hosted by the Development Planning

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Department and may include representatives from various City Departments involved in the evaluation of development applications. The PAC meeting will provide the information to applicants with respect to the necessary information required to process a development application in order to facilitate a complete and therefore more efficient review process. The Development Planning Department has prepared a draft “Pre-Application Consultation and Complete Application Package”, which will provide guidance to applicants, as shown on Attachment #5.

Although every effort will be made to ensure that all the submission requirements are identified at the PAC meeting, it is acknowledged that there will be instances where through the application review process, additional submission requirements (e.g. reports, studies, plans, etc.) may be required by the City or external commenting agencies (e.g. Region of York, Toronto and Region Conservation Authority). In addition, it is not the intent of the PAC meeting to constitute any form of approval/refusal of a development application and that the sole purpose of this meeting is to identify complete application submission requirements.

Although it is Vaughan’s practice to encourage pre-application consultation meetings, it is now an option for a municipality through an Official Plan and a municipal by-law, to make pre-application consultation mandatory. Should Council concur with the recommendation contained in this report, the Development Planning Department has prepared a draft Official Plan Amendment (OPA #705) and a municipal by-law as shown on Attachments #1 and # 3, respectively, to make pre-application consultation mandatory.

b) Complete Application

Bill 51 expands the list of information and materials which must be submitted in support of an application for an official plan amendment, zoning by-law amendment, subdivision and consent. These items are included in the regulations corresponding to each application type (Ontario Regulations 543/06; 545/06; 544/06; and, 547/06, respectively). Although the Act does not refer to Site Development Applications, the Development Planning Department will continue to require complete applications for this application, as was approved for implementation through the recent Site Plan Process Review in January 2008. Once any of these development applications are submitted, the City is required, within 30 days of the application fee being paid, to advise the applicant if the application is complete or not (refer to Complete and Incomplete Notices provided on Attachments #6 and #7, respectively). Within 15 days of advising the applicant of a complete application, the City must advise the public of the receipt of the complete application (refer to the Notice on Attachment #8). If there is disagreement with respect to an application being complete, an applicant may file a motion with the Ontario Municipal Board (OMB) requesting that the OMB adjudicate on this matter within 30 days of the date of the notice. Should this occur, the City has 15 days from the date that the OMB’s decision is issued, to advise the public.

In order to implement this provision, however, Council must adopt an Official Plan or an amendment to an Official Plan that prescribes the application submission requirements. The regulations for what information constitutes a complete application have been expanded to include some of the following:

- i) consistency with Provincial Policy Statement (PPS);
- ii) conformity or does not conflict with Provincial plans;
- iii) considerations related to servicing;
- iv) identification of related Planning applications;
- v) archaeological potential; and,
- vi) ensure zoning by-laws conform to the municipal Official Plan.

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In order to ensure a complete application has been submitted, a municipality can pass a by-law requiring applicants to consult with them before submitting an application, as discussed in the PAC section (a) above. The submission requirements will vary, depending on the type of application submitted and will be clarified during the PAC meeting held with the Development Planning Department and other City Departments. The type of information that may be required of applicants shall include, but not be limited to, the following:

- i) Planning Justification Study;
- ii) Environmental Impact Study;
- iii) Flood Plain and Erosion Hazard Study;
- iv) Agricultural Lands Impact Study;
- v) Air Emissions Study;
- vi) Traffic Impact Study;
- vii) Retail Market Study; and,
- viii) Plans including site grading, servicing, landscaping and elevations.

The Development Planning Department has prepared a draft Submission Requirement Checklist, shown on Attachment #5. This checklist includes the aforementioned studies in addition to other documents, reports and studies that may be required in support of a Planning Act application. This checklist will be completed by the Development Planning Department, with other City Departments and the applicant at the PAC meeting after discussing the respective development proposal. The checklist will form the basis of whether or not an application is deemed to be complete by the Development Planning Department, after which, the Development Planning Department will follow the aforementioned notification protocol to the applicant and the public.

In accordance with the above, the Development Planning Department has drafted a municipal Official Plan (OPA #705, as shown on Attachment #1) which outlines the submission requirements for an application for Official Plan Amendment, Zoning By-law Amendment, Site Development, Draft Plan of Subdivision and/or Draft Plan of Condominium (vacant land and common element), and Consent. These applications will be considered complete only when all of the following items have been provided to the City:

- a) a complete Planning Act application form;
- b) the prescribed current application fee(s);
- c) all information or materials prescribed by the Planning Act; and,
- d) the requisite other information and materials as determined through a PAC meeting.

Should Council concur, a recommendation to approve Official Plan Amendment File OP.09.005 to include the required policies within draft OPA #705, has been included in this report.

Amendments to The City's Site Plan Control Official Plan

The City's Official Plan Amendment #200, designates the whole of the City as a Site Plan Control Area as implemented by the City's Site Plan Control By-law Number 228-2005 pursuant to Section 41(2) of the Planning Act. Bill 51 amendments to the Planning Act now permit a municipality to require drawings, which are sufficient to display external building details that address certain specified matters such as sustainable design, character, colour, and appearance, provided that Vaughan's Official Plan (OPA #200) and its Site Plan Control By-law are amended to this effect.

The Development Planning Department has prepared a draft Official Plan Amendment #706 to amend OPA #200 (as shown on Attachment #2) and a draft Site Plan Control By-law (as shown on Attachment #4) to add the following policies and provisions respectively:

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“Drawings showing plan, elevation and cross-section views for each proposed building to be erected, which are sufficient to display:

- a) matters related to exterior design, including without limitation the character, scale, appearance, colour, and design features of buildings and their sustainable design, but only to the extent that it is a matter of exterior design;
- b) the sustainable design elements on any adjoining highway under Vaughan’s jurisdiction, including without limitation trees, shrubs, hedges, plantings or other ground cover, permeable paving materials, street furniture, curb ramps, waste and recycling containers, and bicycle parking facilities; and,
- c) facilities designed to have regard for accessibility for persons with disabilities.”

Bill 51 has revised the definition of “development” to exempt the development of a portable classroom on a school site of a District School Board if the school site was in existence on January 1, 2007. As such, the placement of portables no longer requires site plan approval, for school sites that existed prior to this date. The Development Planning Department has included policies and provisions to this effect in its proposed draft Official Plan Amendment to OPA #200 and Site Plan Control By-law, as shown on Attachments #2 and #4, respectively.

Should Council concur, recommendations to adopt amendments to OPA #200 and By-law Number 228-2005 are included in this report.

Bill 51 Notification

As discussed earlier, in the Complete Application section of this report, Bill 51 requires the following notifications to be provided to the applicant and the public:

- A Notice of Complete or Incomplete Planning Act Applications (ie. Official Plan, Zoning By-law, Site Plan, Subdivision and Condominium (Vacant Land and Common Element)) must be sent to the Applicant within 30 days of receipt of the development application by the Development Planning Department. The respective draft notices are shown on Attachments #6 and #7;
- A Notice to the Public of a Complete Application must be sent by the City Clerk’s Department within 15 days of informing the Applicant that the application(s) is deemed complete by the Development Planning Department. A draft notice is shown on Attachment #8; and,
- A Notice of Council’s refusal to adopt proposed amendments to the Official Plan and/or Zoning By-law must now be sent by the City’s Clerks Department not later than 15 days after the day of refusal. The respective draft notices are shown on Attachments #9 and #10.

The Development Planning Department has addressed other Bill 51 requirements through the recent initiatives approved in the “Public Notification of Planning Applications” review in early 2009, and through the normal course of processing development applications, as follows:

- Adding new Planning Act Regulations to the standard Notices sent by the City Clerks Department, including the Notice of Public Hearing, as shown on Attachment #11;

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- Applying Conditions of Approval for Plans of Subdivision with respect to sustainability and accessibility; and,
- Applying the new definition of “Development” in Bill 51, which excludes the placement of portables on a school site for a District School Board, if the school site was in existence on January 1, 2007; thereby exempting School Boards from the site plan control requirements for portables for existing schools.

Consent Applications (Committee of Adjustment)

Bill 51 made minor amendments to the Consent provisions in Section 53 of the Planning Act. Though the requirement for a complete application is required for all Consent applications, a notice of a complete application is not required under the Planning Act. A motion to the OMB, however, may be filed if there is a dispute regarding the completeness of the application.

The Consent application form also now requires that the applicant provide information regarding conformity with the Provincial Policy Statement and any other relevant Provincial plans, such as the Oak Ridges Moraine Conservation Plan.

Development Planning Department: Planning Act Application Forms

Bill 51 amendments were implemented with revisions to the Ontario Regulations for development applications (Official Plan Amendment, Zoning By-law Amendment and Plans of Subdivision) that outline what information must be included with a Planning Act application form. The Development Planning Department is finalizing the necessary revisions to the development application forms in order to be consistent with these changes. This is an administrative change to be implemented by the Development Planning Department and does not require action by Council.

Relationship to Vaughan Vision 2020/Strategic Plan

This report is consistent with the priorities set forth in Vaughan Vision 2020, particularly “Plan & Manage Growth & Economic Vitality”.

Regional Implications

The Official Plan Amendment File OP.09.005 has been circulated to the Region of York Planning and Development Services Department requesting Regional exemption from the approval of the proposed implementing Official Plan Amendments, given its’ local significance. The Region has advised that any Official Plan Amendments resulting from this report, namely OPA #705 and OPA #706, will require approval from the Development Services Department, however, not Regional Council.

Conclusion

The Development Planning Department has reviewed the Provincial Planning Act reforms under Bill 51 as they relate to the processing of Planning Act applications. A City-wide Official Plan Amendment and a by-law are required to mandate pre-application consultation and to prescribe the minimum information required to deem a Planning Act application to be complete. In addition, it is necessary to amend the City’s Site Plan Control Official Plan and By-law (I.e. OPA #200 and By-law 228-2005) to add policies and provisions with respect to review and implementation matters relating to exterior building design (e.g. building character, scale, appearance, colour, and sustainable design), and that facilities have regard for accessibility. Should the Committee concur, Official Plan Amendment File OP.09.005 and Site Plan Control File 13.6 can be approved to include policies and provisions within the implementing draft OPA #705 and OPA #706, draft By-law making Pre-Application Consultation mandatory, and draft amendment to the Site Plan Control By-law, subject to the recommendations in this report.

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Attachments

1. Draft Official Plan Amendment No. 705 (Complete Application/Pre-Application Consultation)
2. Draft Official Plan Amendment No. 706 (Site Plan Control)
3. Draft By-law Making Pre-Application Consultation Mandatory
4. Site Plan Control By-law 228-2005, as amended
5. Pre-Application Consultation Package
6. Notice of Complete Application to Proponent
7. Notice of Incomplete Application to Proponent
8. Notice to Public of a Complete Application
9. Notice of Decision for Official Plan Amendment Application
10. Notice of Decision for Zoning By-law Amendment Application
11. Revised Notice of Public Meeting

Report prepared by:

Stephen Lue, Planner, ext. 8210
Christina Napoli, Planner, ext. 8483
Clement Messere, Planner, ext. 8409
Carmela Marrelli, Senior Planner, ext. 8791
Mauro Peverini, Manager of Development Planning, ext. 8407

/CM

(A copy of the attachments referred to in the foregoing have been forwarded to each Member of Council and a copy thereof is also on file in the office of the City Clerk.)

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Item 17, Report No. 54, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on December 14, 2009.

**17 ROAD NAME CHANGE- SOUTH BELAIR AVENUE TO SOUTH BELAIR DRIVE
WARD 2**

The Committee of the Whole recommends approval of the recommendation contained in the following report of the City Clerk, dated December 1, 2009:

Recommendation

The City Clerk recommends:

THAT Council direct the City Clerk to initiate the street name change process to change the name of a portion of South Belair Avenue to South Belair Drive.

Contribution to Sustainability

N/A

Economic Impact

N/A

Communications Plan

Mailing to all affected property owners and all required agencies.

Purpose

To initiate the street name change process in order to properly rename a portion of South Belair Avenue, within Registered Plan 65M-3473, to South Belair Drive.

Background - Analysis and Options

It has come to the attention of City Staff that a portion of South Belair Drive, between Via Carmine Avenue and Silverado Trail, is legally named South Belair Avenue. The residents know this portion of road as "South Belair Drive", that being the name which appears on the street signs. Most other mapping sources, including City maps and common online mapping sources, recognize this street as South Belair Drive.

Confusion has arisen with some federal agencies such as Canada Post which only recognize the legal name, being South Belair Avenue. This has led to situations where official documents are issued with a street address of South Belair Avenue, even though the residents know their street as South Belair Drive.

Plan 65M-3473, registered on December 27th, 2000, incorrectly identified the street name as South Belair Avenue. The street name should have matched the street to the north in Plan 65M-3435, which had the name of South Belair Drive. The registered M-Plans have been used by outside agencies, such as Canada Post, and as a result they only recognize South Belair Avenue.

A total of 25 properties will be affected by the street renaming. All the property owners will be notified of the proposed change by way of a letter mailed out to them. In an effort to reduce confusion for the residents and to ensure consistency with the street to the north, it is

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recommended that the City Clerk be directed to initiate the formal road renaming process. This will correct the incorrect legal name of South Belair Avenue so that it will officially be known as South Belair Drive.

Relationship to Vaughan Vision 2020/Strategic Plan

This report is consistent with the priorities previously set by Council and the necessary resources have been allocated and approved.

Regional Implications

N/A

Conclusion

It is recommended that the City Clerk initiate the street name change process to rename a portion of South Belair Avenue to South Belair Drive.

Attachments

Location map

Report prepared by:

Brenda Macdonald, Administrative Co-ordinator, Clerk's Department,
Todd Coles, Manager of Development Services and Secretary-Treasurer to Committee of Adjustment,

(A copy of the attachments referred to in the foregoing have been forwarded to each Member of Council and a copy thereof is also on file in the office of the City Clerk.)

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Item 18, Report No. 54, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on December 14, 2009.

18

**AWARD OF RFP09-180
TELECOMMUNICATIONS SERVICES**

The Committee of the Whole recommends approval of the recommendation contained in the following report of the Chief Information Officer (CIO), dated December 1, 2009:

Recommendation

The Chief Information Officer (CIO), in consultation with the Director of Information Technology and Telecommunications, Director of Purchasing Services and the City Manager recommends:

1. That Request For Proposal (RFP09-180) for Telecommunications Services be awarded to Bell Canada for a period of three (3) years, and;
2. That the Mayor and City Clerk be authorized to sign related documents.

Contribution to Sustainability

As part of telecommunications services proponent qualification process, additional evaluation points were given to proponents that demonstrated environmentally responsible business practices. As various telecommunications services are acquired, every opportunity to use most environment-friendly equipment (low power consumption, low heat emission, etc.) is explored. Whenever possible, aged telecommunications equipment is traded in for recycling.

Economic Impact

The City of Vaughan maintains a large and complex data/voice network infrastructure that supports most City facilities, including community centres, parks, Libraries and Vaughan Fire and Rescue Services locations. Additionally, the City subscribes to land and wireless telecommunications carrier services, and acquires related resources such as telephone system maintenance, network devices maintenance, network monitoring and security.

The total cost of telecommunications services for the City is approximately \$1.6 million over three (3) years. This amount is included in the City's annual operating budget and additional resources are not required.

Communications Plan

Not required.

Purpose

The purpose of this report is to receive Council approval to award RFP09-180 for Telecommunications Services to Bell Canada for a period of three (3) years. The telecommunications services to be awarded include data/voice network infrastructure that supports most City facilities, including community centres, parks, Libraries and Vaughan Fire and Rescue Services locations. Cellular communications services are not in scope of RFP09-180.

Background - Analysis and Options

The City of Vaughan maintains a large and complex data/voice network infrastructure that extends to most City facilities, including community centres, parks, Libraries and Vaughan Fire
.../2

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and Rescue Services locations. Additionally, the City subscribes to land and wireless telecommunications carrier services, and acquires related resources such as telephone system maintenance, network devices maintenance, network monitoring and security.

Reliable, responsive and secure operation of the City's telecommunications infrastructure is a key business requirement for efficient City operations and delivery of services to residents. The design, deployment and maintenance of the City's telecommunications infrastructure must be focused on the City's business requirements and performed on a timely basis by qualified professionals.

To efficiently and effectively manage the City's telecommunications infrastructure, a process was put in place to first establish qualified vendors of record for telecommunications services, and then to seek competitive proposals from the vendors of record for delivery of telecommunications services.

Proposals Evaluation Process

On November 10, 2008, Council approved the establishment of Bell Canada, Rogers Communications Inc., and Telus Communications Company as the City's vendors of record for provision of telecommunications services.

On June 30, 2009, Request for Proposal (RFP09-180) was issued to the telecommunications services vendors of record for provisioning of telecommunications services to the City for a period of 3 years. The closing date for RFP09-180 was August 11, 2009.

The following two (2) vendors of record submitted a proposal:

1. Bell Canada
2. Rogers Business Solutions (a division of Rogers Cable Communications Inc.)

The received proposals were evaluated by an evaluation committee which consisted of Information and Technology Management (ITM) department staff and staff from the Purchasing Services department facilitated the evaluation process. The evaluation criteria were:

| CRITERIA | EVALUATION POINTS |
|----------------------------------|--------------------------|
| Cost | 75 |
| - Service Pricing | |
| - Customer Loyalty Discounts | |
| - Economic Impact | |
| Service Levels | 15 |
| - Problem Diagnosis & Resolution | |
| - Problem Escalation | |
| - Problem Prevention Techniques | |
| Flexibility & Creativity | 10 |
| - Technology Strategy | |
| - Innovative Use of Technology | |

Based on the evaluation committee's results, Bell Canada's proposal received the highest number of evaluation points. Therefore, it is recommended that Bell Canada be awarded RFP09-180 for provisioning of telecommunications services to the City of Vaughan for a period of three (3) years.

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Relationship to Vaughan Vision 2020

This report is consistent with the priorities previously set by Council and the necessary resources have been allocated and approved.

Specifically, the recommendations of this report support the following VaughanVision 2020 initiatives:

- A-1 *Pursue Excellence in Service Delivery* – To deliver a high quality of services within approved service standards to all City stakeholders e.g. staff, citizens and businesses.
- C-2 *Enhance Productivity, Cost Effectiveness and Innovation* – To develop and implement innovative solutions and technological infrastructure, providing enhanced productivity and operational efficiency.
- C-3 *Maintain Assets and Infrastructure*– To optimize existing infrastructure through sound asset management.

Regional Implications

None

Conclusion

Reliable, responsive and secure operation of the City's telecommunications infrastructure is a key business requirement for efficient City operations and delivery of services to residents. The design, deployment and maintenance of the City's telecommunications infrastructure must be focused on the City's business requirements and performed on a timely basis by qualified professionals.

To efficiently and effectively manage the City's telecommunications infrastructure, a process was put in place to first establish qualified vendors of record for telecommunications services, and then to seek competitive proposals from the vendors of record for delivery of telecommunications services.

Based on the evaluation committee's results, Bell Canada's proposal received the highest number of evaluation points. Therefore, it is recommended that Bell Canada be awarded RFP09-180 for provisioning of telecommunications services to the City of Vaughan for a period of three (3) years.

The total cost of all telecommunications services for the City is approximately \$1.6 million over three (3) years. This amount is included in the City's annual operating budget.

Attachments

None

Report prepared by:

Dimitri Yampolsky, Chief Information Officer (CIO) – Ext. 8352

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19

**ZONING BY-LAW AMENDMENT FILE Z.08.069
2107683 ONTARIO LTD., RIOCAN PS INC., AND SRF VAUGHAN INC.
WARD 2**

The Committee of the Whole recommends approval of the recommendation contained in the following report of the Commissioner of Planning, dated December 1, 2009:

Recommendation

The Commissioner of Planning recommends:

1. THAT the Ontario Municipal Board BE ADVISED THAT VAUGHAN COUNCIL ENDORSES THE APPROVAL OF Zoning By-law Amendment File Z.08.069 (2107683 Ontario Ltd., Riocan PS Inc., and SRF Vaughan Inc.), to rezone the subject lands shown on Attachments #1 and #2 from EM2 General Employment Area Zone and EM2(H) General Employment Area Zone with the Holding Symbol "(H)" to EM3 Retail Warehouse Employment Area Zone, together the following site-specific exceptions, to facilitate retail warehouse development:
 - a) permit the following uses in addition to the permitted EM3 Zone uses on Part "A" of the subject lands identified on Attachment #3:
 - i) within a multi-unit building:
 - i) Eating Establishment;
 - ii) Eating Establishment with outdoor patio;
 - iii) Eating Establishment - Convenience;
 - iv) Eating Establishment - Take-out with outdoor patio;
 - v) Personal Service Shop;
 - vi) Convenience Retail Store;
 - vii) Bank and Financial Institution;
 - viii) Print Shop with Accessory Retail Sales; and,
 - ix) Veterinary Clinic;
 - ii) within a stand-alone building:
 - i) Eating Establishment;
 - ii) Eating Establishment with outdoor patio;
 - iii) Eating Establishment - Convenience;
 - iv) Eating Establishment – Take-out with outdoor patio; and,
 - v) Bank and Financial Institution;
 - b) permit the following site-specific zoning exceptions to the EM3 Retail Warehouse Employment Area Zone:

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| | <u>BY-LAW STANDARD</u> | <u>BY-LAW 1-88 REQUIREMENTS (MINIMUM REQUIREMENTS OF THE EM3 RETAIL WAREHOUSE EMPLOYMENT AREA ZONE)</u> | <u>PROPOSED EXCEPTIONS TO BY-LAW 1-88 (EM3 ZONE)</u> |
|------------------|--|---|--|
| <u>A.</u> | <u>MINIMUM FRONT YARD SETBACK (BUILDING 'G' – MILANI BOULEVARD)</u> | <u>6.0M</u> | <u>5.2 M</u> |
| <u>B.</u> | <u>MINIMUM INTERIOR SIDE YARD SETBACK (SOUTHWEST CORNER OF BUILDING 'E')</u> | <u>6.0M</u> | <u>0.3M</u> |
| <u>C.</u> | <u>MINIMUM LANDSCAPE STRIP WIDTH ABUTTING AN OS1 OPEN SPACE CONSERVATION ZONE</u> | <u>7.5M</u> | <u>1.4M</u> |
| <u>D.</u> | <u>MINIMUM PARKING REQUIREMENT</u> | <u>6 SPACES/100M²</u> | <u>5.5 SPACES/100M²</u> |
| <u>E.</u> | <u>LOADING AND UNLOADING BETWEEN A BUILDING AND A STREET</u> | <u>NOT PERMITTED</u> | <u>TO PERMIT LOADING AND UNLOADING BETWEEN BUILDING 'E' AND MILANI BOULEVARD, SUBJECT TO THE PROVISION OF A MINIMUM 4 M WIDE LANDSCAPE STRIP ALONG MILANI BOULEVARD TO INCLUDE A LIVING WALL AND CONIFEROUS TREES</u> |

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| | | | |
|------------------|--|-----------------------------|--|
| <u>F.</u> | <u>SHARED DRIVEWAYS AND AISLES WITH THE LANDS TO THE NORTH AND EAST</u> | <u>NOT PERMITTED</u> | <u>TO PERMIT SHARED DRIVEWAYS AND AISLES WITH THE LANDS TO THE NORTH AND EAST</u> |
| <u>G.</u> | <u>MAXIMUM DRIVEWAY WIDTH</u> | <u>13.5 M</u> | <u>20 M</u> |

Contribution to Sustainability

The contribution to sustainability will be identified during the review of the related Site Development Application (File DA.09.066).

Economic Impact

There are no requirements for new funding associated with this report.

Communications Plan

On May 29, 2009, a Notice of Public Hearing was circulated to all property owners within 150m of the subject lands, and to the West Woodbridge Homeowners Association. Through the notice circulation, no comments were received by the Development Planning Department. The recommendation of the Committee of the Whole to receive the Public Hearing report of June 23, 2009, and to forward a comprehensive report to a future Committee of the Whole meeting was ratified by Council on June 30, 2009.

The conceptual site plan that was considered at the Public Hearing on June 23, 2009, is shown on Attachment #4. The applicant has since modified their conceptual site plan, which is shown on Attachment #3, and is the subject of this staff report.

Purpose

At the Public Hearing held on June 23, 2009, the Committee of the Whole considered an application to rezone the lands shown on Attachment #2 as "Lands Subject to Public Hearing on June 23, 2009 (File: Z.08.069)", from EM2 General Employment Area Zone to EM3 Retail Warehouse Employment Area Zone and C7 Service Commercial Zone, to permit retail warehouse (EM3) uses within a multi-unit building on the northern portion of the site and to permit service commercial (C7) uses within a multi-unit building and stand-alone building on the southern portion of the site as shown on Attachment #4. The Owner subsequently amended the application, to reflect the current proposal shown on Attachment #3, which includes lands to the north also owned by the Owner, which were previously subject to a statutory Public Hearing on June 16, 2008.

The current proposal, which is the subject of this staff report, amends the City's Zoning By-law 1-88 to rezone the subject lands shown on Attachment #3 from EM2 General Employment Area Zone and EM2(H) General Employment Area Zone with the Holding Symbol "(H)" to EM3 Retail Warehouse Employment Area Zone to permit retail warehouse uses, and the necessary zoning exceptions required to implement the proposed plan shown on Attachment #3.

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Background - Analysis and Options

Location

The subject lands shown on Attachments #1 and #2, are located on the north side of Milani Boulevard, being southwest of Regional Road 27 and Langstaff Road, in Part of Lot 9 Concession 9, City of Vaughan. The surrounding land uses are shown on Attachment #2.

Ontario Municipal Board (OMB)

On May 7, 2009, the Owner appealed their Zoning By-law Amendment Application (File Z.08.069) to the OMB under Subsection 34(11) of the *Planning Act* R.S.O. 1990, on the basis of Vaughan Council's refusal or neglect to enact a proposed amendment to the Zoning By-law on the subject lands.

The original zoning proposal, which was the subject of the appeal was based on the proposal to rezone the northern portion of the site to EM3 Retail Warehouse Employment Area Zone and the southerly portion to C7 Service Commercial Zone as shown on Attachment #4. The Development Planning Department advised the Owner that the "Service Node" policies within OPA #450 (Employment Area Growth and Management Plan) did not support Service Commercial uses in this location, within the interior of an employment area, and that this proposal did not conform to the Official Plan. The Development Planning Department did not have any objections to the proposed EM3 Retail Warehouse Employment Area Zone on the remainder of the property. The Development Planning Department was not in a position to support the proposed C7 Service Commercial Zone on the southerly parcel, which the Owner was of the opinion conformed to the "Service Node" policies in OPA #450, and therefore appealed to the OMB.

The Development Planning Department continued to work with the Owner after the notice of appeal was filed to the OMB, and advises Council that a resolution of the issues has been established between the Owner and the Development Planning Department, which is reflected in the recommendation of this report.

The issues and terms of the revised proposal identified by the Owner were presented at an OMB Pre-Hearing on November 5, 2009. In order to move forward with the OMB Hearing, a position from Vaughan Council is required on the revised Zoning By-law Amendment proposal. The OMB Hearing is proposed to be conducted by teleconference on December 16, 2009. Should the zoning application be approved by the OMB, the implementing zoning by-law amendment will also be approved by the Board.

Conceptual Site Design

The conceptual site design shown on Attachment #3 proposes two multi-unit retail warehouse buildings consisting of Building "E" (11,426.7m²) and Building "G" (1,514.3m²). Parking for the development is proposed on the northeast portion of the site, adjacent to and under the existing hydro lines. The development will be served by 756 at-grade parking spaces with 3 driveway access points from Milani Boulevard, and with direct access to the existing and proposed developments located to the east (existing Walmart) and north (proposed Lowe's) of the subject lands.

Appropriate building and site design, access, internal traffic circulation, parking, landscaping, servicing and grading, including the implementation of sustainable site and building design features will be reviewed in greater detail when the related Site Development Application (File DA.09.066) is considered and reported on at a future Committee of the Whole meeting.

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Official Plan

The property is designated “Employment Area General” by OPA #450 (Employment Area Growth and Management Plan), which permits a wide range of employment uses. OPA #450 also includes policies relating to the development of retail warehouses within the Employment Areas. The Official Plan policies state that retail warehousing shall generally be directed to locations characterized by high visibility and accessibility, and that the following criteria be assessed in determining the appropriateness of permitting a retail warehouse development:

- i) availability of access to the arterial road system by way of an existing or planned signalized intersection with an internal feeder or collector road;
- ii) the traffic impacts on adjacent uses;
- iii) the adequacy of proposed accesses and the impact of the proposed use on the operation of the regional and local road system;
- iv) the degree of compatibility with adjacent land uses including residential uses in proximity to the proposed use; and,
- v) the urban design impacts of the proposed use on neighbouring lands.

The proposed development is situated on a site that has direct access to an internal feeder road (Milani Boulevard), which has direct access to a signalized intersection at Regional Road #27. A Traffic Impact Study was submitted in support of the application, as discussed later in this report. The proposed EM3 Zone and uses would be compatible with the employment uses to the north and the existing commercial uses to the east (Walmart complex). The urban design issues related to the development have been considered based on the conceptual drawings provided by the Owner and will be reviewed in greater detail during the review of the related Site Development Application (File DA.09.066). The proposed retail warehouse development conforms with the provisions of the Official Plan.

Zoning

The subject lands are zoned EM2 General Employment Area Zone and EM2(H) General Employment Area Zone with the Holding Symbol “(H)” by By-law 1-88, subject to Exception 9(1253), which permits a wide range of employment uses including manufacturing and warehousing. The proposal for retail warehouse uses on the property is not a permitted use by the current zoning, and therefore, an amendment to By-law 1-88 is required. The Applicant is proposing to rezone the subject lands to EM3 Retail Warehouse Employment Area Zone to permit the proposed retail warehouse uses. The following exceptions to the EM3 Zone are required to permit the conceptual development as shown on Attachment #3:

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| | <u>BY-LAW STANDARD</u> | <u>BY-LAW 1-88 REQUIREMENTS (MINIMUM REQUIREMENTS OF THE EM3 RETAIL WAREHOUSE EMPLOYMENT AREA ZONE)</u> | <u>PROPOSED EXCEPTIONS TO BY-LAW 1-88 (EM3 ZONE)</u> |
|------------------|--|---|---|
| <u>A.</u> | <u>MINIMUM FRONT YARD SETBACK (BUILDING 'G' – MILANI BOULEVARD)</u> | <u>6.0M</u> | <u>5.2 M</u> |
| <u>B.</u> | <u>MINIMUM INTERIOR SIDE YARD SETBACK (SOUTHWEST CORNER OF BUILDING 'E')</u> | <u>6.0M</u> | <u>0.3M</u> |
| <u>C.</u> | <u>MINIMUM LANDSCAPE STRIP WIDTH ABUTTING AN OS1 OPEN SPACE CONSERVATION ZONE</u> | <u>7.5M</u> | <u>1.4M</u> |
| <u>D.</u> | <u>MINIMUM PARKING REQUIREMENT</u> | <u>6 SPACES/100M²</u> | <u>5.5 SPACES/100M²</u> |
| <u>E.</u> | <u>LOADING AND UNLOADING BETWEEN A BUILDING AND A STREET</u> | <u>NOT PERMITTED</u> | <u>TO PERMIT LOADING AND UNLOADING BETWEEN BUILDING 'E' AND MILANI BOULEVARD, SUBJECT TO THE PROVISION OF A 4 M WIDE LANDSCAPE STRIP ALONG MILANI BOULEVARD TO INCLUDE A LIVING WALL AND CONIFEROUS TREES.</u> |

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| | | | |
|------------------|--|-----------------------------|--|
| <u>F.</u> | <u>SHARED DRIVEWAYS AND AISLES WITH THE LANDS TO THE NORTH AND EAST</u> | <u>NOT PERMITTED</u> | <u>TO PERMIT SHARED DRIVEWAYS AND AISLES WITH THE LANDS TO THE NORTH AND EAST</u> |
| <u>G.</u> | <u>MAXIMUM DRIVEWAY WIDTH</u> | <u>13.5 M</u> | <u>20 M</u> |

The Development Planning Department has reviewed the above-noted amendments to the Zoning By-law based on the development concept submitted in support of the Zoning By-law Amendment Application, and considers the changes to be appropriate for the development of the site and compatible with the surrounding land uses. The reduction in the minimum front yard setback is considered to be minimal and appropriate. The 1.4 m landscape strip width abutting an Open Space Zone can also be supported, as it will be complemented by the landscaping in the existing adjacent stormwater management pond. The reduction to the minimum interior rear yard setback to 0.3 m is required to address the southwest corner of Building 'E' at a single point as shown on Attachment #3, and is considered to be acceptable.

The Development Planning Department would consider the proposed exception to permit a loading area to be located between Building 'E' and Milani Boulevard to be acceptable, provided the site plan is amended to provide for a wider (ie. 4m rather than the minimum required 3 m) landscape strip adjacent to Milani Boulevard. This can be achieved by either relocating Building 'E' slightly north, or by eliminating or shifting the additional parking spaces that are adjacent to Milani Boulevard, given the wider 8 m driveway aisle in this location. The further reduction of parking spaces can be accommodated on the property as confirmed in the Parking Study submitted in support of the development, and is discussed in the next section of this report. The purpose of a wider landscape strip (from 3 m to 4 m) is to provide a living wall at this location and the planting of conifers to appropriately screen the loading area throughout the year. The same treatment is proposed to be provided on the property to the north of the subject lands (proposed Lowe's) adjacent to Milani Boulevard, which is subject to future site plan approval. The site design and landscape details at this location, will be addressed to the satisfaction of the Development Planning Department, through the final approval of the Site Development Application.

The Development Planning Department recognizes the need for a larger driveway access to accommodate truck movement, and can support the proposed 20 m width, however, will be working with the applicant as part of the site plan process to reduce the driveway width in this location, where possible.

The Development Planning Department has no objections to the shared driveways and aisles with the proposed Lowe's employment development to the north, and the existing Walmart and commercial development to the east, which will allow for a cohesive and integrated development complex.

On this basis, the Development Planning Department has no objections to the above-noted site-specific exceptions to By-law 1-88.

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Access, Traffic and Parking

The proposed development consists of 12,941 m² of total gross floor area (GFA), which requires 775 parking spaces (6 spaces/100m² GFA). The Owner has requested a parking reduction based on a calculation of 5.5 spaces/100m² GFA, which would require 712 parking spaces, whereas the applicant has provided 756 spaces on the conceptual site plan (Attachment #3). The reduction in parking is supported by a parking study prepared by iTrans Consulting, dated January 2009. The Vaughan Engineering Department has reviewed the parking study and concurs with the conclusions. An exception to reduce the minimum parking requirement on the property is included in the recommendation of this report.

Access to the proposed development will be from Milani Boulevard via a signalized intersection at Milani Boulevard and Regional Road 27. Further access (Street 'A') is being contemplated from the north via a proposed public road connection from Milani Boulevard to Innovation Drive, and ultimately with Langstaff Road as shown on Attachment #5. A Traffic Impact Study (Vaughan West Access Review and Network Opportunities) was submitted in support of the Draft Plan of Subdivision (File: 19T-08V03 – SRF Vaughan Property II Inc.) on the adjacent lands to the north, which was prepared by iTrans Consulting and dated August 20, 2009.

The Owner has revised the Draft Plan of Subdivision as a result of additional land requirements of the Ministry of Transportation (MTO) and the proposed Highway #427 extension, which includes the elimination of a municipal road connection between Milani Boulevard and Innovation Drive, in favour of a private driveway connection between Block 1 and Innovation Drive, as shown on Attachment #6. The Vaughan Development Planning Department and the Vaughan Engineering Department - Transportation Division, will continue to review the requirements of Street 'A', and advises the Owner that this Zoning By-law Amendment Application shall not prejudice any comments the City may have regarding the ongoing development applications on the lands to the north of the subject site and the eventual development of Street 'A' as a public road and it's connection to Innovation Drive.

Planning Considerations

The applicant has revised their zoning proposal based on the resolution of issues relating to the appeal of their zoning application, which is now based on the proposal to rezone the entire property from EM2 General Employment Area Zone and EM2(H) General Employment Area Zone with the Holding Symbol "(H)" to EM3 Retail Warehouse Employment Area Zone with site-specific zoning exceptions for certain permitted uses and development standards, which are supported by the Development Planning Department, as discussed earlier in this report. The applicant has also requested that the following uses be permitted on Part "A" of the property as shown on Attachment #3, in addition to the uses permitted in the EM3 Zone, which is supported by the Development Planning Department, given the compatible and complementary nature of the uses with the employment and commercial uses in the surrounding area:

- i) Eating Establishment;
- ii) Eating Establishment, with outdoor patio;
- iii) Eating Establishment - Convenience;
- iv) Eating Establishment - Take out with outdoor patio;
- v) Personal Service Shop;
- vi) Convenience Retail Store;
- vii) Bank and Financial Institution;
- viii) Print Shop with Accessory Retail Sales; and,
- ix) Veterinary Clinic.

The Development Planning Department is also supportive of permitting the following uses in a stand-alone building on Part "A", should the conceptual site plan change from that shown on Attachment #3:

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- i) Eating Establishment;
- ii) Eating Establishment with outdoor patio;
- iii) Eating Establishment - Convenience;
- iv) Eating Establishment - Take out with outdoor patio; and,
- v) Bank and Financial Institution.

The Development Planning Department has reviewed the revised application submitted by the Owner and has no objection to the uses requested above, which are consistent and compatible with the existing and proposed uses in the surrounding employment and commercial areas.

Ministry of Transportation

The application was circulated to the Ministry of Transportation (MTO). The MTO has advised that they have no objection to the application to rezone the subject lands, provided Milani Boulevard does not extend into their control area for the Highway #427 extension study. The existing Holding "(H)" provision on the northerly portion of the lands was imposed subject to the determination of the final alignment of the Highway #427 extension, to the satisfaction of the MTO. The MTO has advised that they have no objection to the Holding Symbol "(H)" being removed on the subject property.

Relationship to Vaughan Vision 2020/Strategic Plan

This report is consistent with the priorities set forth in Vaughan Vision 2020, particularly "Plan & Manage Growth & Economic Vitality".

Regional Implications

The application was circulated to the Region of York, and they have advised that they have no concerns or objections to the proposal.

Conclusion

The Zoning By-law Amendment Application, which is the subject of an appeal by the Owner to the Ontario Municipal Board, has been reviewed in accordance with the policies of OPA #450 (Employment Area Growth and Management Plan), the requirements of By-law 1-88, the comments received from City Departments and external public agencies, and the surrounding area context. The Development Planning Department is satisfied that the proposal to rezone the subject lands from EM2 General Employment Area Zone and EM2(H) General Employment Area Zone with the Holding Symbol "(H)" to EM3 Retail Warehouse Employment Area Zone to facilitate retail warehouse development on the subject lands, is appropriate and compatible with the existing uses in the surrounding area, subject to the comments and recommendations in this report. On this basis, the Development Planning Department recommends that Vaughan Council advise the Ontario Municipal Board that it endorses the approval of the subject Zoning By-law Amendment Application (File Z.08.069 - 2107683 Ontario Ltd., Riocan PS Inc., and SRF Vaughan Inc.).

Attachments

1. Context Location Map
2. Location Map
3. Conceptual Site Plan (November 2009)
4. Conceptual Site Plan and Zoning Considered at the June 23, 2009 Public Hearing
5. Related Draft Plan of Subdivision 19T-08V03 with Street 'A' (Sept 2, 2008)
6. Related Draft Plan of Subdivision 19T-08V03 without Street 'A' (Oct 19, 2008)

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Report prepared by:

Ryan Mino, Planner, ext. 8213
Carmela Marrelli, Senior Planner, ext. 8791
Mauro Peverini, Manager of Development Planning, ext. 8407

/LG

(A copy of the attachments referred to in the foregoing have been forwarded to each Member of Council and a copy thereof is also on file in the office of the City Clerk.)

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Item 20, Report No. 54, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on December 14, 2009.

20 EMERGENCY MANAGEMENT PROGRAM – ESSENTIAL LEVEL VERIFICATION

The Committee of the Whole recommends approval of the recommendation contained in the following report of the Emergency Management Program Committee, dated December 1, 2009:

Recommendation

The Emergency Management Program Committee recommends that Council:

1. Receive the Report on verification of maintaining an essential level Emergency Management Program in accordance with the *Emergency Management and Civil Protection Act*, and
2. That the Head of Council (Mayor), Chair of the Emergency Management Program Committee (City Manager) and the Community Emergency Management Coordinator (Fire Chief) sign the Annual Emergency Management Program Statement of Completion.

Economic Impact

There is no economic impact.

Communications Plan

In coordination with Corporate Communications, a media release can be issued when the official acknowledgment letter of maintaining an essential level Emergency Management Program is received from the Minister of Community Safety and Correctional Services

Purpose

To verify the City of Vaughan has maintained an essential level Emergency Management Program in accordance with the *Emergency Management and Civil Protection Act*.

Background - Analysis and Options

The Emergency Management and Civil Protection Act RSO 1990 and Ontario Regulation 380/04 require every municipality perform an annual Emergency Management Program review and submit the essential level maintenance checklist (Attachment 1) and Statement of Completion (Attachment 2) to Emergency Management Ontario prior to December 31. An essential level Emergency Management Program includes;

1. *Community Emergency Management Coordinator (CEMC)*
The City has four staff registered with Emergency Management Ontario. The primary CEMC is Fire Chief Greg Senay, the first alternate CEMC is Sharon Walker - Manager of Emergency Planning, the second alternate is John Caruso - Chief Fire Prevention Officer and the third alternate is Deputy Fire Chief Larry Bentley
2. *CEMC Training*
Sharon Walker, John Caruso and Larry Bentley have completed the Provincial CEMC required training.

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3. *Community Emergency Management Committee*
The City has an active Community Emergency Management Program Committee with 15 appointed members and alternates that meet 3 to 6 times throughout the year.
4. *Emergency Management Program By-Law*
By-Law 348-2004 The Emergency Management Program and Plan By-Law was enacted by Council on December 6, 2004. The By-Law was amended in 2005 and 2008 with By-Laws 192-2005 and 63-2008.
5. *Current Community Risk Profile*
In collaboration with York Region, the City conducted a comprehensive review of the Community Risk Profile in 2008. The risk profile has undergone an annual review. A flood risk assessment is in progress as a component of the Woodbridge Core Focus Area Study.
6. *Emergency Response Plan*
The City's Emergency Response Plan underwent an administrative revision to ensure language was consistent with York Region's Emergency Plan in 2008. As a result of the Tornado Emergency on August 20, 2009 and identification of changes needed in the Plan, the Plan will be revised in 2010.
7. *Emergency Response Plan By-Law*
By-Law 348-2004 adopts the City's Emergency Plan, By-Law 192-2005 and By-Law 63-2008 adopt the amendments to Section 7 of the Plan.
8. *Designated Emergency Operations Centre (EOC)*
The City's designated temporary Emergency Operations Centre is located at 70 Tigi Court, formerly the Vaughan Fire and Rescue Service Administrative Offices. A permanent Emergency Operations Centre will be located at the Joint Operations Centre once the identified space becomes available.
9. *Emergency Operations Centre Communications*
The current Emergency Operations Centre is equipped with 12 designated direct dial telephone lines, facsimile machine, 26 networked phone lines and 36 network data lines.
10. *Critical Infrastructure*
The City, in collaboration with York Region, maintains a database of critical infrastructure. The data is currently under review and will be revised to reflect new critical infrastructures built over the past year. Input has been sought from the Directors of Public Works and Buildings and Facilities Departments to identify any new or missing infrastructure from the lists.
11. *Annual Training for the Emergency Management Team (EMT) and Staff*
The Program has conducted 11 staff training sessions in 2009 that consisted of
 - 2 Basic Emergency Management Courses – 16 hrs for Senior Fire Officers, Police and City Staff
 - 1 Train the Trainer Session for Directors on the vehicle recall procedure 1.5 hours
 - 3 Vehicle recall and redeployment training sessions 1.5 hours for staff from three departments
 - 11 Vehicle recall and redeployment training sessions delivered by department trainers. 1.5 hrs.
 - 3 Emergency Shelter Training sessions 7 hours
 - 3 Emergency Management Team training sessions 3.5 hours
 - 273 staff will be trained by Dec 4, 2009

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12. *Annual Exercises*

The Program developed and conducted 2 municipal exercises and the Emergency Management Team managed a declared emergency in 2009;

- Notification Exercise June 13, 2009 – weekend notification of Emergency Management Team involving 73 staff
- Drive Thru – vehicle recall and redeployment exercise on June 16– involved recalling the fleet deployed through out the community. The exercise involved three sites, 148 vehicles and 225 staff. The purpose to the exercise was to recall deployed frontline staff members assigned City fleet vehicles to a central marshalling point, register staff and vehicles and deploy them to a second site.
- August 20, 2010 declared Tornado Emergency. The Emergency Management Team and EOC were activated from Aug 20 to Aug 25, 2009 to manage the emergency response and recovery activities.

The Program and Vaughan Fire and Rescue Service also participated in evacuation exercises at Villa Colombo and Pine Grove Lodge and a field exercise at Anco Chemical.

13. *Designated Emergency Information/Public Information Officer*

The Director of Corporate Communications, Madeline Zito is the designated primary Public Information Officer, Ted Hallas and Robert Kubinski are the designated alternates.

14. *Public Education and Awareness*

The program has conducted 25 public education/awareness events to date and distributed 22,018 pieces of emergency preparedness information.

Relationship to Vaughan Vision 2020

This plan is in keeping with the Vaughan Vision specifically Goal A-2 Enhance and Ensure Community Safety, Health and Wellness.

This report is consistent with the priorities previously set by Council and the necessary resources have been allocated and approved.

Regional Implications

Joint training, exercises and an emergency response involving York Region Departments assists the Region with maintaining an essential level Emergency Management Program.

Conclusion

The City of Vaughan has met the required elements of an essential level program as prescribed by the *Emergency Management and Civil Protection Act RSO 1990*.

Attachments

1. Emergency Management Program – Essential Level Maintenance Checklist
2. Annual Emergency Management Program Statement of Completion

Report prepared by:

Sharon Walker
Manager, Emergency Planning
Extension: 6322

(A copy of the attachments referred to in the foregoing have been forwarded to each Member of Council and a copy thereof is also on file in the office of the City Clerk.)

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Item 21, Report No. 54, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on December 14, 2009.

21 AFTER ACTION REPORT AUGUST 20, 2009 TORNADO

The Committee of the Whole recommends:

- 1) That the recommendation contained in the following report of the Emergency Management Program Committee, dated December 1, 2009, be approved;
- 2) That staff report back on the possible inclusion of the insurance industry and the Insurance Bureau of Canada in our emergency management program, as a support and information component that would assist citizens of the City of Vaughan affected by major events; and
- 3) That the memorandum from the Director of Reserves & Investments and the Director of Building & Facilities, dated December 1, 2009, be received.

Recommendation

The Emergency Management Program Committee recommends to Council:

1. That the After Action Report August 20, 2009 Tornado, be received;
2. That the Action Items contained in Attachment 2 of the report be approved;
3. That all Commissioners meet with the City Manager to discuss additional equipment that would be required for the Emergency Operations Centre (EOC) and that the costs of these additional requirements be brought forward through the 2010 Capital budget process;
4. That the inventory and creation of an archival lists of all available City of Vaughan maps, including the printing of necessary maps for use in the Emergency Operations Centre be coordinated by the Commissioner of Planning; and
5. That the Director of Buildings and Facilities report back on the capacity of the generator in the Joint Operations Centre to fully power the Emergency Operations Centre (EOC).

Contribution to Sustainability

Not applicable.

Economic Impact

None at present, however costs of enhancements to the permanent Emergency Operations Centre will be addressed through the budget process.

Communications Plan

On approval of the Emergency Management Program Committee, the After Action Report (attachment 1) and action items will be circulated to the Emergency Management Team and agencies that participated in the response and recovery efforts.

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Purpose

To provide the Committee with the evaluation report and recommended actions related to the City's response to the Tornado that occurred on August 20, 2009 damaging sections of Woodbridge and Maple.

Background - Analysis and Options

On Thursday August 20, 2009 at from approximately 6:11 pm to 7:03 pm the City experienced several tornado touchdowns that affected sections of Woodbridge and Maple. The tornado resulted in varying degrees of damage to over 600 structures and approximately 1200 trees were destroyed.

The City's Emergency Response Plan was implemented involving notification and deployment of the Emergency Management Team and activation of Emergency Operations Centre (EOC) for a period of five days. The City's response and recovery efforts were supported by many external agencies, neighbouring municipalities and provincial ministries.

On August 27, 2009 a debriefing of the Emergency Management Team was conducted to analyze the response and recovery efforts to the F2 Tornado Emergency. A post incident analysis provides the opportunity for the City and partnering response agencies to identify successes, lessons learned and make recommendations to enhance our emergency management capabilities to efficiently and effectively deal with future emergencies.

The City's and partnering agencies response to the tornado emergency was exceptional. Emergency Management Team members clearly understood their roles and responsibilities, responded in a calm and collected manner and followed established plans and procedures. The level of communication to the public and in the Emergency Operations Centre was excellent. The value system of the affected communities was a critical component of the success of the response. The Emergency Management Team credited training and exercises that they participating in over the past five years for preparing them to effectively manage the emergency. The willingness of citizens to open their hearts homes and kitchens to help those in need was inspirational and rarely seen in disasters affecting large communities.

It is recognized that no response or Emergency Plan are perfect. Each Emergency will exhibit new or unforeseen issues and challenges that are termed lessons learned. The lessons learned during the tornado emergency that were identified by the Emergency Management Team included the need to ensure active coordination between field inspectors and utilities, the need to have key agencies/staff such as Building Standards, Parks and Forestry, Red Cross and York Region EMS in the Emergency Operations Centre, information needs to be communicated to all staff, ensure that we diversify our telecommunications providers, need to ensure consist documentation of information and additional resources are needed for the Emergency Operations Centre.

The feedback from the Emergency Management Team resulted in the following nine recommendations to enhance our capacity to manage an emergency:

1. *Revise the Emergency Response Plan to include*
 - a. *Building Standards Officer,*
 - b. *Parks and Forestry Officer,*
 - c. *Red Cross Officer*
 - d. *An IT Technician*
 - e. *Enhanced business cycle meeting procedures; and*
 - f. *Other revisions as deemed necessary*

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2. *Include copies of the York Region Emergency Response Plan in the Ready Boxes and Plan Appendixes.*
3. *Emergency Planning Working Group members to revise department sub plans to reflect the recommendations in this report.*
4. *In consultation with the local Branch of the Red Cross, York Community and Health Services and appropriate City Departments, develop a procedure to deliver services provided in emergency shelters through outreach.*
5. *Revise the notification procedures to include notification and call back of designated scribes and runners.*
6. *Review, revise and develop Emergency Operations Centre Procedures including but not limited to*
 - a. *Security*
 - b. *Identification*
 - c. *Access control*
 - d. *Leadership transition*
 - e. *Resource tracking*
 - f. *System checks.*
 - g. *Documentation*
7. *Provide annual training to Emergency Management Team, scribes, runners and staff on existing and new emergency management plans and procedures.*
 - a. *Annual training for Emergency Management Team and staff*
 - b. *Bi-annual training for scribes.*
8. *Conduct up to three emergency exercises annually for the Emergency Management Team and staff.*
 - a. *Notification exercise for Emergency Management Team*
 - b. *Field exercise for staff*
 - c. *Emergency Management Team exercise*
 - d. *Emergency Management Team exercise may be in combination with the staff field exercise*
9. *Incorporate recommendations into the design and equipping of the permanent Emergency Operations Centre with in approved budget.*

Relationship to Vaughan Vision 2020/Strategic Plan

This report is in keeping with the Vaughan Vision specifically

Strategic Goal: Service Excellence

Strategic Objective: Enhance and Ensure Community Safety, Health and Wellness.

This report is consistent with the priorities previously set by Council and the necessary resources have been allocated and approved.

Regional Implications

York Region assisted in the response and recovery activities related to the Tornado emergency. The lessons learned and recommendations contained with in the After Action Report can assist York Region in enhancing their emergency management capabilities.

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Conclusion

The City's and partnering agencies response to the Tornado Emergency was exceptional. The Emergency Management Team recognizes that no response or Emergency Response Plan is perfect and that every emergency situation will be a learning experience. From these lessons learned, the City has identified recommendations to enhance our emergency management capabilities.

Attachments

1. After Action Report
2. Action Items

Report prepared by:

Sharon Walker
Manager, Emergency Planning
Extension 6322

(A copy of the attachments referred to in the foregoing have been forwarded to each Member of Council and a copy thereof is also on file in the office of the City Clerk.)

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Item 22, Report No. 54, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on December 14, 2009.

22

**AWARD OF TENDER T09-330
SUPPLY AND DELIVERY OF TWO ARTICULATED FRONT END WHEEL
LOADERS AND TWO - 200 HORSEPOWER LOADER MOUNTED SNOW BLOWERS**

The Committee of the Whole recommends approval of the recommendation contained in the following report of the Commissioner of Community Services, dated December 1, 2009:

Recommendation

The Commissioner of Community Services, in consultation with the Director of Building and Facilities, Director of Purchasing Services, Director of Public Works and the Director of Reserves and Investments, recommends:

1. That Part A of Tender T09-330, for the supply and delivery of two articulated front end wheel loaders, is awarded to Toromont CAT, for a total price of \$481,793.58; and,
2. That Part B of Tender T09-330, for the supply and delivery of two 200 horsepower loader mounted snow blowers, is awarded to RPM Tech, for a total price of \$248,321.30; and,
3. That the Mayor and the City Clerk be authorized to sign the necessary documents.

Contribution to Sustainability

This report is consistent with the priorities previously set by Council in the Green Directions, Vaughan, Community Sustainability Environmental Master Plan, Goal 1, Objective 1.2:

- To promote reduction of greenhouse gas emissions in the City of Vaughan.

Economic Impact

Project FL-5104-08 was approved in the 2008 Capital Budget and FL-5126-09 was approved in the 2009 Capital Budget, and are funded from City Wide Development Charges. Combined, there is \$750,000 available to purchase these four pieces of equipment. The total cost of the two loaders and two snow blowers is \$730,114.88 and within the overall budgeted amount.

Communications Plan

N/A

Purpose

To award Tender T09-330 for the supply and delivery of two articulated front end wheel loaders and two 200 horsepower loader mounted snow blowers

Background – Analysis and Options

Council previously approved funds to purchase two articulated front end wheel loaders and two 200 horsepower loader mounted snow blowers.

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The tender for this equipment was advertised in Biddingo (formerly the ETN), the Ontario Public Buyers Association (OPBA) and the City of Vaughan website. Tenders were closed on Thursday, October 22, 2009. A total of six bid documents were received for Part A and seven bid documents were received for Part B. Four bids for Part A were declared non-compliant, and one bid for Part B was declared non-compliant, as they did not meet specifications.

The tender required that the equipment meet the most recent air quality performance measures for diesel engines, thereby contributing to improved air quality over previous year's models of similar equipment.

Toromont CAT was the lowest compliant bidder that met all the specifications for Part A of the tender, and RPM Tech was the lowest compliant bidder that met all the specifications for Part B of this tender.

The result of the bids including G.S.T and P.S.T are as follows:

| <u>Supplier</u> | <u>Bid</u> |
|-------------------------------|---------------------|
| <u>Part A</u> | |
| 1. Toromont CAT | \$481,793.58 |
| 2. Nortrax | \$507,695.44 |
| <u>Part B</u> | |
| 1. RPM Tech | \$248,321.30 |
| 2. Strongco Equipment | \$274,840.86 |
| 3. Nortrax | \$278,206.00 |
| 4. Wajax Industries | \$281,370.00 |
| 5. J.A. Larue Inc. | \$282,382.48 |
| 6. B.E. Larkin Equipment Ltd. | \$283,636.78 |

Relationship to Vaughan Vision 2020

This report is consistent with the priorities previously set by Council and the necessary resources have been allocated and approved.

Specifically, the purchase of this equipment will meet the following Vaughan Vision Goals and Objectives:

- Goal: Service Excellence
- Objective: Pursue Excellence in Service Delivery
- Objective: Enhance and Ensure Community Safety, Health and Wellness

Regional Implications

N/A.

Conclusion

Staff have reviewed the submissions, and based on the tender results, and the ability of the bidders to meet the required specifications, it is recommended that the tender be awarded to the suppliers noted in the recommendations of this report.

There are sufficient funds available in the approved capital budget amounts to purchase this equipment.

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Attachments

None.

Report Prepared by:

Alvin Boyce, Fleet Manager, ext. 6141

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Item 23, Report No. 54, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on December 14, 2009.

23

DEVELOPMENT CHARGES – SEMI-ANNUAL ADJUSTMENT

The Committee of the Whole recommends approval of the recommendation contained in the following report of the City Manager and the Director of Reserves & Investments, dated December 1, 2009:

Recommendation

The City Manager and the Director of Reserves & Investments recommends:

- 1) That in accordance with the appropriate semi-annual adjustments sections of each respective development charge by-law, the City Wide Development Charge rates and Special Service Area Development Charge rates be decreased by 2.07% effective January 1, 2010; and
- 2) That the following revised Development Charge Rates (Attachment 1) be approved.

Contribution to Sustainability

This is not applicable to this report.

Economic Impact

The semi-annual adjustment will provide a 2.07% decrease in City-Wide Development Charges and Special Area Development Charges. This adjustment will assist the construction industry during this current economic slow down.

Communications Plan

Public notice through the agenda process.

Purpose

To obtain Council approval to index the City of Vaughan Development Charges pursuant to the semi-annual adjustment provision in the respective City of Vaughan Development Charge By-laws.

Background - Analysis and Options

The Development Charges Act authorizes municipalities to pass By-laws for the recovery of capital costs incurred to provide services to all new development and re-development. A clause in each of the City of Vaughan's Development Charge By-laws states the development charges may be adjusted semi-annually without amendments to the by-laws, as of the 1st day of January and the 1st day of July in each year in accordance with the most recent change in the Statistics Canada Quarterly, Construction Price Statistics (catalogue No. 62-007 Table 327-0043).

In order to reflect economic conditions and based on a review of the Statistics Quarterly Construction Price Statistics (catalogue No. 62-007 Table 327-0043), the City Wide Development Charges and Special Service Area Development Charge Rates should be decreased by 2.07% which reflects the six (6) month decrease in the Statistics Quarterly Construction Price Statistics Index (catalogue No. 62-007 Table 327-0043) for the period April 1, 2009 to September 30, 2009.

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Relationship to Vaughan Vision 2020

This report is consistent with the priorities previously set by Council specifically Ensure Financial Sustainability and the necessary resources have been allocated and approved.

Regional Implications

Not applicable.

Conclusion

Staff recommend that the City of Vaughan Development Charges be decreased by 2.07%. The City Wide Development Charge and the Special Service Area Development Charges may be indexed without amending the existing by-law. The revised schedules reflecting the new rates are attached.

Attachments

Attachment 1 – Revised Development Charge Rates

Attachment 2 – Summary of Special Area Charges

Report Prepared by

Ferrucio Castellarin, CGA
Director of Reserves & Investments
Ext. 8271

(A copy of the attachments referred to in the foregoing have been forwarded to each Member of Council and a copy thereof is also on file in the office of the City Clerk.)

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF DECEMBER 14, 2009

Item 24, Report No. 54, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on December 14, 2009.

24

PROPERTY TAX SALE REGISTRATION

The Committee of the Whole recommends:

- 1) That the recommendation contained in the following report of the Director of Financial Services, dated December 1, 2009, be approved; and
- 2) That the confidential memorandum from the Manager, Property Tax & Assessment, be received.

Recommendation

The Director of Financial Services, in consultation with the Manager of Property Tax & Assessment recommends that Council receive this report for information purposes.

Contribution to Sustainability

This is not applicable to this report.

Economic Impact

Not applicable to this report.

Communications Plan

Owners of these properties and all interested parties (mortgagees or lien holders) will be notified by registered mail of their property being eligible for registration of a tax arrears certificate.

Purpose

The purpose of this report is to provide Council with information relating to properties that have tax arrears in excess of three years and therefore are eligible to come under the authority of the property tax sale legislation of the Municipal Act.

Background - Analysis and Options

The tax sale process is commenced under the authority of Part XI of the *Municipal Act, R.S.O 2001, as amended* for properties in all classes that have tax arrears in excess of three years. Staff utilize the tax sale process as part of an ongoing collection effort.

Staff, through various collection efforts including, but not limited to, letters and telephone cold-calling, receives satisfactory payment plans or full payment on most property tax accounts with arrears; however, the listed properties have been identified as being eligible for registration of a tax arrears certificate which is the first step in the tax sale process. The owners of the these properties and all the interested parties (mortgagees or lien holders) will be notified by registered mail of the initiation of this process.

Once a tax arrears certificate is registered on title, the property owner has one year to pay the tax account in full. Failing that, the owner, the spouse, a mortgagee or a tenant occupying the land may enter into an extension agreement with the City. An extension agreement allows additional time for payment of the property tax arrears. The terms of the agreement must be satisfactory to the City Treasurer and approved by Council through a by-law.

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If payment in full or a satisfactory extension agreement is not processed during the 1-year period, the City is in a position to proceed with a tax sale to recover outstanding property taxes, late payment charges and costs incurred relating to the tax sale process. Council will be informed if any of the listed properties reach that point.

Relationship to Vaughan Vision 2020

This report is consistent with the priorities set forth by Council in Vaughan Vision 2020 and the necessary resources have been allocated and approved.

Regional Implications

There are no Regional implications.

Conclusion

Finance staff will continue to contact and/or meet with the property owner(s) in an effort to negotiate acceptable payment arrangements.

Attachments

None

Report prepared by:

Maureen E. Zabiuk, A.I.M.A., AMTC
Manager, Property Tax & Assessment
Ext. 8268

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EXTRACT FROM COUNCIL MEETING MINUTES OF DECEMBER 14, 2009

Item 25, Report No. 54, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on December 14, 2009.

25

**SIGN VARIANCE APPLICATION
FILE NO: SV.09-020
OWNER: 2056332 ONTARIO LIMITED
LOCATION: 10557 KEELE STREET, UNIT 3
PART OF LOT 24, CONCESSION 3
WARD 1**

The Committee of the Whole recommends approval of the recommendation contained in the following report of the Sign Variance Committee, dated December 1, 2009:

Recommendation

The Sign Variance Committee recommends:

That Sign Variance Application SV.09-020, 2056332 Ontario Limited, be APPROVED, subject to the proposed sign being constructed with a dark background with light coloured lettering. (reverse graphics)

Contribution to Sustainability

N/A

Economic Impact

None.

Communications Plan

The results of this application will be communicated to the applicant through the Secretary to the Sign Variance Committee.

Purpose

Request to install a 5.6 sqm. wall sign on the building face of the subject property as shown on the attached drawings.

Background - Analysis and Options

Bylaw Requirements (203-92, as amended):

6.2 (a) Where a site plan approved by the City provides standards for signage and the signs for the development comply therewith, such signs shall be deemed to comply with this By-Law.

Noting the above, where the property is regulated by a site plan agreement approved by the City, only those wall signs and pylon signs approved under the site plan agreement are deemed to be permitted by the City's Sign By-law.

Relationship to Vaughan Vision 2020/Strategic Plan

This report is consistent with the priorities previously set by Council and the necessary resources have been allocated and approved.

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EXTRACT FROM COUNCIL MEETING MINUTES OF DECEMBER 14, 2009

Item 25, CW Report No. 54 – Page 2

Regional Implications

Region of York Engineering approval is not required for the proposed signs.

Conclusion

The applicant is proposing to install a 5.6 sqm. wall sign on building face as shown on the attached drawings.

Members of the Sign Variance Committee have no objections to the application provided that the proposed sign is modified and constructed with reverse graphics. That is the proposed sign would have a dark background with light coloured lettering.

If Council finds merit in the application a Sign Permit issued by the Building Standards Department is required.

Attachments

1. Sketch of Sign

Report prepared by:

John Studdy, Manager of Customer & Administrative Services Ext 8232

/pa

(A copy of the attachments referred to in the foregoing have been forwarded to each Member of Council and a copy thereof is also on file in the office of the City Clerk.)

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Item 26, Report No. 54, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on December 14, 2009.

26

**SIGN VARIANCE APPLICATION
FILE NO: SV.09-021
OWNER: FIRST CAPITAL REALTY
LOCATION: 9330 BATHURST STREET
BLOCK 23, REGISTERED PLAN 65M-3918
WARD 1**

The Committee of the Whole recommends approval of the recommendation contained in the following report of the Sign Variance Committee, dated December 1, 2009:

Recommendation

The Sign Variance Committee recommends:

That Sign Variance Application SV.09-021, First Capital Realty, be APPROVED, subject to the sign being constructed in accordance with the revised drawings.

Contribution to Sustainability

N/A

Economic Impact

None.

Communications Plan

The results of this application will be communicated to the applicant through the Secretary to the Sign Variance Committee.

Purpose

Request to install a 3.52 sqm. wall sign on the building face of the subject property as shown on the attached drawings.

Background - Analysis and Options

Bylaw Requirements (203-92, as amended):

6.2 (a) Where a site plan approved by the City provides standards for signage and the signs for the development comply therewith, such signs shall be deemed to comply with this By-Law.

Noting the above, where the property is regulated by a site plan agreement approved by the City, only those wall signs and pylon signs approved under the site plan agreement are deemed to be permitted by the City's Sign By-law.

Relationship to Vaughan Vision 2020/Strategic Plan

This report is consistent with the priorities previously set by Council and the necessary resources have been allocated and approved.

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF DECEMBER 14, 2009

Item 26, CW Report No. 54 – Page 2

Regional Implications

Region of York Engineering approval is not required for the proposed signs.

Conclusion

The applicant is proposing to install a 3.52 sqm. wall sign on building face as shown on the attached drawings.

At the Sign Variance Committee Meeting revised drawings were received from the applicant revising the variance application and reducing the area of the proposed sign from 3.52 sqm. to 2.85 sqm.

Members of the Sign Variance Committee have no objections to the revised drawings/application and are of the opinion that the intent and purpose of the City's Sign By-Law is being maintained.

If Council finds merit in the application a Sign Permit issued by the Building Standards Department is required.

Attachments

1. Site Plan
2. Sketch of Sign

Report prepared by:

John Studdy, Manager of Customer & Administrative Services Ext 8232

/pa

(A copy of the attachments referred to in the foregoing have been forwarded to each Member of Council and a copy thereof is also on file in the office of the City Clerk.)

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EXTRACT FROM COUNCIL MEETING MINUTES OF DECEMBER 14, 2009

Item 27, Report No. 54, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on December 14, 2009.

27

EXTERNAL LEGAL COSTS

The Committee of the Whole recommends:

- 1) That the recommendation contained in the following report of the Commissioner of Legal Services/City Solicitor and the Director of Legal Services, dated December 1, 2009, be approved;
- 2) That the confidential memorandum from the Director of Legal Services, dated November 27, 2009, be received;
- 3) That the written submission of Mr. Gino Ruffolo, dated November 30, 2009, be received; and
- 4) That the deputation of Ms. Carrie Liddy, 36 Humberview Drive, Woodbridge, L4H 1B1, be received.

Recommendation

The Commissioner of Legal Services/City Solicitor and the Director of Legal Services recommend that this report be received for information.

Contribution to Sustainability

Not applicable

Economic Impact

There is no economic impact as a result of this report.

Communications Plan

Not applicable

Purpose

This report is provided pursuant to Council direction.

Background - Analysis and Options

On May 26, 2009, Council resolved that staff provide a comprehensive report on all legal costs by category from the beginning of this term of Council to present, including how such costs originated plus anticipated costs of unsettled cases based on best estimates.

The City's Legal Services Department comprises a team of a Director and four lawyers, reporting to the Commissioner of Legal and Administrative Services/City Solicitor, with expertise in a variety of areas including municipal law, planning and development law, litigation including prosecutions, Ontario Municipal Board matters, real estate law, construction law, and labour and employment law. The Legal Services Department advises and represents the City and Council, all internal Departments as well as the Vaughan Public Libraries and The City of Vaughan Non-Profit Housing Corporation on all aspects of the City's and the Libraries' mandates.

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It is the goal of Legal Services to provide timely, accurate, relevant and strategic legal services on corporate objectives, legislative compliance, strategic initiatives, general administrative and operational issues and risk management, using best efforts to ensure that the corporation complies with applicable laws. Objectives of the Legal Services Department include:

- Meet the needs of Council and staff for timely, accurate, effective and strategic legal advice;
- Protect, advocate for and advance the legal interests of the municipal corporation;
- Provide efficient and cost effective representation of the corporation before the various levels of courts and administrative tribunals;
- Prepare, negotiate, and review contracts and agreements, by-laws and other documents effectively to protect the municipality's interests;
- Oversee the delivery of services under the Provincial Offences Act, and prosecutorial functions; and
- Advise on interpretation and implementation of legislative amendments which impact corporate policy, operations and agreements.

There are a number of demand drivers for legal services including but not limited to: the size and nature of the municipality (single, upper or lower tier), the introduction of new legislation, the downloading of services, new initiatives such as major infrastructure projects, and public-private partnerships, Task Forces and committees, new by-laws and amendments/updates to by-laws, the expiry of Collective Agreements and the associated need for collective bargaining and negotiations, official plan review, land acquisition projects, Ontario Municipal Board matters, and litigation including civil claims, by-law challenges, and contractual disputes. These demand drivers determine the nature and scope of the internal and external legal expertise required to support the municipality, with more specialized levels of legal expertise generally required for significantly complex matters.

This demand is also driven by a variety of factors over which the municipality has either little control or limited influence. These factors include societal trends such as an increased reliance on courts to resolve disputes, the broad application of the Charter of Rights and Freedoms and the Human Rights Code by the judiciary, and the increased number of tribunal and judicial recourse mechanisms to review municipal conduct and decisions. In the majority of litigation cases, the City is the defendant and therefore has little opportunity to control the demand for legal services as it must defend the application of laws and regulations, by-laws, and policies. Also, in matters where newer legislation has not had court interpretation, judicial guidance is not available.

The lawyers in the City's Legal Services Department are strategically aligned to support key service areas: Planning and Development, Ontario Municipal Board appeals, Litigation, Real Estate, By-laws and Enforcement, Employment and Labour. The lawyers are members of the Municipal Law Departments Association of Ontario (MLDAO), comprised of in-house lawyers from upper tier, single tier and lower tier municipalities across the province. Vaughan is participating along with York Region, Ottawa, Hamilton, Brampton, Caledon, Mississauga, Sudbury, London and Kingston in a Sub-Group of the MLDAO to monitor Performance Management in Legal Services. The Vaughan Staff complement of City Solicitor, Director and four lawyers has remained unchanged for many years, despite the continued high growth of the municipality and the corporation over the last 10 years. Presently, the municipal corporation employs approximately 1500 people, including full-time, part-time, contract and seasonal employees.

On occasion, the City requires the assistance from external legal counsel to compliment the internal team either due to resource constraints or the need for particular expertise. External counsel may be required to work alongside City legal staff or assume carriage of entire matters.

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In 2008, Council approved staff's recommendation to solicit proposals for the provision of legal services in accordance with specified Terms of Reference. A Request for Proposals was issued inviting law firms to submit proposals for a range of legal services in areas such as municipal finance, tax and assessment, environmental law, information and technology law, expropriations law, planning law, general civil litigation, general municipal law, and employment and labour law. Council approved the recommended list of up to five law firms for each area of law for the Counsel List. The Request for Proposals does not guarantee any work, but achieves fixed and/or reduced rates from listed firms, as well as other complimentary services such as training .

Categories

Council requested legal costs by category, and those categories, including how costs originate in those categories are set out below from January 2006 to August 31, 2009. The categories are Ontario Municipal Board, Employment and Labour, Litigation and Municipal Matters. External legal costs include fees, disbursements, and taxes.

Ontario Municipal Board Matters

The costs in this category originate through the retainer of external counsel to have carriage of or assist in-house counsel with Hearings. *The Planning Act* provides for appeals regarding various matters including official plan amendment and zoning by-law amendment applications, draft plan of subdivision, condominium, and site plan applications, and interim control by-laws, disputes regarding cash-in-lieu of parkland dedication or fees pursuant to a Tariff of Fees, and Committee of Adjustment variances, severances and permissions. Appeals may be made pursuant to the *Heritage Act* for heritage matters and the Development Charges Act for matters under that Act. There are various other provincial statutes which provide for appeal to the OMB regarding matters within those Act, for example the Conservation Review Board and Assessment Review Board.

Appeals may be made by landowners seeking development approvals which have either been refused by Council, or where Council has not made a decision and the *Planning Act* provides for an appeal after various periods have passed, for example, 120 days in the case of a zoning by-law amendment application. Appeals may also be filed by individuals and public bodies, and may also be filed against City-initiated official plan amendments, zoning by-laws and heritage districts by individuals, landowners and public bodies. Appeals that result in hearings scheduled for up to 10 days are generally handled by in-house counsel unless there are scheduling conflicts (where two hearings are scheduled at the same time).

In October 2002, Council retained a consulting team to conduct the Steeles Corridor-Jane to Keele-Secondary Plan Study which resulted in the adoption of OPA 620 in June 2006 and approval by the Region in October 2006 to facilitate the Spadina Subway Extension. The City had correctly anticipated the direction of Provincial policy and the provincial Places to Grow Plan, 2006, which supports development of more compact communities at transit-supportive densities, requiring urban form in conjunction with intensification efforts, to be coordinated with transit services and infrastructure. One of the main objectives of OPA 620 is to provide a high level of support for public transit service by locating the highest densities in close proximity to the subway station on the planned Spadina Subway Extension.

The Regional Municipality of York approved the Region-wide Transportation Master Plan, which identified Yonge Street and Highway 7 as the two priority corridors for investment in higher order transit infrastructure. As a result, in 2002 the City undertook the Highway 7 Land Use Study, and in 2007 undertook the Yonge Street Area Study in order to identify opportunities to intensify development to support higher order transit initiatives. The studies culminated in the adoption of Official Plan Amendments 660, 661, 662, 663, 664, and 669 which identified appropriate heights and densities for sites along both corridors. The City also adopted OPA 633 which implemented

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the Kleinberg Core Area Policy Review and recently amended the Thornhill-Vaughan Heritage District Plan in 2007 and approved the Kleinberg Heritage District Plan in 2003.

Most of the significant OMB hearings over the past term have been related to these major planning projects. It is important to defend all of these significant planning documents when appeals are filed with the Ontario Municipal Board in order to ensure the implementation of the City's Vaughan Vision 2020 objectives, including support for transit initiatives, appropriate high density development, heritage preservation, and protection of the public interest.

Private official plan amendment and other applications have been filed by landowners over the past few years in these areas. In these cases, the applicants have appealed the City's Official Plan Amendments and consolidated these appeals with appeals of their own private official plan, zoning and site plan, and in some cases heritage permit applications, resulting in hearings on multiple matters at the same time. This results in scheduling of longer, more complicated hearings with numerous prehearings, motions, and experts meetings. The Board issues Procedural Orders requiring exchange of documents and witness statements well in advance of the Hearing. The issues are complex and require a variety of expert witnesses and extensive preparation. While not all matters proceed to a hearing due to settlement, substantial time is still required well in advance of the Hearing date, and as well as for any mediation, settlement negotiation, finalization of planning documents and presentation of evidence to the OMB in support of any settlement reached, as the OMB retains the final approval of any matter once an appeal is filed. These matters usually extend over a period of two years depending on the number of parties and participants, the number of Prehearings and motions, or Mediations, the length of the Hearings, and Board availability. Since 2006 there have been significant, lengthy OMB matters, which are ongoing and are nearing completion, where City OP's have been upheld and approved, and private, OPA and Zoning have been approved as modified, with site plan applications yet to come to Council.

Disbursements in these matters include the costs of preparing document books for all parties, witnesses, and the Board, as well as the costs of couriers for service of documents, preparation of exhibits, legal database searches, faxes, mileage and taxes.

The costs per year in this category are :

2006 - \$ 13,973.40
2007 - \$ 379,156.66
2008 - \$ 345,427.79
2009 - \$ 318,086.25

Employment and Labour

Costs in this category originate through the retainer of external counsel to provide advice and representation on a variety of matters, where specialized expertise is required or where matters are time-sensitive and complex. External counsel assist with ensuring compliance for the corporation's 1500 unionized and non-unionized employees with various provincial statutes including the *Employment Standards Act*, *Labour Relations Act*, *Occupational Health and Safety Act*, *Pay Equity Act*, *Human Rights Code*, *Fire Prevention and Protection Act*, and the *Workplace Safety and Insurance Act*. Specialized advice is also required in the area of collective bargaining and negotiations with the City's six collective bargaining units, and accommodation and disability management matters. There are six Collective Agreements and this category includes administration of these collective agreements, handling grievance and Arbitration hearings for matters that arise under the various Agreements, and interest arbitration. This category also includes any human rights complaints, or wrongful dismissal or other litigation matters arising from an employment relationship up to and including appearances before Tribunals and Courts. This category may also include handling appeals to the Workplace Safety Insurance Board (WSIB).

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The costs per year in this category are:

2006 - \$ 150,070.74
2007 - \$ 206,617.53
2008 - \$ 231,481.92
2009 - \$ 153,716.65

Litigation

Costs in this category originate through the retainer of external counsel to provide specialized advice regarding litigation. Litigation can originate from a myriad of causes of action, linked to many legislative requirements and types of fact situations. Municipal liability for roads and sidewalks and winter maintenance issues, environmental regulation and spill response, municipal property and occupiers' liability for publicly owned facilities such as recreational facilities, recreational trails, and other lands, are areas of significant litigation in all municipalities. Charter claims are rising against municipalities as a result of continuing expansion of municipal powers and broadening of municipal jurisdiction generally which places municipal authority under greater scrutiny. In areas of rapid development, claims against the builder and new home warranty program (Tarion) commonly include claims alleging negligent building inspection. Municipalities are regularly sued for flood damages and sewer backups. Municipalities can also be defendants in class actions.

Claims for damages which are covered by the City's insurance policy and are responded to by the City's insurer are generally for property damage or personal injury arising from motor vehicle collisions which occur on City streets, trip/slip and falls on sidewalks or other City property, and property damage from flooding, and sewer backups. Claims for amounts under the City's deductible are handled by in-house lawyers, and those for amounts over the deductible amount are handled by the insurer's counsel.

Over the past term litigation matters generally arose in the areas of construction contracts and tendering, construction liens, environmental matters, real estate, collections, general breach of contract, and challenges to by-laws. In-house counsel handle these files except where specialized advice is required, matters are voluminous or there are time constraints and scheduling conflicts which may occur as a result of case management. Small Claims Court matters which are currently limited to \$10,000.00, typically include property damage, personal injury and negligence claims and are handled by in-house lawyers. The City has an obligation to defend to protect the interests of the municipality. Costs of litigation and cost-benefit of settlement are two of a number of considerations in litigation strategy.

The costs per year in this category are:

2006 - \$ 56,957.72
2007 - \$ 53,411.84
2008 - \$ 116,822.02
2009 - \$ 41,318.12

Litigation arising out of Municipal Elections (Recount and Compliance Audit matters)

Costs in this litigation category originate through the retainer of external counsel to provide expert advice regarding municipal election related matters pursuant to the *Municipal Elections Act* which provincial legislation obligates the municipal corporation to deal with. The City has experienced litigation in the area of municipal elections over the last three years. In addition to providing expert advice and court representation on the applications for recount and controverted election, expert advice was also required on various aspects of the municipal election finance compliance

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audit applications. Advice and court representation is ongoing regarding litigation arising from Council's decisions to proceed with audits and prosecutions. An independent prosecutor has been retained and these matters are continuing.

The costs per year in this category are:

2006 - \$ 40,493.29

2007 - \$ 346,029.70

2008 - \$ 296,036.73

2009 - \$ 287,482.13

Municipal Matters

Costs in this category originate with retainer of legal counsel to provide specialized legal advice on a variety of general municipal matters. Since 2006, the main areas of expertise required were environmental matters, development charges, expropriations, public inquiries, copyright, and facilitating a hospital in Vaughan.

Costs are as follows:

2006 - \$ 58,368.48

2007 - \$ 37,367.40

2008 - \$ 41,258.38

2009 - \$ 56,152.00

Ongoing Matters

Council also requested anticipated costs of unsettled matters based on best estimates. In order to protect the City's interest in ongoing litigation matters, a confidential memo has been provided to Council.

Relationship to Vaughan Vision 2020/Strategic Plan

This report is consistent with the priorities set by Council in the Vaughan Vision 2020, particularly Planning and Managing Growth & Economic Vitality; Enhancing Productivity, Cost Effectiveness & Innovation; and Leading and Promoting Environmental Sustainability.

Regional Implications

None

Conclusion

The City of Vaughan is a lower tier municipality with a population which has rapidly expanded over the last 10 years to reach approximately 260,000 persons. As any municipality grows, and given all the legislative changes in the municipal, planning and development areas over the last few years, the nature, complexity, and volume of matters required to be dealt with by local governments has increased. These factors increase the demand for legal services. Retaining external legal counsel on an as-needed basis and controlling the cost through measures such as assistance by in-house counsel and the Request for Proposals for legal services are some of the ways that the Legal Services Department manages the growing demand for legal services for the municipal corporation. As Vaughan continues to grow, staff will continue to ensure that costs for legal services are well managed and reasonable.

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Attachments

None

Report prepared by:

Heather Wilson
Director of Legal Services

Mayor Jackson, Regional Councillor Frustaglio and Councillor Di Vona declared an interest with respect to the foregoing matter, as they were participants in some of the matters identified in the report, and did not take part in the discussion or vote on the matter.

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EXTRACT FROM COUNCIL MEETING MINUTES OF DECEMBER 14, 2009

Item 28, Report No. 54, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on December 14, 2009.

28

2009 SUMMER HIATUS REPORT

The Committee of the Whole recommends approval of the recommendation contained in the following report of the City Manager, dated December 1, 2009:

Recommendation

The City Manager in consultation with the City Advisor recommends:

That the following report under the Authority of the City of Vaughan Hiatus By-law 332-98, as amended (By-law 254-2008), be received.

Economic Impact

N/A

Communications Plan

N/A

Purpose

The purpose of this staff report is to advise members of Council of those matters attended to by staff (City Manager) during Council's 2009 summer hiatus.

Background - Analysis and Options

By-law 332-98 provides authority for the execution of documents of an administrative nature by staff and/or the Mayor and Clerk, for certain matters during the hiatus of Council. Approvals made during the 2009 Summer Hiatus period are as follows:

1. T09-185
Approval – July 7, 2009
\$255,356.00 plus GST
Contingency – \$30,000 plus GST
Geotechnical and Material Testing - \$3,000.00 plus GST
Miller Paving Ltd.
2. T09-225
Approval – July 20, 2009
\$368,235.00 plus GST
R.S.D. Contracting of Sutton, Ontario
3. T09-234
Approval – July 29, 2009
\$200,340.00 (taxes included)
Flow-Kleem Technology Ltd.

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4. T09-236
Approval – July 30, 2009
\$641,097.00 plus GST
Contingency - \$70,000.00 plus GST
Geotechnical and Material Testing - \$7,000.00 plus GST
Furfari Paving Co. Ltd.
5. T09-219
Approval – August 27, 2009
\$3,205,490.00 plus GST
Contingency - \$330,000.00 plus GST
Geotechnical and Material Testing - \$182,000.00 plus GST
Contract Administration and Inspection - \$20,000.00 plus GST
Additional funds \$200,000.00
Allto Construction Services Limited
6. CRFP09-01 (Co-operative Bid Number, CT-09-01)
Approval – September 2, 2009
\$252,000.00 plus applicable taxes for three (3) years
Buntin Reid, a Division of Domtar Inc.

Relationship to Vaughan Vision 2020

This report is consistent with the priorities previously set by Council and the necessary resources have been allocated and approved.

Regional Implications

N/A

Conclusion

The above tenders were awarded based on qualifications and low bid. This report, which outlines those tenders that were authorized under By-law 332-98, as amended (By-law 254-2008) is provided to Council for their information.

Attachments - MAYOR AND MEMBERS OF COUNCIL ONLY

1. Staff Report – T09-185
2. Staff Report – T09-225
3. Staff Report – T09-234
4. Staff Report – T09-236
5. Staff Report – T09-219
6. Staff Report – CRFP09-01

The above reports are provided to the Mayor and Members of Council only. However, a copy is on file in the office of the City Clerk for public viewing.

Report prepared by:

Anita Micoli
Administrative & Project Assistant

(A copy of the attachments referred to in the foregoing have been forwarded to each Member of Council and a copy thereof is also on file in the office of the City Clerk.)

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EXTRACT FROM COUNCIL MEETING MINUTES OF DECEMBER 14, 2009

Item 29, Report No. 54, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on December 14, 2009.

29

SNOW CLEARING IN REAR LANEWAYS

The Committee of the Whole recommends approval of the recommendation contained in the following report of the Commissioner of Engineering and Public Works, dated December 1, 2009:

Recommendation

The Commissioner of Engineering and Public Works recommends that the following report be received for information.

Contribution to Sustainability

Efficient and effective snow removal contributes to the economic sustainability of the community, and reduces lost productivity created when people are not able to get to work.

Economic Impact

There is no significant impact to the current or proposed 2010 budget to implement the level of service to rear laneways contained in this report.

Communications Plan

No specific communications plan is required at this time; however, when winter control operations are taking place, regular updates are provided to the public via the City's web site.

Purpose

To advise Council as to the potential for improved rear laneway snow clearing, as per Report 6 Item 5, February 24, 2009.

Background - Analysis and Options

There are approximately 4 km's of rear laneways in the City of Vaughan. The City's standard level of snow clearing service for rear laneways is as follows:

Rear Lanes

- *Rear lanes are maintained only after all other roads have been completed.*
- *Rear lanes are maintained through the application of salt.*
- *Circumstances permitting, if snow and ice accumulations reach 15 cm or 6 inches, or if severe rutting occurs, snow removal will be commenced.*

There are two issues that residents have expressed concerns about with respect to laneway snow clearing: a) the depth of snow accumulation prior to clearing taking place; and, b) the timing of the operations themselves.

The City of Vaughan has two types of rear laneways. The single loaded laneways have garages on one side of the laneway only. The double loaded laneways have garages on both sides of the laneway.

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The single loaded laneways do not cause the same operational challenges in terms of snow clearing as the double loaded laneways. In a single loaded laneway, the snow can be pushed to the side opposite the garage doors, and if need be, removed at a later date. This is not possible to do in the double loaded laneways. As double loaded laneways have garages on both sides, ploughing the laneway would only result in all the snow from the laneway being pushed against the garage doors on one side of the laneway.

The first line of attack for either type of laneway is the use of salt to try and melt the snow to a reasonable depth to allow passage of motor vehicles. If the depth is still too great, the only option in the double loaded lanes has been removing the snow using loaders and dump trucks. This is a slow operation compared to ploughing, and requires different equipment. For that reason, these types of laneways are not cleared at the same time as the roads, or receive the same level of service as roads.

Council previously approved the purchase of two new rubber tired front end loaders, as well as two loader mounted snow blowers to assist in snow removal activities. With the purchase of these 2 loaders and snow blowers, an opportunity exists to clear snow from the rear lanes in a more efficient manner, thereby reducing the wait time for residents. With the loader mounted snow blowers, staff will be able to perform snow removal services in these rear laneways faster than before, and the operation can commence sooner than previously was done.

Public Works staff drafted the detailed specifications for these new loaders and snow blower units, and the tender has closed. As soon as these units arrive, and can be put into service, they will be delivered to the appropriate yards so that Roads staff can use them to perform this improved level of service for the rear laneways.

The single loaded laneways are often ploughed at the same time as the adjacent residential streets. As such, these are already being maintained in a manner that exceeds the current standards in terms of snow depth and timing of the operations.

For comparative reasons, the following is from the City of Toronto's web site and is taken from briefing notes to Toronto Council in 2004 concerning the level of service for rear laneways:

"There are approximately 250 kms of laneways in the City of Toronto with the vast majority located in the South District. These laneways were constructed to provide access to rear garages on residential properties, or to provide access to commercial properties on arterial roads. The existing winter maintenance of laneways can be summarized as follows:

After a major snowfall, public lanes are typically one of the most problematic areas Transportation Services has to deal with. Approved funding level is based only on undertaking salting in laneways. This will certainly not result in the snow being eliminated, but does assist in keeping them at least passable. Windrows are cleared at the entrances/exits to laneways."

"If a service improvement (higher than the current salting operation) is considered, the options are limited to a complete removal operation. This operation would require the securing of small skid steer equipment, front-end loaders, dump trucks, flag persons and supervisory staff for the entire winter season. Yearly estimates for the additional staff and equipment are:

Stand-by \$600.00/day x 121 days = **\$72, 600.00**

Operating \$350.00/hr x 12 hrs/day x 3 days* x 250 km network = **\$3.15 million**

(assumption: 3 days to clear 1km of laneway per crew)

*Additional disposal sites and costs also need to be considered. **Our estimate is that the costs for the removal would be in the \$3.5 million to \$4.0 million range per major snowfall requiring additional annual funding of \$21 million to \$24 million.** Additional detailed planning and securing of equipment and resources would also be required."*

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Regardless of the municipality, snow clearing in rear laneways is an issue for the public, and with operations crews.

With the anticipated arrival of the new snow blowers and loaders later this winter, the City of Vaughan's service level will be improved, and the work will be done mostly with in-house resources. Notwithstanding this, the timing of the service may still not be as good as that of the second priority roadways, simply due to the amount of snow to be removed, and other operational considerations.

At this point it is premature to formally change the approved levels of service for rear laneways; however, once the new equipment arrives and is placed into service, and staff gain experience using it for rear laneway snow clearing, a report will be presented in the future outlining any necessary service level changes.

Relationship to Vaughan Vision 2020/Strategic Plan

This report is consistent with the priorities previously set by Council and ties into Vaughan Vision 20/20 as follows:

| | |
|-----------|---------------------------------------|
| Goal | Service Excellence |
| Objective | Pursue Excellence in Service Delivery |

| | |
|-----------|---|
| Goal | Management Excellence |
| Objective | Enhance Productivity Cost Effectiveness and Innovation. |

Regional Implications

There are no regional implications associated with this report.

Conclusion

When the new front end loaders and snow blowers arrive and are placed into service, improved levels of snow clearing can take place in rear laneways, especially those that have garages on both sides of the laneway. Once staff have gained experience using this equipment for rear laneway snow clearing, a further report will be submitted, making the necessary changes to the approved levels of service.

Attachments

N/A

Report prepared by:

Brian T. Anthony

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Item 30, Report No. 54, of the Committee of the Whole, which was adopted, as amended, by the Council of the City of Vaughan on December 14, 2009, as follows:

By approving the recommendation of the City Clerk, dated December 1, 2009;

By approving the following:

That the Clerk inform the Chief Electoral Officer of Ontario that this Council:

- a) Supports in principle, any initiative undertaken to standardize voting procedures in Ontario (such as the use of vote tabulation machines province-wide);***
- b) Requests that if Elections Ontario does adopt the use of vote tabulators province-wide, such machines be made available at no more than a nominal charge to the cities and towns across the province for use in municipal elections;***
- c) Requests the local Members of Provincial Parliament ensure that Bill 231 (Election Statute Law Amendment Act, 2009), currently before the provincial legislature, be modified, to accommodate this request;***
- d) Directs that a minute of this item be communicated to the Association of Municipalities of Ontario, the City of Toronto, and Greater Toronto Area municipalities; and***

Furthermore, that in the event the Province of Ontario adopts the foregoing arrangement, Council give consideration to exercising its right to cancel the portion of the Dominion Voting System lease for an electronic tabulation system that relates to the 2014 election;

By receiving the memorandum from the City Clerk, dated December 10, 2009;

By receiving the following written submissions:

- a) Ms. Carrie Liddy, dated November 29, 2009; and***
- b) Mr. John Poulos, Dominion Voting Systems, 215 Spadina Avenue, Suite 200, Toronto, M5T 2C7, dated December 10, 2009.***

30

**CONTRACT AWARD - RFP09-350
THE LEASE OF AN ELECTRONIC TABULATION SYSTEM**

The Committee of the Whole recommends:

- 1) That this matter be deferred to the Council meeting of December 14, 2009 to allow staff to provide additional information regarding issues and concerns raised, a list of other Ontario municipalities that use vote counting equipment and cost analysis/comparison between electronic and manual counting; and**
- 2) That the deputation of Ms. Carrie Liddy, 36 Humberview Drive, Woodbridge, L4H 1B1, be received.**

Recommendation

The City Clerk in consultation with the Director of Purchasing Services, recommends:

- 1. That the contract for RFP09-350 for the Lease of an Electronic Tabulation System for the City of Vaughan be awarded to the firm Dominion Voting Systems Corp. in the amount of \$298,800.00, excluding GST and PST for each of the 2010 and 2014 General Municipal Elections (including free tabulator rental for any intervening by-elections).**

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2. That the Mayor and City Clerk be authorized to sign the contract and necessary documents.

Contribution to Sustainability

N/A

Economic Impact

In response to a request for the provision of optional pricing for the 2014 election as well as the 2010 election, the vendor has offered a five-year contract which provides the City with the 2014 system at the same price as the 2010 system, any substituted devices in 2014 at the 2010 rates, and free rental of tabulators for any intervening by-elections. Each of the two elections will therefore cost \$298,800, with payments being made over the five year term of approximately \$120,000 per year, plus taxes. Supplies will be purchased in the year of the election. The estimated cost of leasing falls within approved budget limits and the current rate of contribution to the election reserve account, with no additional impact on the 2010 operating budget.

Taking advantage of the five-year contract has the following benefits:

- The 2014 election system is provided at the same price as the 2010 election, so long as it remains similar in scope;
- Tabulator rental is free for any by-elections which may occur within the five years;
- The tabulator equipment to be provided in 2014 will be the then current version of the equipment that the vendor supplies.
- If the City chooses a different type of the vendor's equipment in 2014 (for example for internet voting), the 2010 prices for that equipment will apply and the City will either supplement its payment or receive a rebate, depending on the relative cost of the chosen equipment as compared to an election based on distributed tabulators;
- If the City chooses an election method for 2014 which the vendor does not provide, or if the City returns to a manual count, the City may cancel the portion of the contract that relates to the 2014 election.

Communications Plan

The Request for Proposal (RFP09-350) was released on September 17, 2009 and advertised on the Electronic Tendering Network (ETN - Bidingo.com), the City Web page and the Ontario Public Buyer's Association website, with a closing date of October 21, 2009.

Purpose

The purpose of this report is to obtain Council approval to award the contract for RFP09-350 the Lease of an Electronic Tabulation System for the City of Vaughan.

Background - Analysis and Options

The traditional method of voting in municipal elections is by in-person voting on Election Day and at Advance Voting locations. Eligible electors appear in person, provide proof of identity, and are provided with a paper ballot which they mark in secrecy.

It is recommended that the City of Vaughan employ the use of decentralized vote tabulators (at least one at each poll) to count these votes in a manner which best protects a voter's right to vote while ensuring speedy and accurate tabulation of results.

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As is the case with every aspect of the conduct of the election, the Clerk in employing the use of vote tabulators will keep mind the primary obligation to deliver a proper and fair election in accordance with the prescriptive provisions set out in the *Municipal Elections Act* and the following set of principles:

1. The integrity of the process should be maintained throughout the election;
2. The secrecy and confidentiality of the individual votes is paramount;
3. The election should be fair and non-biased;
4. The election should be accessible to the voters;
5. There be certainty that the results of the election reflect the votes cast;
6. Voters and candidates should be treated fairly and consistently within a municipality; and,
7. A proper majority vote decides the election by ensuring, so far as reasonably possible, that valid votes be counted and invalid votes be rejected.

The City Clerk is proposing the use of the vote tabulation system being offered by Dominion Voting Systems Corp. (“DVS”). In responding to the City’s RFP, DVS has indicated its understanding of the City’s objectives by identifying as its own service delivery theme “Access and Accuracy with Dignity and Integrity”. Its vision is to provide a barrier free election, empowering voters to exercise their franchise either on Election Day or during the advance voting period, with the provision of accurate, auditable results in a timely fashion. There is clear alignment between the objectives and approach of DVS and the City Clerk’s objectives in delivering an election which meets the high expectations of Vaughan’s voting public.

Key issues arising from 2006 Election

In configuring and deploying the tabulation voting system, the City Clerk will be taking into account the controversies associated with the 2006 general municipal election, and in particular:

a) Accuracy and Accountability

The City will employ the use of DVS’s ImageCast Precinct Tabulator which employs high-resolution digital scanning of each ballot. As each ballot is scanned, the voter’s mark for each office is compared to a threshold standard so that each ballot at each poll will be tabulated to the same standard. An appropriate threshold standard, based on the City’s ‘fill in the arrow’ ballot design, will be developed with the assistance of DVS.

Once the threshold standard is set, the tabulator will be set to identify marginal marks. In real-world voting scenarios, voters will with some frequency place a mark which is not ‘ideal’. The ImageCast system employs an ‘Ambiguous Zone’ which identifies marks which fall close to the threshold standard. The result is that when a voter attempts to cast a ballot containing a marginal mark, the unit will notify the voter of the problem and ask that the voter clarify his or her intent. All marginal marks are therefore dealt with at the voting location, with the voter having the opportunity to clarify their intention, and accept or reject the ballot before it is counted.

In addition, the ImageCast system can be configured to “voter-verifiable” mode, in which case the onboard LCD screen shows a vote summary displaying the machine’s interpretation of the votes on the ballot before the ballot is ‘counted’ and dropped into the ballot box. The City Clerk will be testing the voter-verifiable system through the course of election planning and will configure the system, at a minimum, to indicate over-voted ballots and completely blank ballots. If through testing it is determined that an ‘always-on’ voter verifiable mode will not result in voter confusion or inordinate delays, every voter will automatically be given the opportunity to view how their ballot has been recorded by viewing the LCD screen. An alternative will be to engage the mode only for voters who ask for it.

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b) Timely Results Reporting

The DVS system includes a real-time vote results module which reports results on the internet, and which can be projected on public display screens, fed to local television stations, and displayed on the City web site. The report display can be made interactive, allowing web site users to click on contests and geographic areas of interest to them.

In 2006, each tabulator was brought to the Vaughan Civic Centre, the memory cards removed, and the card information uploaded into the vote compilation system provided by DVS. To supplement that process in 2010, the tabulator operators at each voting location will call in results from that location to a call centre to be established at the election headquarters. Results from advance polls will be uploaded as the calls come in from Election Day polls. As a result, speedy and verifiable results will be available on election night.

c) Vote Anywhere Advance Voting / Accessible Voting

In a future report, the City Clerk will be recommending dates and times for Advance Voting Week, once the provisions that relate to municipal elections in Bill 212, being “An Act to promote good government by amending or repealing certain Acts and by enacting two new Acts,” are finalized and adopted.

Once established, voters will be able to attend at any Advance Voting location and cast their votes regardless of whether the advance poll is located in the ward in which they live. This will be achieved through the use of an electronic voters list which provides a secure method to strike voters off the list in such a way that they are unable to vote at any other location. At each location, ballots will be printed on demand, so that all ballot faces will be available at every advance vote location.

Accessible Voting Marking Devices will be available at the advance vote locations, which will allow voters to use an audio accessible voting Ballot Marking Device (which supports multiple languages). The Ballot Marking device allows voters who cannot negotiate a paper ballot to generate a marked human- and machine-readable ballot, indistinguishable from a ballot marked by hand by any other voter. The generated ballot is scanned by the tabulator, thereby presenting an equal voting experience for all voters. Accessible Voting Marking Devices will be redeployed at polls established at seniors' residences throughout the municipality.

Procurement Process

The Request for Proposal (RFP09-350) was released on September 17, 2009 and advertised on the Electronic Tendering Network (ETN - Bidingo.com), the City Web page and the Ontario Public Buyer's Association website, with a closing date of October 21, 2009.

Two Firms picked up RFP documents. One addendum was subsequently issued to provide technical clarification to the proponents. Only One proposal from Dominion Voting Systems Corp. was received upon closing of the bid.

The evaluation committee consisted of City staff from various departments, with the Purchasing Services Department facilitating and monitoring the evaluation process. The proposal submissions was evaluated against following criteria provided in the RFP document.

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PHASE I. Proposal submission was evaluated and scored according to the following criteria:

| ITEM | EVALUATION CRITERIA | EVALUATION POINTS |
|------|---------------------------------------|-------------------|
| 1 | EQUIPMENT AND METHODOLOGY DESCRIPTION | 10 |
| 2 | EQUIPMENT AND METHODOLOGY COMPLIANCE | 35 |
| 3 | EQUIPMENT TECHNICAL COMPLIANCE | 20 |
| 4 | PROJECT COSTS | 25 |
| 5 | RELEVANT EXPERIENCE | 10 |
| | TOTAL | 100 |

PHASE II. Proponent meeting the phase I criteria was asked to provide the evaluation committee with an equipment demonstration in support of their proposal to exhibit and demonstrate the information contained therein and further scored according to the following criteria:

| ITEM | EVALUATION CRITERIA | EVALUATION POINTS |
|------|---------------------------------|-------------------|
| 1 | Functionality. | 20 |
| 2 | Ease of use, user friendliness. | 15 |
| 3 | Operational performance. | 15 |
| | TOTAL | 50 |

The Committee determined the Dominion Voting Systems Corp. proposal submission to be an acceptable scorer throughout the evaluation process and was identified as suitable and qualified to carry out the contract.

Relationship to Vaughan Vision 2020/Strategic Plan

The proposed initiative is consistent with the following elements of Vaughan Vision 2020:

1. Service Excellence – Demonstrate Leadership and Promote Effective Governance
2. Service Excellence – Pursue Excellence in Service Delivery
3. Management Excellence – Enhance Productivity, Cost Effectiveness and Innovation

This report is consistent with the priorities previously set by Council and the necessary resources have been allocated and approved.

Regional Implications

N/A

Conclusion

Based on the evaluation of the proposal received, it is recommended that a contract for the Lease of an Electronic Tabulation System for the City of Vaughan be awarded to the firm Dominion Voting System Corp. in the amount of \$298,800.00, excluding GST and PST for each of the 2010 and 2014 General Municipal Elections, including free tabulator rental for use in by-elections which may occur in intervening years.

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Attachments

N/A

Report prepared by:

Jeffrey A. Abrams, City Clerk

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Item 31, Report No. 54, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on December 14, 2009.

31

**SIGN VARIANCE APPLICATION
FILE NO: SV.09-019
OWNER: ZZEN GROUP
LOCATION: SOUTH SIDE HIGHWAY 7
CONCESSION 9, PART OF LOT 6
WARD 2
(Deferred Item)**

The Committee of the Whole recommends that this matter be deferred to the January 12, 2010, Committee of the Whole meeting in accordance with the written submission of Mr. Graham Armstrong, dated November 30, 2009, on behalf of the applicant.

Council, at its meeting of November 24, 2009, adopted the following (Item 2, Report No. 50):

That this matter be deferred to the Committee of the Whole meeting of December 1, 2009;

That the memorandum from the Chair, Sign Variance Committee, dated November 20, 2009, be received; and

That the written submission from Mr. Graham Armstrong, Pattison Outdoor Advertising, 2285 Wycroft Road, Oakville, L6L 5L7, dated November 24, 2009.

Recommendation of the Committee of the Whole meeting of November 10, 2009:

- 1) That this matter be deferred to the Council meeting of November 24, 2009 to allow staff to report back with respect to the signs on the north side of Hwy #7;
- 2) That the deputation of Mr. Graham Armstrong, Pattison Outdoor Advertising, 2285 Wycroft Road, Oakville, L6L 2L7 and map, on behalf of the applicant, be received.

Report of the Sign Variance Committee, dated November 10, 2009

Recommendation

The Sign Variance Committee recommends:

That Sign Variance Application SV.09-019, ZZen Group, be REFUSED, due to the proposed 320 meter minimum separation between Poster Panel Signs.

Contribution to Sustainability

N/A

Economic Impact

None.

Communications Plan

The results of this application will be communicated to the applicant through the Secretary to the Sign Variance Committee.

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.../2

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Purpose

Request to install a Poster Panel Sign on a parcel of land zoned “A” (Agricultural Zone) and located 320 meters from another Poster Panel Sign located on the same side of the street.

Background - Analysis and Options

Bylaw Requirements (203-92, as amended):

15.1 One Poster Panel Sign (Billboard) per lot may be permitted on vacant lots zoned Industrial or Commercial.

All Poster Panel Signs shall be located within the “Industrial Area” as shown on Schedule “D” to the Sign By-Law. (The Industrial Area of Official Plan Amendment 450.)

Poster Panel Signs shall be setback a minimum of 600 meters from any other Poster Panel located on the same side of the street.

Relationship to Vaughan Vision 2020/Strategic Plan

This report is consistent with the priorities previously set by Council and the necessary resources have been allocated and approved.

Regional Implications

Region of York Engineering approval is required for the proposed sign. (Minimum setback from the centre line of the road only.)

Conclusion

The applicant is proposing to erect a sign on a parcel of land zoned Agricultural that is within the “Industrial Area” as shown on Schedule “D” to the Sign By-law. The applicant is further proposing that the minimum separation between Poster Panel Signs be reduced from the required 600 meters to 320 meters.

Members of the Sign Variance Committee do not support the reduction of the separation between Poster Panel Signs. In their opinion the minimum separations required in the Sign By-law should be maintained to provide a distinct separation between the large third party advertising signs (Poster Panel Signs) to reduce the negative impact on the streetscape. For this reason members of the Sign Variance Committee are recommending that the application be refused.

If Council finds merit in the application, a Sign Permit issued by the Building Standards is required.

Attachments

1. Site Plan
2. Memorandum from the Chair, Sign Variance Committee, dated November 20, 2009
3. Correspondence from Pattison Outdoor Advertising, dated November 24, 2009

Report prepared by:

John Studdy, Manager of Customer & Administrative Services Ext 8232

/pa

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(A copy of the attachments referred to in the foregoing have been forwarded to each Member of Council and a copy thereof is also on file in the office of the City Clerk.)

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Item 32, Report No. 54, of the Committee of the Whole, which was adopted, as amended, by the Council of the City of Vaughan on December 14, 2009, as follows:

By receiving the memorandum from the City Clerk, dated December 10, 2009;

By deferring the following list of proposed Ward names to the Committee of the Whole meeting of February 2, 2010:

| | |
|---------------|--------------------------------|
| <i>Ward 1</i> | <i>Maple/Kleinburg</i> |
| <i>Ward 2</i> | <i>Woodbridge West</i> |
| <i>Ward 3</i> | <i>Woodbridge East</i> |
| <i>Ward 4</i> | <i>Concord/Thornhill North</i> |
| <i>Ward 5</i> | <i>Thornhill</i> |

By approving that the Commissioner of Community Services in consultation with the City Clerk provide to Council no later than March 31, 2010, the rules and regulations that will be imposed on all candidates participating in five (5) meet and greet sessions at community centres during the post labour day portion of the 2010 election.

32 TASK FORCE ON DEMOCRATIC PARTICIPATION & RENEWAL: FINAL REPORT
(Clauses 2, 8, and 10 – Referred from the Council meeting of November 24, 2009)

The Committee of the Whole recommends:

- 1) That recommendation #2 of the Task Force on Democratic Participation & Renewal be adopted, with rebates for individual donations by Vaughan residents to candidates in the 2010 municipal election paid out of the 2011 operating budget, to a maximum of 75% of said donations, with a cap of \$150 on such rebates and a minimum of \$50 per donation, with participation optional to candidates and providing they supply audited financial statements prior to payment of rebates to their donors, excluding the candidate, his or her spouse and their family members;
- 2) That recommendation #8 of the Task Force on Democratic Participation & Renewal be amended to the following effect, that in addition to the candidates' information normally found on the City's election related web pages, the City's election website provide links to the candidates' websites, if any;
- 3) That in light of the Ontario Municipal Board decision on the City's ward boundaries, Council reconsider the names for wards suggested by the Task Force in recommendation #14, and adopt or amend the names suggested for wards 4 & 5; and
That staff report back to the Council meeting of December 14, 2009 regarding the suggested names;
- 4) That the memorandum from the City Clerk, dated November 23, 2009, be received; and
- 5) That the following deputations be received:
 - a) Ms. Deb Schulte, 76 Mira Vista Place, Woodbridge, L4H 1K8;
 - b) Mr. Elliott Silverstein, 7460 Bathurst Street, Suite 201, Thornhill, L4J; and
 - c) Ms. Rosanna Defrancesca, East Woodbridge Community Association, 87 Michelle Drive, Woodbridge, L4L 9B9.

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Recommendation

Council, at its meeting of November 24, 2009, adopted in part (Item 1, Report No. 49):

That recommendations 2, 8, and 10 of the Committee of the Whole (Working Session) meeting be referred to the Committee of the Whole meeting of December 1, 2009, for discussion.

Recommendations 2, 8, and 10

- 2) That with respect to the Task Force on Democratic Participation and Renewal Recommendation 2, that the City Clerk be requested to do an analysis of the impact of a rebate system for individuals only and report back at the earliest opportunity; and

That the total actual expenditures of the particular municipalities rebate programs referenced in the chart contained in the City Clerk's additional report dated November 9, 2009, be added to the subject chart, including the projected estimate of the costs.
- 8) That consideration of the Task Force on Democratic Participation and Renewal Recommendation 8, with respect to candidates' messages on the City's website, be deferred for further discussion.
- 10) That the Task Force on Democratic Participation and Renewal Recommendation 14 be approved in principle and that the City Clerk report back following the outcome of the ward boundary by-law appeal.

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Item 33, Report No. 54, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on December 14, 2009.

33

NEW BUSINESS – VAUGHAN MILLS OUTPARCELS

(Deferred Item)

The Committee of the Whole recommends:

- 1) **That the resolution with respect to the Vaughan Mills Mall Campus - Retail Business Holidays Act be approved subject to changing Column 3 (Holidays) to read, "All but, Christmas Day, Good Friday and Easter Sunday", so that it now reads:**

WHEREAS the Retail Business Holidays Act (the "Act") provides that the Regional Municipality of York may by by-law permit retail business establishments to be open on holidays for the maintenance and development of tourism;

AND WHEREAS the Act provides that the council of a local municipality may also apply for such a by-law;

AND WHEREAS the City's Commercial Land Study currently underway recognizes the Vaughan Mills mall as a "Super Regional Node" and a major tourism attractor;

AND WHEREAS over 66% of visitors to Vaughan Mills come from outside of the City of Vaughan;

AND WHEREAS the mall attracts more than 13 million consumers, families and tourists each year.

AND WHEREAS the commercial areas and outparcels surrounding the mall form part of the Vaughan Mills campus, and are bounded by Rutherford Road, Jane Street, Bass Pro Mills Drive and Hwy. 400 (the "Campus");

AND WHEREAS all of the retail establishments within the Vaughan Mills Campus are within two kilometers of Canada's Wonderland;

AND WHEREAS Canada's Wonderland is another recognized tourist attraction within the City of Vaughan

AND WHEREAS tourism in Vaughan promotes and contributes to the economic health of the City of Vaughan,

NOW THEREFORE the Council of the Corporation of the City of Vaughan resolves:

THAT the Council of the Corporation of the City of Vaughan hereby applies to the Regional Municipality of York for an exemption under the Retail Business Holidays Act as follows:

Schedule "A" to By-law No. LI-8-95-76, being a by-law to permit retail business establishments to be open on holidays, be amended by adding the following:

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| <u>COLUMN 1 (BUSINESSES)</u> | <u>COLUMN 2 (LOCATIONS)</u> | <u>COLUMN 3 (HOLIDAYS)</u> | <u>COLUMN 4 (HOURS)</u> |
|----------------------------------|---|--|--|
| <u>ALL</u> | <u>VAUGHAN MILLS MALL CAMPUS, WITHIN THE FOLLOWING BOUNDARIES: NORTH: RUTHERFORD ROAD EAST: JANE STREET SOUTH: BASS PRO MILLS DR. WEST: HWY. 400</u> | <u>ALL, BUT CHRISTMAS DAY, GOOD FRIDAY AND EASTER SUNDAY</u> | <u>8:00 A.M. TO 10:00 P.M.</u> |

- 2) That the deputation of Mr. Fred Santini, Ivanhoe Cambridge, 95 Wellington Street West, Suite 300, Toronto, M5J 2R2, and written submission dated November 24, 2009, be received.

Council, at its meeting of November 24, 2009, adopted the following (Item 23, Report No. 50):

That this matter be deferred to the Committee of the Whole meeting of December 1, 2009.

Recommendation of the Committee of the Whole meeting of November 10, 2009:

The Committee of the Whole recommends that a report be submitted to Council on the exemption of the Vaughan Mills Outparcels under the Retail Holiday Business Act.

The foregoing matter was brought to the attention of the Committee by Mayor Jackson.

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Item 34, Report No. 54, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on December 14, 2009.

**34 BLOCK 11 BRIDGE / CULVERT VALLEY ROAD CROSSINGS AND
PRESSURE DISTRICT 6 EAST RUTHERFORD ROAD TRUNK WATERMAIN
REIMBURSEMENT OF DEVELOPMENT CHARGE FUNDS
WARD 1**

The Committee of the Whole recommends approval of the recommendation contained in the following report of the City Manager and the Commissioner of Engineering & Public Works, dated December 1, 2009:

Recommendation

The City Manager and the Commissioner of Engineering & Public Works, in consultation with the Director of Development / Transportation Engineering, the Director of Reserves and Investments and the Director of Legal Services, recommend:

1. That a By-law be enacted authorizing the Mayor and Clerk to execute an agreement amending the Block 11 Spine Services Agreement between the City and the Block 11 Landowners' Group (Block 11 Properties Inc. – Trustee) dated August 11, 2006 to provide for the up-front financing and reimbursement of the costs associated with the design and construction of the Block 11 valley road crossings and the Pressure District 6 East Rutherford Road Trunk Watermain from Development Charges, pursuant to the principles and terms set out in this report;
2. That the amending agreement provide for the Block 11 Landowners' Group to be reimbursed \$15,784,550 for the Block 11 valley road crossings and \$2,835,266 for the Pressure District 6 East Rutherford Road Trunk Watermain pursuant to the principles and terms set out in this report;
3. That Council authorize an interim payment to the Block 11 Landowners' Group in advance of the execution of the amending agreement in the amount of \$2,933,600 for the Block 11 valley crossings and \$1,800,000 for the Pressure District 6 East Rutherford Road trunk watermain which represents the estimated net amount owing to December 31, 2009 with funding from Capital Projects DT-7001-08 and 1246-0-04, respectively, subject to the Block 11 Landowners' Group providing the City with satisfactory proof that the works have been constructed in accordance with the approved construction drawings and City standards, and a statutory declaration that all contractors and subcontractors associated with the construction of the works have been paid;
4. That Staff be authorized to retain a consulting engineering firm to assist where necessary and expedite the review of the additional costs under review which are associated with the Block 11 valley road crossings. The consulting fees associated with this review are to be funded from Capital Project DT-7037-09; and
5. That Staff report back to Council on the reimbursement of the additional costs associated with the construction of the Block 11 valley road crossings.

Contribution To Sustainability

The valley road crossings within Block 11 provide for a continuous and porous collector road network supporting sustainable modes of transportation including public transit, walking and cycling.

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There are two main valley corridors within Block 11 which form part of the Don River Watershed system. The majority of the lands within the block are also located along the southern edge of the Oak Ridges Moraine. Accordingly, the valley road crossings were designed and constructed with considerable attention to the preservation of the existing natural aquatic and terrestrial habitats in consultation with the Toronto and Region Conservation Authority and the Department of Fisheries and Oceans Canada.

Economic Impact

The seven valley crossings in Block 11 and the Pressure District (PD) 6 East Rutherford Road Trunk Watermain are identified as growth related projects within the engineering component of the approved 2003 and 2008 Development Charges (DC) Background Studies and related By-laws.

The 2003 DC Background Study identified the total estimated costs of the valley crossings and trunk watermain to be approximately \$15.3 million and \$2.4 million respectively. The trunk watermain was identified as an Area Specific Development Charge project with a benefiting area which includes the development lands within Blocks 10, 11 and 17. The Block 17 Landowners' Group advanced the design and construction of the initial components of the PD 6 East Rutherford Road Trunk Watermain between Barrhill Road and Confederation Drive to accommodate the development in Block 17 as shown on Attachment No. 2. The total cost of this first segment of the trunk watermain was \$839,438.

In November 2007, the Block 11 consulting engineer provided updated information to the City indicating that the estimated costs to complete the construction of the valley road crossings and the second segment of the PD 6 East Rutherford Road Trunk Watermain had increased to approximately \$26.2 million and \$2.8 million respectively. Accordingly, these updated cost estimates were reflected in the City's 2008 Development Charge By-law update and Background Study as summarized in the table below.

| Infrastructure | DC Type | DC By-Law | DC Estimates |
|---|----------------|------------------|---------------------|
| Block 11 Valley Road Crossings | City-Wide | 230-2008 | \$26,818,232 |
| PD 6 East Rutherford Road Trunk Watermain | City-Wide | 230-2008 | \$728,253 |
| | Area Specific | 234-2008 | \$3,031,510 |
| Total Watermain | | | \$3,759,763 |

At the request of the City, the Block 11 Spine Services Agreement required Block 11 Properties Inc. to design and construct the seven valley road crossings and the remaining components of the PD 6 East Rutherford Road Trunk Watermain as part of the initial stage of development in Block 11. The provisions of the Spine Agreement also obligate Block 11 Properties Inc. to enter into a further financial agreement with the City with respect to the reimbursement of the costs associated with the design and construction of these growth related projects. Accordingly, over the last several years Council has approved funding through the Capital Budget process to reimburse Block 11 Properties Inc. for these growth related projects. Funding in the amount of approximately \$11.1 million for the valley road crossings and \$3.9 million for the PD 6 East Rutherford Road Trunk Watermain has been set aside in approved capital budgets. Funding for these Capital Projects is from Development Charges.

On June 23, 2008, Council authorized an interim payment to Block 11 Properties Inc. of \$5,000,000 for the valley road crossings, with funding from the above noted approved Capital Projects.

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Based on the capital forecast that is included in the 2008 Development Charges Background Study, it is estimated that a successful reimbursement schedule can be established for the Block 11 valley road crossings starting from 2007 and distributed over a ten year period between 2007 and 2016.

Reimbursement of Area Specific Development Charge funds for the Pressure District 6 East Rutherford Road Trunk Watermain will be accommodated by the on-going development within the benefiting area (development lands within Blocks 10, 11 and 17) as identified in the City's Area Specific Development Charge By-law 234-2008. The reimbursement of additional trunk watermain costs associated with the City-wide component of the City's DC Background Study shall be repaid over a six year period between 2009 and 2014. The estimated total cost of the trunk watermain constructed by Block 11 is \$3,688,000.

There is sufficient capital budget to provide for the additional interim payment. Additional funding will be included in subsequent capital budgets to cover the future annual reimbursement installments.

Communications Plan

There is no specific communications plan associated with this report.

Purpose

The purpose of this report is seek Council's approval to execute an agreement with the Block 11 Properties Inc. with respect to the reimbursement of the costs associated with the design and construction of the seven valley road crossings in Block 11 and the remaining segments of the Pressure District 6 East Rutherford Road Trunk Watermain from Development Charge funds based on the amounts and principles set out in this report. Since the preparation and execution of this agreement may take several months, staff is seeking approval to provide Block 11 Properties Inc. with an interim payment for these works.

The report also identifies a number of additional costs associated with the construction of the valley road crossings that require further review to determine if these costs are fully reimbursable. To assist and expedite this review, this report is seeking Council's authorization to retain a consulting engineering firm with expertise in the review of contract payments.

Background - Analysis and Options

On October 28, 2002, Block 11 Properties Inc. requested the seven valley road crossings that were identified in Block 11 pursuant to OPA 600 be included in the City's 2003 Development Charges (DC) Background Study as growth related projects. The rationale for this request was that the valley road crossings provide a benefit to the City's overall transportation system by establishing a continuous collector road network. In addition, similar type bridge crossings had been included in previous DC Background Studies such as the Melville Road Bridge, Creditstone Bridge, Vaughan Mills Road Bridge and Martin Grove Road Bridge. Accordingly, preliminary cost estimates were prepared by the Block Consultant and supplied to the City on April 14, 2003. These estimates were incorporated into the final 2003 City-Wide Development Charges By-law as growth related projects. In 2003, the seven valley road crossings were estimated to cost \$15.3 million.

Growth related infrastructure projects such as these are typically designed, constructed and up-front financed by developers as part of the development process. Reimbursement provisions for capital costs are usually addressed within individual subdivision agreements and/or other applicable development/servicing agreements.

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The Block 11 Community Plan was approved by Council on August 23, 2003. Individual draft plans of subdivision within the Block were subsequently approved by Council and development has proceeded in phases based on the availability of servicing capacity. Construction of municipal services within Block 11 has proceeded on the basis of a spine servicing arrangement followed by the servicing of individual phases of each subdivision within the Block.

In accordance with the approved block plan and individual draft plans of subdivision, the location of the seven Block 11 valley crossings are illustrated on Attachment No. 1 and described below.

- Crossing 1, Bridge 'G' - south end of Thomas Cook Avenue
- Crossing 2, Bridge 'A' - east end of Marc Santi Boulevard
- Crossing 3, Bridge 'D' - midpoint of Marc Santi Boulevard
- Crossing 4, Culvert 'F' - west end of Marc Santi Boulevard
- Crossing 5, Culvert 'B' - Lebovic Campus Drive
- Crossing 6, Bridge 'C' - east end of Valley Vista Drive
- Crossing 7, Culvert 'E' - west end of Valley Vista Drive

The PD 6 East Rutherford Road Trunk Watermain project includes the construction of approximately 2.2 kilometres of 600/400 mm diameter watermain on Rutherford Road between Keele Street and Crimson Forest Drive as shown on Attachment No. 2. This trunk watermain provides the primary feed of municipal water to the Pressure District 6 East service area within Blocks 10, 11 and 17.

Development in Block 17 proceeded before Block 11. As a result, the Block 17 Landowners' Group was required to design and construct the first component of the trunk watermain works. This included the section of 600 mm diameter watermain between Barrhill Road and Confederation Parkway as shown on Attachment No. 2. In accordance with the provisions of the Block 17 External Services Agreement, the Landowners' Group was reimbursed the costs associated with the design and construction of this initial segment of the watermain by the City. The balance of the PD 6 East Rutherford Road Trunk Watermain was designed and constructed in conjunction with the spine services for Block 11 during the course of the Phase 1 and 2 developments within the Block.

On August 11, 2006, Block 11 Properties Inc. entered into a Spine Servicing Agreement with the City. Pursuant to subsections 18.15 and 18.16 of the Spine Services Agreement, Block 11 Properties Inc. was required to design and construct the seven valley crossings and the PD 6 East Rutherford Road Trunk Watermain as part of the initial phases of the development such that the primary road network and an adequate potable water supply would be established at the outset of development within the Block. The specific wording of Subsections 18.15 and 18.16 of the Block 11 Spine Services Agreement is provided below for reference purposes.

“18.15 The Trustee shall design and construct the proposed Pressure District No. 6 Watermain East in accordance with the approved construction drawings as part of the spine servicing works in Block 11. The Pressure District No. 6 Watermain East is included as a Special Service Area Charge Project D-19 in the Development Charges By-law 361-03. The Trustee shall enter into a separate financial agreement with the City upon execution of the Block 11 Spine Services Agreement.”

“18.16 The Trustee shall design and construct the proposed seven (7) valley crossings in accordance with the approved construction drawings as part of the spine servicing works in Block 11. The seven (7) valley crossings area included as a City-Wide Development Charges Project (Appendix H Item 13 in the 2003 Development Charges Background Study) in the Development Charges By-law 350-03. The Trustee shall enter into a separate financial agreement with the City upon execution of the Block 11 Spine Services Agreement.”

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Block 11 Valley Road Crossings

The Block 11 valley crossings were designed and constructed between 2005 and 2006 with the exception of bridge Crossing No. 6, which is currently under construction and anticipated to be completed by the end of the year. To date, the engineering consultants for the Block have provided staff with background documentation in support of reimbursement in the form of tenders, progress certificates, contract extras and invoices. Based on this information, Block 11 Properties Inc. is requesting the City reimburse them \$20,940,000 for the seven valley road crossings as detailed in the table below.

COST SUMMARY – BLOCK 11 VALLEY ROAD CROSSINGS

| No. | Type | 2009 Claim | Current Reimbursable Costs | Costs Under Review | Item Under Review |
|--------------|-------------|---------------------|----------------------------|--------------------------|--|
| 1 | Bridge 'G' | \$5,920,000 | \$4,057,000 | \$1,863,000 | Dewatering |
| 2 | Bridge 'A' | \$1,580,000 | \$1,580,000 | N/A | N/A |
| 3 | Bridge 'D' | \$2,410,000 | \$2,308,800 | \$101,200 | Dewatering |
| 4 | Culvert 'F' | \$1,040,000 | \$1,040,000 | N/A | N/A |
| 5 | Culvert 'B' | \$1,870,000 | \$1,456,000 | \$414,000 | Dewatering |
| 6 | Bridge 'C' | \$4,530,000 | \$2,983,250 | \$500,250 \$1,046,500 | Precast Culvert Restocking Dewatering |
| 7 | Culvert 'E' | \$3,590,000 | \$2,359,500 | \$1,230,500 | Dewatering |
| TOTAL | | \$20,940,000 | \$15,784,550 | \$5,155,450 | |

NOTES:

1. All costs exclude GST and 3% City Administration Charge.
2. All costs include 15% engineering fees / soft costs.
3. All costs include associated landscaping works.

Additional costs were incurred during the construction of the valley crossings to address unforeseen items such as:

- Extensive dewatering and ground water augmentation activities;
- Restocking charge for a precast concrete conspan culvert which wasn't used.
- Remediation of unstable soil conditions leading to deeper foundation requirements and soil strengthening systems;
- Changes to the design, materials and construction of the culvert crossing structures from single cells to double cells to accommodate the passage of wildlife in accordance with TRCA and DFO requirements;
- Winter construction premiums;
- Creek diversion works; and
- Other general construction cost increases.

Staff has reviewed the \$20.9 million claim and has determined that approximately \$15.8 million is substantiated for reimbursement; however, the extra cost related to dewatering and ground water augmentation activities and the restocking charge for the unused conspan culvert totaling approximately \$5.2 million require further review.

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Staff believes that a thorough review of the construction process and administration of the relevant construction contracts is required to determine whether all or part of these costs is fully reimbursable. To expedite the review of these additional cost items, staff is recommending that the City retain a consulting engineering firm with expertise in the audit of contracts to review these items associated with the Block 11 valley road crossings where necessary. The consulting fees associated with this review can be funded from Capital Projects DT-7037-09. Staff will report back to Council on the results of this review.

Pressure District 6 East Rutherford Road Trunk Watermain

The Area Specific Development Charge for the PD 6 East Rutherford Road Trunk Watermain project was included in the 2003 DC Background Study with cost estimates based on unit rates from the 2001 York Region's Water Optimization Study. Block 11 Properties Inc. constructed two segments of the PD 6 East Trunk Watermain between 2006 and 2009 as shown on Attachment No 2.

In November 2007, the Block 11 Engineering Consultant provided the City with an updated cost estimate for the completion of the watermain works, which amounted to \$2,835,266. This cost estimate reflected contract unit prices and the additional works required to complete the project including tunneling, hydrants and extra valve chambers. Accordingly, the revised cost estimate for the PD 6 East Trunk Watermain project was reflected in the City's 2008 Development Charge update.

During the detailed design and construction of the watermain, project scope changes were required by the City to address future servicing and network requirements. These works included the tunneling of a 150 mm diameter watermain across Rutherford Road, various costs associated with the interconnection of Pressure Districts 6 and 7 across Rutherford Road, future servicing provisions for the Carville District Centre lands, and a valve chamber at the easterly limit of the trunk watermain together with restoration and other related works.

In March 2009, the Block 11 Engineering Consultant advised that the cost to complete the watermain works including the scope changes required by the City was estimated at \$3,688,000 excluding G.S.T. This revised cost estimate is approximately \$850,000 greater than the 2007 cost estimate and the value that is included in the current Development Charge By-law. The majority of the watermain works have now been substantially completed. Staff has reviewed the scope of work and the related construction contract documents associated with the two segments of the PD 6 East Trunk Watermain project that were constructed by Block 11 and is satisfied that the total cost of the works qualify for reimbursement from Development Charges.

Accordingly, it is recommended that Block 11 Properties Inc. be initially reimbursed \$2,835,266 which represents the maximum available funding in the current City Development Charge By-laws for the PD 6 East Trunk Watermain project pursuant to the principles and terms set out in this report. The shortfall in the City's current Development Charge funding in the amount of approximately \$850,000 will be added to the City-wide Development Charge By-law when it is next updated. The inclusion of this shortfall in the next update of the City's Development Charge By-law is subject to appeal.

Tender and Award of Construction Contracts

The Block Consultant has confirmed the bridge contracts for valley Crossings 1, 2 and 3 were awarded by way of a competitive bid process involving a minimum of three contractors, and that the individual contracts for each of the bridges were awarded to the lowest bidder.

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Culvert Crossings 4, 5 and 7, and the PD 6 East Rutherford Road Trunk Watermain works were integrated within two larger contracts which included all other necessary municipal spine .../7

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infrastructure works. As a result, the contract awards for these items were made for broader considerations than any specific item within each of the two contracts. As a condition of Block Plan Approval, all watercourse crossings were to be completed prior to the release of building permits within the Block. Due to the construction magnitude of the spine servicing works and associated valley crossings, during the tendering process, the Block only received bids from two large construction companies. Even with the large size of these firms, it was not considered viable to award more than half of the contract value to each bidder. Hence, based on an analysis of cost, timing and construction logistics, the overall spine servicing works (including the trunk watermain and the culvert crossings) were split into two contracts. Based on this bid process, staff is satisfied that the City received economy of scale pricing for these infrastructure works.

Principles of Financial Agreement

The financial agreement with Block 11 Properties Inc. for the reimbursement of the cost associated with the design and construction of the valley road crossings and Pressure District 6 East Rutherford Road Trunk Watermain shall be based on the following terms and principles:

1. The City has provided Block 11 Properties Inc. with an interim payment of \$5,000,000 for the design and construction of the seven valley road crossings in Block 11 as per Council resolution of June 23, 2008.
2. There shall be no economic risk to the City in connection with the reimbursement of the cost associated with the design and construction of the seven valley road crossings and the Pressure District 6 East Rutherford Road Trunk Watermain.
3. Based on information supplied by Block 11 Properties Inc., the City shall determine the final reimbursable cost associated with the design and construction of the seven valley road crossings and the Pressure District 6 East Rutherford Road Trunk Watermain.
4. The development of the 2,652 low density residential units in Block 11 will generate approximately \$8.4 million in City-wide Engineering Development Charge payments. These Development Charge funds will be reimbursed to Block 11 Properties Inc. as set out in items 5 and 9 below subject to the funds being available and approved in the annual capital budget.
5. The City shall reimburse Block 11 Properties Inc. on a yearly basis a portion of the final reimbursable cost of the valley road crossings from the City-wide engineering component of the Development Charges paid by Block 11 developers in connection with the 2,652 low density residential units in Block 11 and for any high density or commercial developments within Block 11 during the preceding year.
6. The City shall reimburse Block 11 Properties Inc. the difference between the final reimbursable cost of the seven valley road crossings and the Development Charges paid by developers in Block 11 in ten (10) yearly installments beginning in 2007. This reimbursement of funds shall be from the engineering component of the City-wide Development Charge and subject to the funds being available and approved in the annual capital budget.
7. Block 11 Properties Inc. will be reimbursed (in yearly installments) a total of \$2,835,266 for costs associated with the design and construction of the Pressure District 6 East Rutherford Road Trunk Watermain from funds collected by the City in the preceding year pursuant to the Area Specific Development Charge By-law 234-2008. The difference between the capital funds that are collected through Area Specific Development Charge

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By-law 234-2008 and the \$2,835,266 shall come from the engineering component of the

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City-wide Development Charge and shall be reimbursed over a six (6) year period between 2009 and 2014 subject to the funds being available and approved in the annual capital budget. The funds associated with this reimbursement are currently included in the City's 2008 Development Charge Background Study and related DC By-laws.

8. The City will agree to include the capital funding short fall for the Pressure District 6 East Rutherford Road Trunk Watermain, estimated at about \$850,000 in the next update of the Development Charge By-law. Block 11 Properties Inc. acknowledges that the inclusion of this short fall in the next update of the City's Development Charge By-law is subject to appeal. This capital funding short fall will be reimbursed over a six (6) year period and shall commence once the updated By-law is passed and the appeal period has expired.
9. All approved City-wide Development Charge related payments will be made within ninety (90) days of funding being approved in a City Capital Budget.
10. Prior to the reimbursement of any funds, Block 11 Properties Inc. shall provide certification of all final as-constructed costs and certification that all works have been constructed in accordance with City standards and specifications to the satisfaction of the City.
11. Prior to the reimbursement of any funds, Block 11 Properties Inc. shall provide the City with Statutory declarations confirming that all invoices / payments have been made by the Group and that there are no outstanding claims related to the subject works.
12. Prior to the final payment for the valley road crossings and the PD 6 East Rutherford Road Trunk Watermain, a comprehensive reconciliation of the costs shall be undertaken to the satisfaction of the City to ensure total costs repaid do not exceed actual certified costs.
13. Block 11 Properties Inc. shall submit to the City copies of all final executed construction contracts, approved contract extras and change orders related to the construction of the valley road crossings and the PD 6 East Rutherford Road Trunk Watermain to the satisfaction of the City.
14. Block 11 Properties Inc. shall provide the City with certified as-constructed drawings for the valley road crossings and PD 6 East Rutherford Road Trunk Watermain to the satisfaction of the City.
15. Block 11 Properties Inc. shall warrantee the valley road crossings and PD 6 East Rutherford Road Trunk Watermain for a minimum period of 24 months from the date the City is satisfied that the infrastructure works are substantially completed.

Relationship to Vaughan Vision 2020 / Strategic Plan

In consideration of the strategic priorities related to Vaughan Vision 2020, the recommendation of this report will assist in:

- The pursuit of excellence in service delivery;
- Demonstrating leadership initiatives and effective governance;
- Promoting environmental sustainability;
- Planning and managing growth, and economic vitality.

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This report is therefore consistent with the priorities previously set by Council and the necessary resources have been allocated and approved.

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Regional Implications

There are no specific Regional implications associated with this report.

Conclusion

The City required the Block 11 Landowners' Group to design and construct the seven valley road crossings and PD 6 East Rutherford Road Trunk Watermain as part of the initial phases of development in Block 11. These works are considered growth related infrastructure and included in the City's 2008 Development Charges Background Study and related by-laws. This infrastructure is now essentially constructed. The final cost of the valley crossings is estimated at \$15,784,550 with a further \$5,155,450 still under review by the City.

The final cost of the PD 6 East Rutherford Road Trunk Watermain constructed by Block 11 is estimated at \$3,688,000. However, funding for reimbursement of the watermain costs from Development Charge recoveries is only available in the amount of \$2,835,266 at this time.

It is recommended that the Block 11 Spine Services Agreement be amended to provide the terms of reimbursement for the cost of the seven valley road crossings and PD 6 East Rutherford Road Trunk Watermain pursuant to the principles set out in this report.

Since the Block 11 Landowners' Group has up-front financed these works and it will likely take several months to prepare and execute the financial agreement, it is recommended that an interim payment to Block 11 Properties Inc. be authorized for the estimated amount owing to December 31, 2009.

Attachments

1. Block 11 Valley Crossings - Location Plan
2. PD 6 East Rutherford Road Trunk Watermain - Location Plan

Report prepared by:

Carlos Couto, Senior Engineering Assistant, Engineering Planning & Studies, Ext. 8736
Michael Frieri, Development Supervisor, Engineering Planning & Studies, Ext. 8729

(A copy of the attachments referred to in the foregoing have been forwarded to each Member of Council and a copy thereof is also on file in the office of the City Clerk.)

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Item 35, Report No. 54, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on December 14, 2009.

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**AWARD OF TENDER T09-193
HIGHWAY 27 ROADWAY LIGHTING AND
SIDEWALK CONSTRUCTION ROYALPARK WAY TO RUTHERFORD ROAD
WARD 2**

The Committee of the Whole recommends approval of the recommendation contained in the following report of the Commissioner of Engineering and Public Works, dated December 1, 2009:

Recommendation

The Commissioner of Engineering and Public Works in consultation with the Director of Purchasing Services and the Director of Reserves and Investments recommends:

1. That Tender T09-193, Highway 27 Roadway Lighting and Sidewalk Construction Royalpark Way to Rutherford Road be awarded to Rafat General Contractor Inc. in the amount of \$387,606.50, plus G.S.T.;
2. That a contingency allowance in the amount of \$40,000.00, plus G.S.T. be approved within which the Commissioner of Engineering and Public Works or his designate is authorized to approve amendments to the Contract;
3. That Consultant Engineering Fees including Geotechnical and Material testing in the amount of \$8,000.00, plus G.S.T. be approved to ensure compliance with all applicable standards.
4. That the budget for Capital Project EN-1707-08 be increased by \$35,000.00 and funded by Development Charges.
5. The inclusion of the matter on a Public Committee or Council agenda for additional funding request for the Highway 27 Roadway Lighting and Sidewalk Construction Royalpark Way to Rutherford Road is deemed sufficient notice pursuant to section 2(1) (c) of By-law 394-2002; and
6. That the Mayor and City Clerk be authorized to sign the appropriate documents.

Contribution to Sustainability

The construction of the sidewalk and provision of street lighting will ensure that an acceptable level of service by the City's infrastructure is maintained for the health and well being of its citizens.

Economic Impact

The total estimated cost is \$450,000.00, which includes a contingency allowance and contract administration, inspection services including Geotechnical and Material Testing. The original budget amount for this project includes \$495,000.00 from Capital Budget Project EN-1707-08. From this amount, \$48,000.00 has been committed to SRM Associates for design services, \$17,000.00 has been committed for utility relocations and approximately \$15,000.00 will be required for the City's 3% administrative fee.

The net funds available to construct the works are approximately \$415,000.00. In order to carry out the project, additional funds in the order of \$35,000.00 are requested for project EN-1707-08 to be funded by Development Charges.

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Long range financial implications will include operating and maintenance costs associated with this type of infrastructure which are not quantified at this time including long term replacement.

Communications Plan

Once the project is awarded, Engineering Services staff will advise the Ward Sub-Committee and will send out an 'Notice of Construction' letter to the affected residents.

Purpose

Council approval to award Tender T09-193, Highway 27 Roadway Lighting and Sidewalk Construction Royalpark Way to Rutherford Road.

Background - Analysis and Options

The work covered by this tender includes the construction of a concrete sidewalk on the east side of Highway 27 as well as provision of full illumination on Highway 27 from Royalpark Way to Rutherford Road (Capital Budget Project EN-1707-08). (See Attachment No.1 for project location).

This tender was advertised in the Daily Commercial News, on the Ontario Public Buyers Association (OPBA), on Biddingo and on the City webpage and closed on November 18, 2009. A total of twenty sets of bid documents were issued from Purchasing Services Department, and the following seven bids were received:

| <u>Contractor</u> | <u>Total Bid Amount (excl. G.S.T.)</u> |
|---------------------------------|--|
| Rafat General Contractor Inc. | * \$387,606.50 |
| Vaughan Paving Ltd. | \$433,770.30 |
| Dufferin Construction Company | \$459,294.50 |
| D. Martino Construction Limited | \$465,752.00 |
| IL Duca Contracting Inc. | \$513,050.00 |
| Forest Contractors Ltd. | \$517,739.80 |
| KAPP Contracting Inc. | \$529,622.00 |

* Corrected for arithmetic error

The estimated cost for this project including provisional items, a contingency allowance, and all applicable taxes is \$450,000.00 and is calculated as follows:

| | |
|---|-----------------------|
| Rafat General Contractor Inc. Bid Price (excl. G.S.T.) | \$387,606.50 |
| Contingency Amount (approx. 10%) | \$ 40,000.00 |
| Consulting Engineering Design fees including Geotechnical Inspections and Material Testing (estimated) | <u>\$ 8,000.00</u> |
| Sub-Total | \$435,606.50 |
| G.S.T. (5% amount is 100% recoverable) | \$ 21,780.33 |
| Treasury Administration (3%) | <u>\$ 13,068.20</u> |
| Total | \$470,455.03 |
| Less G.S.T. Recoverable | <u>\$ (21,780.33)</u> |
| Net Total Cost | \$448,674.70 |

ROUNDED \$450,000.00

The original engineer's estimate for this contract was \$430,000.00 not including the Treasury Administration fees.

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Current funding available for this project includes approximately \$415,000.00 from Capital Budget Project EN-1707-08. The total estimated project cost is \$450,000.00, therefore, the budget for Capital Project EN-1707-08 should be increased by \$35,000.00 and funded by Development Charges.

Engineering Services staff and the City consultant, SRM Associates have reviewed the submitted bids. Rafat General Contractor Inc. has successfully completed similar projects in the past and based on reference checks conducted by SRM Associates is deemed qualified to undertake this project. Therefore it is appropriate to award this contract to the low bidder Rafat General Contractor Inc.

Relationship to Vaughan Vision 2020/Strategic Plan

In consideration of the strategic priorities related to Vaughan Vision 2020, the recommendations of this report will assist in:

- Pursue Excellence in Service Delivery;
- Enhance and Ensure Community Safety, Health & Wellness; and
- Lead and Promote Environmental Sustainability

This report is consistent with the priorities previously set by Council.

Regional Implications

The Region of York Transportation and Works Department has issued their approval and will be advised of project commencement.

Conclusion

Staff recommends that this contract be awarded to Rafat General Contractor Inc. in the amount of \$387,606.50 plus GST.

Should Council concur with the additional funding request, this action would be considered as an amendment to the Capital Budget. Pursuant to the Municipal Act, before amending a budget, a municipality shall give notice of its intention to amend the budget at a Council meeting. Where a capital project has been subject to a public meeting during the adoption of the approved capital budget and where additional funding is required to complete the approved works, inclusion of the matter in a staff report requesting additional funding on a Public Committee or Council Agenda is deemed sufficient notice pursuant to Section 2(1)(c) of By-law 394-2002.

Attachments

1. Location Map

Report prepared by:

John Zanchettin, C.E.T., Senior Engineering Assistant, ext. 3113
Tom Ungar, P. Eng., CHRP, Design Engineer, ext. 3110

(A copy of the attachments referred to in the foregoing have been forwarded to each Member of Council and a copy thereof is also on file in the office of the City Clerk.)

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Item 36, Report No. 54, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on December 14, 2009.

36

JOINT WASTE DIVERSION STRATEGY 2009 (UPDATE)

The Committee of the Whole recommends approval of the recommendation contained in the following report of the Commissioner of Engineering and Public Works, dated December 1, 2009:

Recommendation

The Commissioner of Engineering and Public Works recommends:

- 1) That the report titled "Joint Waste Diversion Strategy - 2009" be received;
- 2) That Council acknowledge the successful partnership between York Region and the Local Municipalities – Joint Municipal Waste Coordinators Committee - in achieving diversion leadership status in the 'large urban' municipality category by the Waste Diversion Ontario (WDO);
- 3) That the Joint Municipal Waste Coordinators Committee continue to work together to assess all future programs and current program changes based on collection and processing contract impact, convenience and flexibility to encourage participation in diversion activities, and overall system costs;
- 4) That York Region continue to accept organics in plastic bags, and that diapers and pet waste remain as acceptable items in the municipal Green Bin program;
- 5) That Vaughan educate residents on the benefits of using compostable bags and the proper preparation of Green Bin materials to reduce contamination and processing residue;
- 6) That York Region review and implement operational improvements within the organics processing system as a means to allow for the continued use of plastic bags in the Green Bin program, as well as address and reduce the high amount of residual material generated through the existing processing operations; and,
- 7) That a copy of this resolution be forwarded to York Region and the Local Municipalities.

Economic Impact

There is no significant impact on the 2010 Operating Budget as a result of the adopting the recommendations above. Communication efforts will be accomplished through the approved budget amounts.

Communications Plan

Communications specific to the Green Bin program will be developed by Vaughan Public Works (Waste Management) staff, and where required, in consultation with York Region and the area municipalities' Promotion and Education Sub-Committee.

Purpose

This report provides an overview of the updated Joint Waste Diversion Strategy (JWDS) which was developed in partnership with the local and regional municipal staff, and recommends improvements to Green Bin material preparation and processing practices to reduce residue.

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Background - Analysis and Options

In 2006, York Region in partnership with the nine local municipalities developed a Joint Waste Diversion Strategy to create a waste diversion system that would divert a minimum of 65% of the residential waste stream from landfill disposal over the short term, and increase to 70% over the strategy's 10-year planning period. This plan included the decision to allow residents to include diapers, pet waste, and use plastic bags, biodegradable bags or paper bags in the Green Bin.

Since the Strategy's adoption by all Councils, the Region and the local municipalities have worked in partnership to research and implement new waste diversion programs that have greatly improved diversion. In 2008, the Region was recognized by Waste Diversion Ontario (WDO) for achieving a 45.7% (up from 34%) diversion rate (refer to Table 1) – the highest rate within the 'large urban' municipality category.

Table 1: Diversion Rates for Large Urban Centres – Waste Diversion Ontario

| <u>MUNICIPAL LARGE URBAN</u> | <u>DIVERSION RATE</u> |
|----------------------------------|---------------------------|
| <u>YORK</u> | <u>45.7%</u> |
| <u>HAMILTON</u> | <u>43.0%</u> |
| <u>TORONTO</u> | <u>42.8%</u> |
| <u>PEEL</u> | <u>40.6%</u> |
| <u>LONDON</u> | <u>39.7%</u> |
| <u>HALTON</u> | <u>36.9%</u> |

Source: Waste Diversion Ontario

Note:

1. 2008 represents the first full year where all nine municipalities had implemented the Green Bin program.
2. York Region experienced temporary processing issues relating to green bin organics in 2008.
3. The curbside diversion rate (not including residuals) for Vaughan was approximately 67%.
4. The diversion rate in the above table includes residuals.

In 2009, the Strategy was reviewed by the JWDS Committee to identify new / enhanced opportunities that could be incorporated to meet the diversion targets

Much of the discussion at the strategy sessions centered on organics processing residue and the Region's proposed program to require residents switch from plastic bags to compostable bags for organic materials. All local municipal staff expressed concerns with the requirement to use only compostable bags, as it could negatively impact participation, diversion, and current collection contracts.

The local municipalities identified a host of benefits for allowing plastic bags for organics, including:

- An easy to understand program drives participation and diversion;
- Flexibility – residents can use a bag of choice;
- Allows diapers and pet waste to be included;
- Health and safety concerns – protect waste collectors;
- Secure containment of material in collection vehicles;
- Recognition of the influence of City of Toronto's Green Bin program – Toronto's program allows plastic bags, thereby avoiding confusion generated as a result of their extensive media coverage;

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- Overflow organics can be put in large clear plastic bags;
- Easier to expand organics collection to multi residential, special events, municipal offices, parks, and public spaces;
- Processing technology exists to remove plastic, mitigate odours and produce good compost;
- Less policing required curbside by contractor, and
- Compostable bags are more expensive than plastic bags (i.e. \$.07 - \$.20 per bag)

It is recognized that specialized processing technology would be required to remove the plastic bags more effectively. This technology is successfully used by the City of Toronto which operates a facility in Downsview and is in the process of building 2 additional facilities within the City limits to process Green Bin organics.

Although plastic material has to be removed during processing, the benefits to the resident and collection staff have driven the success of the area municipalities and York Region’s diversion program. In addition, the use of plastic bags for organics is essential in order to expand the collection of organics beyond the curb to apartments, schools, public spaces and special events. Plastic bags improve the general household cleanliness of the program for residents and the use of bag liners is an important component of health and safety concerns associated with household organics. The alternative biodegradable bag does not afford these same benefits, and concerns exist regarding its ability to breakdown in the processing timeframe and would therefore end up as residue regardless.

The Province of Ontario does not have established standards for Green Bin program design. Some municipalities have chosen to not allow plastics, diapers and/or pet waste in their Green Bin program. These municipalities have found expanding organic collection programs to apartments, public spaces, and schools to be problematic, with high levels of contamination, declining participation and prohibitive bag costs.

Proper processing technology needed to reduce residue

In the fall of 2008, the City of Vaughan conducted an independent waste audit for green bin organics (note: this audit was done in part for the Federation of Canadian Municipalities Green Municipal Fund grant requirements). The findings of this independent audit are detailed in Table 2:

Table 2: Summary of Vaughan Source Separated Organics Audit 2009

| Material | % of Total |
|---|--------------|
| Acceptable Kitchen Organics | 74.14 |
| Paper/Napkins | 9.45 |
| Diapers/Sanitary Products | 5.75 |
| Plastic Bags | 6.01 |
| Other: Acceptable Items | 2.54 |
| Unacceptable Material | 2.10 |
| Total | 99.95 |
| Total Plastic/Diapers/Unacceptable (Vaughan) | 13.86 |
| 2008 York Region Reported Residual Rate | 43.00 |

Source: Source Separated Waste Audit prepared by Torcan Management Inc. January 2009.

As illustrated by this data, all plastic, diaper liners and other unacceptable items totaled 13.86% for Vaughan. This is a significant variance from the Region’s reported residual of 43%. York Region currently does not have an organics processing facility and currently transports organics to two private facilities in Ontario for processing: Orgaworld in London Ontario, and Universal

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Resource Recovery in Welland. This degree of residual resulting from the Region's contracted processing operations is not acceptable and is of concern to the Joint Municipal Waste Coordinators group.

In an effort to address the high residue resulting from these operations, York Region recently conducted a region-wide pilot program to encourage the use of compostable plastic bags in an attempt to reduce the use of plastic shopping bags, monitor public acceptance and impacts on diversion.

Local Municipalities support keeping diapers, pet waste and plastic bags

At the strategy discussions it was clear that all of the nine local municipalities preferred retaining some kind of plastic bag option for organics. It was felt that any mandatory change to compostable bags would result in significant decline in participation and that residents would resist purchasing compostable bags costing approximately 7 cents per bag for the kitchen catcher and 20 cents for larger bags.

Recently, several major retailers have stopped providing free plastic bags to shoppers. It is anticipated that this fundamental change will reduce the quantity of plastic bags in the marketplace and through this attrition residents will begin to voluntarily use compostable bags in their Green Bin. In addition, municipal staff agreed to educate residents on ways to reduce contamination and would advise residents to:

- Wrap diapers loosely
- Never double bag
- Loosely secure bag - avoid tight knots

The proposed voluntary strategy is based on maintaining positive participation and reducing processing residue by educating residents of the benefits of reducing the amount of plastic in the Green Bin.

Moving forward, increasing waste diversion will become more challenging. Implementation of new initiatives will represent much smaller gains in waste diversion, and greater effort will be required to achieve future waste diversion targets.

Table 3 below provides a description of the major waste diversion options identified by staff from the ten municipalities and included in the strategy update.

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Table 3: Updated Components of the Preferred Waste Diversion System (2009)

| <u>PRIORITY INITIATIVES</u> | <u>FUTURE CONSIDERATIONS</u> |
|---|---|
| <u>SUPPORTIVE</u> | <u>SUPPORTIVE</u> |
| <u>COMMUNITY ENVIRONMENTAL CENTRES</u> | <u>MANDATORY RECYCLING BYLAW</u> |
| <u>BAG LIMITS/FINANCIAL INCENTIVES</u> | <u>CONTINUED RESEARCH INTO NEW INITIATIVES AND TECHNOLOGIES TO REACH BEYOND THE PROJECTED 65% DIVERSION TARGET</u> |
| <u>ENHANCED COMMUNICATION AND PUBLIC OUTREACH</u> | <u>REDUCTION</u> |
| <u>INFRASTRUCTURE DEVELOPMENT ADVOCACY</u> | <u>BACKYARD COMPOSTING</u> |
| <u>RE-USE</u> | <u>FOSTERING A CULTURE OF MINIMAL TO NO WASTE</u> |
| <u>DIVERSION OF TEXTILES</u> | <u>MUNICIPAL GREEN PURCHASING</u> |
| <u>DIVERSION</u> | <u>RE-USE</u> |
| <u>SSO (IMPLEMENTED)</u> | <u>MATERIALS EXCHANGE ONLINE SERVICE</u> |
| <u>OPTIMIZED BLUE BOX (ONGOING)</u> | <u>DIVERSION</u> |
| <u>SEASONAL COLLECTION OF YARD WASTE (IMPLEMENTED)</u> | <u>SMALL QUANTITY IC&I WASTE GENERATORS</u> |
| <u>IMPLEMENTATION OF WDO INITIATIVES</u> | <u>RESIDENTIAL CONSTRUCTION & DEMOLITION WASTE</u> |
| <u>WASTE DIVERSION IN PUBLIC PLACES</u> | <u>MULTI-RESIDENTIAL RECYCLING AND ORGANICS</u> |

Source: Joint Waste Diversion Strategy Update (2009)

This report provides an overview of the updated Joint Waste Diversion Strategy which was developed in partnership with local and regional staff and recommends improvements to Green Bin material preparation and processing practices to reduce residue. When implemented, these initiatives are anticipated to increase the amount of waste diverted from disposal to more than 70% by 2016.

Relationship to Vaughan Vision 2020

This report is consistent with the priorities previously set by Council, specifically, “Pursue Excellence in Service Delivery” and “Lead and Promote Environmental Sustainability”.

Regional Implications

As a result of the recommendations in this report, the City is requesting York Region to improve processing efficiencies at facilities that process source separated organics, as well as continue to allow for plastic bags to be used in the Green Bin program, and that pet waste and diapers remain as acceptable materials in the Green Bin program.

Conclusion

It is evident that residents of Vaughan and York Region have embraced the Green Bin organics program. The success of the program is largely due to its public acceptance through convenience. This is illustrated through the single stream recycling program and expanded Green Bin collection which includes diapers and pet waste, and allows residents to use the bag of their choice, including plastic shopping bags.

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It is staff's view that convenience has made the Green Bin a success, and although residents should be encouraged to use compostable bags, they should not be made mandatory. Coupled with the attrition of plastic bags in the marketplace, the need to fully ban plastics from the Green Bin will be reduced.

Through the recommended approach, residents can be made aware of the benefits of using compostable bags, which in turn will result in less residual material.

Attachments

Joint Waste Diversion Strategy Update

Report prepared by:

Caroline Kirkpatrick, C.E.T., M.C.I.P.

Brian T. Anthony, CRS-S, C. Tech

(A copy of the attachments referred to in the foregoing have been forwarded to each Member of Council and a copy thereof is also on file in the office of the City Clerk.)

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37

**SIGN VARIANCE APPLICATION
FILE NO: SV.09-022
OWNER: FIRST CAPITAL ASSET MANAGEMENT GROUP
LOCATION: 9306 BATHURST STREET
BLOCK 23, REGISTERED PLAN 65M-3918
WARD 1**

The Committee of the Whole recommends approval of the recommendation contained in the following report of the Sign Variance Committee, dated December 1, 2009:

Recommendation

The Sign Variance Committee recommends:

That Sign Variance Application SV.09-022, First Capital Asset Management Group, be APPROVED subject to the "Life-Style Images" being removed from the spandrel glass panels.

Contribution to Sustainability

N/A

Economic Impact

None.

Communications Plan

The results of this application will be communicated to the applicant through the Secretary to the Sign Variance Committee.

Purpose

Request to install wall signs on each building elevation of the subject property as shown on the attached drawings.

Background - Analysis and Options

6.2 (a) Where a site plan approved by the City provides standards for signage and the signs for the development comply therewith, such signs shall be deemed to comply with this By-Law.

Noting the above, where the property is regulated by a site plan agreement approved by the City, only those wall signs and pylon signs approved under the site plan agreement are deemed to be permitted by the City's Sign By-law.

Relationship to Vaughan Vision 2020/Strategic Plan

This report is consistent with the priorities previously set by Council and the necessary resources have been allocated and approved.

Regional Implications

Region of York Engineering approval is not required for the proposed signs.

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Conclusion

The applicant is proposing to install wall signs on each building face as shown on the attached drawings.

Members of the Sign Variance Committee have no objections to the application subject to the "Life-Style Images" being removed from the spandrel glass panels proposed for the east and south elevations.

Members of the Sign Variance committee are of the opinion that the intent and purpose of the City's Sign-By-Law is being maintained.

If Council finds merit in the application a Sign Permit issued by the Building Standards Department is required.

Attachments

1. Sketch of Sign
2. Elevations (East, South and West)

Report prepared by:

John Studdy, Manager of Customer & Administrative Services Ext 8232

/pa

(A copy of the attachments referred to in the foregoing have been forwarded to each Member of Council and a copy thereof is also on file in the office of the City Clerk.)

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Item 38, Report No. 54, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on December 14, 2009.

**38 REQUEST FOR STAFF TO INSTALL STREET LIGHTS ALONG WITH SLOW SIGNS ON
STEGMAN'S MILL ROAD**

The Committee of the Whole recommends:

- 1) That the recommendation contained in the following report of Councillor Meffe, dated December 1, 2009, be approved subject to adding "*and also other safety measures be identified*", at the ending of recommendation 2; and
- 2) That the deputation of Ms. Linda Floyd, 207 Stegman's Mill Road, Vaughan, L0J 1C0, be received.

Recommendation

Councillor Peter Meffe recommends:

1. That staff be directed to install a slow signs along Stegman's Mill between Ravendale Gate and Napier St; and
2. That staff be directed to provide a report with respect to the installation of street lights along Stegman's Mill Road between Ravendale Court and Islington Avenue.

Contribution to Sustainability

N/A.

Economic Impact

Will be determined once the report has been reviewed.

Communications Plan

N/A

Purpose

The purpose of this report is to deter drivers from driving at excessive speeds along this section of Stegman's Mill Road.

Background - Analysis and Options

Stegman's Mill Road is a winding road which has inclines and declines, along with several blind spots and curves. There is also a park located at a bottom of decline portion of the road. Residents that live in the area have had issues with crossing the road safely. They also feel that the fact that there are no street lights poses further safety issues. The installation of the slow signs along with the street lights would greatly improve safety and visibility along with making the drivers aware that they should not be driving at excessive speeds.

Relationship to Vaughan Vision 2020/Strategic Plan

This report recommends a change from the priorities previously set by Council and the necessary resources have not been allocated.

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Regional Implications

N/A

Conclusion

It is my feeling that the above request is reasonable and the residents that live along Stegman's Mill have relevant concerns which should be addressed.

Attachments

Petition from Residents.

Report prepared by:

Councillor Peter Meffe

(A copy of the attachments referred to in the foregoing have been forwarded to each Member of Council and a copy thereof is also on file in the office of the City Clerk.)

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39

ANIMAL SERVICES SHELTER

The Committee of the Whole recommends:

- 1) That the recommendation contained in the following report of the Commissioner of Legal and Administrative Services and City Solicitor and the Director of Enforcement Services, dated December 1, 2009, be approved; and**
- 2) That the confidential memorandum from the Senior Manager of Real Estate, dated December 1, 2009, be received.**

Recommendation

The Commissioner of Legal and Administrative Services and City Solicitor and the Director of Enforcement Services, recommend:

1. That the City of Vaughan Animal services Shelter be located at 70 Tigi Court; and
2. That management of the Animal Services Shelter and provision of Animal Control Services be tendered; and
3. That, upon budget approval, a By-law be enacted authorizing the Mayor and City Clerk to sign the lease and any other documentation pertaining to the agreement; and
4. That a By-law be enacted confirming the lease with the Landlord that the premises is part of a capital facility for use as a City Animal Shelter and to exempt the Premises from taxation for municipal and school board purposes; and
5. That staff enter into negotiations with King Township for the provisions of animal services; and
6. That the recommendation in the confidential memo from the Senior Manager of Real Estate be approved.

Contribution to Sustainability

By locating the Animal Shelter in the City of Vaughan the public will not be required to drive to another municipality to recover or adopt a pet, therefore reducing automobile usage.

Economic Impact

The construction costs of the shelter have been included in the 2010 Capital Budget.

The 2010 Operating Budget for animal control is expected to be sufficient to cover shelter operating costs in 2010.

Future operating costs will be determined following the results of the tender process.

Communications Plan

As the shelter prepares to open, information will be provided on the City's website.

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Purpose

To recommend establishing an Animal Shelter in the City of Vaughan in 2010.

Background - Analysis and Options

The City of Vaughan, along with other adjacent municipalities, has been diligently searching for alternatives for animal services given known constraints and limited time horizon of the City's current service provider.

Over the past number of years municipalities have worked together in ad hoc committees, independently, and in focus groups. A consultant was retained by the Town of Richmond Hill to study and report on the preferred next steps in creating a joint animal shelter facility. The Town of Aurora, Township of King and the City of Vaughan were contributors to that study.

Options explored included establishing a joint facility. Following the presentation of that report, it appeared that Richmond Hill preferred building their own animal shelter, and on October 22, 2007, Council directed that staff provide Richmond Hill with an Expression of Interest to purchase animal shelter services from them.

Ultimately, Richmond Hill backed away from their intention to create an animal shelter, opting for a service contract with the OSPCA.

Staff reviewed sites already owned by the City for a location to build a shelter. At that time, no suitable sites were available.

Staff were also directed to contact the Township of King to review opportunities to provide animal sheltering services for both municipalities.

As reported by staff to Council on February 3, 2009, two options were explored:

1. Joint Venture with Seneca College at the King Campus. This option would have seen a facility constructed in conjunction with the Veterinary Technicians Course facility.

This option was not ultimately pursued due to restrictions on construction given its location within the Oakridges Moraine.

2. The location of 7th Concession and 18th Sideroad, Pottageville was identified. The property at this intersection includes a building on site. The building is owned by King and is used by a community group as a dance/community hall.

King Township and Vaughan had discussions surrounding funding and operating an animal shelter at this location. However, King Township advised that, due to public opposition, this location could no longer be considered.

Subsequently, Council, at its meeting of June 15, 2009 directed

“that staff explore options in existing City leased premises for the creation of an animal shelter facility in the City of Vaughan, including opportunities for the provision of animal services such as, dog grooming, pet supplies, and veterinary clinic...”

As a result of the direction above, staff began discussions with the owner of the property located at 70 Tigi Court. This location is currently the work site for several City departments pending the completion of the new Civic Centre.

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Staff also, in an attempt to ensure fair market value for the creation of an animal shelter, had previously issued a Request for Expressions of Interest through the Purchasing Department. This process, RFEI 09-164, closed without any suitable proponents.

Staff continued to work with the owners of 70 Tigi court. These discussions identified a 6,200 sq. ft. space that would be suitable for an animal shelter at the east end of the complex.

Design

Staff had discussions with the current Animal Control Contractor, the OSPCA, and Ministry of Agriculture, who administers the Animals for Research Act (legislation which provides the minimum specifications for an animal shelter) to ensure the designs for the new shelter met all legal requirements.

The design of the shelter needed to have sufficient capacity to deal with the large number of dogs and cats which are impounded annually. In 2008, 520 cats and 220 dogs were impounded from Vaughan.

There also needed to be facilities to deal with sick animals and quarantined animals separately from the strays and those available for adoption.

There will also be facilities for the public to attend the shelter and adopt animals, and for staff to work from.

Also important, due to the industrial location of this facility, was the creation of a place to exercise the dogs. As such, an indoor exercise area will be created to allow the animals to get some exercise time.

There is also a requirement for an air exchange unit, capable of 16 complete air changes per hour. It is expected that one unit will be suitable for this requirement.

Costs

The costs for the leasehold improvement have been included in the 2010 Capital Budget, and are estimated at \$350,000. The leasehold improvements will be completed by the landlord.

The \$90,000 cost for operating the facility, including rent, utilities and management contract will be within the 2010 Operating Budget amounts submitted. The ongoing costs will be dependent upon the results of the tendering process.

The current Animal Control Contract expires on December 31, 2010. There is an early cancellation clause without penalty included in the contract, allowing for a new contract to take effect upon opening the new facility.

The Tender will be circulated early in the New Year to allow enough time for any proponents to respond, and new contracts be developed.

Other Information

Staff have made contact with major pet store chains regarding establishing a facility next to the animal shelter. They indicated that they are Franchisors and would need a Franchise Proposal for that location before considering the site. As such, at this stage a pet supply business is not included at this location.

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Discussions with the owner of 70 Tigi Court resulted in an agreement to provide the city with first right of refusal for the space immediately next to the animal shelter. This will provide potential future expansion of the shelter, or expansion into a pet grooming or veterinary facility.

King Township has provided the City a letter expressing their interest in exploring some type of agreement for animal space. As King Township is also a customer of Kennel Inn Inc. and are in need of an animal control/shelter solution. As this has the potential to create a slight offset to the annual operating costs, staff are recommending that formal discussions/negotiations be entered into with King Township with the intent of entering into an animal sheltering agreement.

Regional Implications

N/A

Conclusion

A viable animal shelter solution has been identified at 70 Tigi Court. The costs associated have been identified in the 2010 Budget submissions. This location can be operational by the end of August 2010. A potential “customer”, King Township, has been identified, which may offset some operating costs.

Attachments

1. Letter from King Township

Report prepared by:

Tony Thompson

(A copy of the attachments referred to in the foregoing have been forwarded to each Member of Council and a copy thereof is also on file in the office of the City Clerk.)

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Item 40, Report No. 54, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on December 14, 2009.

40

INVESTMENT POLICY

The Committee of the Whole recommends approval of the recommendation contained in the following report of the Director of Reserves & Investments, dated December 1, 2009:

Recommendation

The Director of Reserves & Investments in consultation with the City Manager recommends:

- 1) That the revised Investment Policy (Attachment 1) be approved; and
- 2) That the Commissioner of Finance & Corporate Services, the City Clerk and the Mayor be authorized to execute on behalf of the City of Vaughan any documents necessary to participate in the investment pools operated by the One Fund.

Contribution to Sustainability

This is not applicable to this report.

Economic Impact

Revenue earned by the investment portfolio is for the reserve, reserve funds and the operating budget. The changes being proposed to the updated Policy such as expansion of eligible investments, changes to sector/credit exposure will provide more opportunities to both diversifying the holdings in the portfolio and enhance investment returns.

Communications Plan

This is not applicable to this report.

Purpose

The purpose of this report is to update the City of Vaughan's current investment policy governing the management and investment of funds.

Background - Analysis and Options

The Investment Policy provided direction on eligible investments, investment portfolio, terms of investment and portfolio mix. The Policy was last updated and approved by Council in September 2004.

The Municipal Act 2001, O.Reg 438/97 (as amended to O.Reg. 292/09) Section 7 states that "Before a municipality invests in a security prescribed under this Regulation, the Council of the municipality shall, if it has not already done so, adopt a statement of the municipality's investment policies and goals." The updated Policy will continue to meet the requirements of this regulation.

Over the past number of years, the City's investment program has changed its focus from just providing liquidity for the day-to-day operations to a long term reserve management. This change in focus is transforming the investment portfolio from a short term money market portfolio to one that is more diversified in terms of credit and term exposure.

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The new investment regulations filed since the City of Vaughan approved its Investment Policy in September 2004 has provided new investment opportunities to enhance portfolio yields.

Other than some housekeeping to some term limits and credit exposure to the existing investment policy, the following new eligible investment opportunities has been included in the updated Investment Policy:

1) ONE Fund

The ONE Fund is a municipal pooled investment program operated by two municipal organizations – the Local Authority Services Limited (a subsidiary of the Association of Municipalities of Ontario) and CHUMS Financing Corporation (a subsidiary of the Municipal Finance Officers Association of Ontario).

The ONE Fund currently operates two investment funds managed by professional investment firms – a money market fund and a bond fund. New provincial regulations have authorized the development of two new classes of funds to be operated by the ONE Fund – equity funds and a long-term corporate bonds fund.

Each of these funds may present value added investment opportunities to the City of Vaughan dependent on market circumstances and rates available. It may be beneficial for the City of Vaughan to invest in these funds from time to time. The credit exposure to this fund would be limited to 20% of the overall investment portfolio.

2) Public Hospital, Non-Profit Housing Corporations, Local Housing Corporations, Post Secondary Educational Institutions and College of Applied Arts

The inclusion of these investments is an addition of the previous eligible list of investments. Investments in these securities are anticipated to occur infrequently and will be evaluated on a case by case basis. The credit exposure to this category is limited to 10% of the total investment portfolio. The term limit is set at 1 year and the minimum acceptable credit rating will be “AA(L)”.

3) Schedule I, II and III Banks

The Bank Act classifies banks as Schedule I, II and III banks. Schedule I banks are domestic banks authorized under the Bank Act to accept deposits which may be eligible for deposit insurance provided by the Canadian Deposit Insurance Corporation (CDIC).

Schedule II banks are foreign bank subsidiaries authorized to accept deposits which may also be eligible for deposit insurance.

Schedule III banks are foreign bank branches that have been authorized to do banking business in Canada.

Schedule II banks were previously authorized as eligible investments and Schedule III banks were added to the list during recent updates to the Regulations.

Given the benefits of diversification to the portfolio, the Investment Policy is updated to include all three tiers of Banks. The term of Schedule I banks is increased to 10 years and terms for Schedule II and III banks are set at 5 years and 6 months respectfully. A maximum of 5% of the portfolio value may be invested in Schedule III banks. The credit risk will be limited to investment in Schedule III banks that are “R1 High” money market rating.

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Relationship to Vaughan Vision 2020/Strategic Plan

This report is consistent with the priorities previously set by Council specifically – Ensure Financial Sustainability. The necessary resources have been allocated and approved.

Regional Implications

There are no specific Regional implications associated with this report.

Conclusion

Over the past few years, interest rates in general and particular the short term rates have decreased. The ability to diversify the investment portfolio into different investment terms, revised credit ratings and investment categories has become more important. By utilizing new investment opportunities, changes to terms and credit ratings, the City of Vaughan could increase returns on the funds invested.

Staff recommend approval of the updated City of Vaughan Investment Policy (Attachment 1). This Investment policy specifies goals, responsibilities and parameters of the investment program while enabling staff to maximize investment returns.

Attachments

Attachment 1: City of Vaughan Investment Policy December 2009

Attachment 2: The Municipal Act 2001, O. Reg. 438/97 (as amended to O. Reg. 292/09) Eligible Investments

Attachment 3: City of Vaughan Investment Policy – September 2004

(A copy of the attachments referred to in the foregoing have been forwarded to each Member of Council and a copy thereof is also on file in the office of the City Clerk.)

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Item 41, Report No. 54, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on December 14, 2009.

41 LETTER TO THE PRIME MINISTER TO SUPPORT THE MOTION OF THE ENVIRONMENTAL INTEGRITY GROUP RECOGNIZING THE ROLE CITIES CAN PLAY IN CLIMATE CHANGE MITIGATION COPENHAGEN CONFERENCE - DECEMBER 7-17, 2009

The Committee of the Whole recommends approval of the recommendation contained in the following report of the City Manager, dated December 1, 2009:

Recommendation

The City Manager recommends that:

1. This report be received for information purposes;
2. That Committee of the Whole authorize the preparation of a letter, for the signature of the Mayor and the Chair and Vice-Chair of the Environment Committee, to the Right Honourable Stephen Harper - Prime Minister of Canada, advising that the City of Vaughan supports the concepts set out in the submission of the Environmental Integrity Group regarding the role of cities in reducing greenhouse gas emissions; and that the Prime Minister be requested to instruct the Chief of Negotiations at the Copenhagen Conference to support the motion submitted by the Environmental Integrity Group.

Contribution to Sustainability

The Green Directions Vaughan Community Sustainability and Environmental Master Plan establishes the City's approach to achieving a more sustainable city. Greenhouse gas emissions and the resulting effects on the earth's climate are addressed in a number of action areas. Goal 1 of Green Directions is, "To significantly reduce our use of natural resources and the amount of waste we generate". Objective 1.1 provides that the City, "reduce greenhouse gas emissions and move toward carbon neutrality for the City of Vaughan's facilities and infrastructure." Supporting measures to increase the capacity of municipalities to address climate change issues at the local level is consistent with the intent of Green Directions.

Economic Impact

No economic impact is anticipated.

Communications Plan

A media release will be issued if required.

Purpose

The purpose of this report is to obtain Council direction on the request from Toronto Mayor David Miller for the City of Vaughan to write to Prime Minister Stephen Harper to ask that his government support the motion of the C40 Group of City's Environmental Integrity Group (EIG) at the upcoming Copenhagen Summit on climate change. The EIG motion calls for the recognition of the role, achievements and potential of cities in mitigating climate change; and that programs and resources be made available to continue and enhance the role of cities in the reduction of greenhouse gas emissions.

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Background – Analysis and Options

Background

From December 7 to the 18th, 2009 the Copenhagen Conference on Climate Change (15th meeting of the Conference of Parties to the United Nations Framework Convention on Climate Change) will be held to discuss measures to fight greenhouse gas emissions.

By letter dated November 25, 2009 to the Greater Toronto Area mayors, Toronto Mayor David Miller, in his capacity as Chair of the C40 Group of cities, advised that from December 14 to the 17th, 2009 the Copenhagen Summit for mayors will also be taking place. Over 100 municipalities are expected to attend to share their initiatives in the area of greenhouse gas reduction. While in Copenhagen, the C40 and other mayors will be calling on national governments to, “engage, empower and resource cities so they are able to achieve even more on behalf of all our residents.”

Mayor Miller is requesting that the GTA municipalities join the C40 in supporting a resolution from the Environmental Integrity Group (EIG), which is made up of Switzerland, the Republic of Korea, Mexico, Monaco and Liechtenstein. It highlights the role cities play in fighting climate change and it has been submitted for formal negotiations at the Copenhagen Conference. The key recommendations include:

- a) Recognition of the role, achievements and potential of cities in addressing climate change – particularly in regard to mitigation.
- b) Recognition that strategic investments in low-carbon cities – such as providing cities access to national and international cooperation programs to combat climate change will result in reductions of greenhouse gas emissions as well as stronger national economies due to increased demand for innovation and green technologies, job creation and reduced energy costs.
- c) A suggestion that the Intergovernmental Panel on Climate Change add a chapter on cities to its Working Group and Synthesis Reports.
- d) Encouragement for development of strategies, programs, projects and partnerships that focus on the ability of cities to respond and adapt to climate change and – wherever possible – to make major contributions to mitigation actions of national significance to meet national targets for greenhouse gas reductions.

By letter dated November 25, 2009, Mayor Miller is asking that the GTA municipalities write Prime Minister Harper to request that his government support the Environmental Integrity Group proposal in Copenhagen.

Mayor Miller’s letter to the GTA mayors and to Prime Minister Harper form Attachments 1a and 1b to this report.

Conformity with City Policy - Green Directions

The Environmental Integrity Group’s submission to the United Nations Framework Convention on Climate Change (Attachment 1c) provides a more detailed basis for the position being brought forward. It points out the vulnerability of cities and the potential role that urban areas have to play in climate change mitigation. A number of actions available to cities, either through direct delivery or as acting as a catalyst, are also identified. All are addressed either in whole or in part by Green Directions or through the *Vaughan Tomorrow* program. Examples include:

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- **Transport:** Greater use of public transit, use of more fuel efficient fleet vehicles;
- **Waste:** Promote waste reduction through reuse and recycling of resources;
- **Lighting:** Accelerate uptake of energy efficient LED and CFL lighting;
- **Renewable energy:** Encourage uptake of renewables, such as solar;
- **District heating:** Delivering heat and power through efficient energy networks;
- **Efficient water supply:** Boost water efficiency to reduce energy consumption from pumping;
- **Energy efficiency:** Promote efficient technologies and implement standards for energy efficiency for industrial and domestic systems and appliances;
- **Building sector:** Reduction of energy losses in heating and air conditioning, retrofitting, promotion of new development with a reduced carbon footprint.

In addition, it points out the role that cities can have in fostering behavioural change, sustainable procurement and the use of good planning practices to limit the carbon footprint of new development.

The submission concludes by inviting the parties to the convention (i.e. national governments) to support cities as actors on climate change mitigation and adaption through a number of means, including:

- Working with city leaders, who are well placed to support GHG emission reductions;
- Empowering cities with a supportive institutional framework;
- Provision of sufficient resources, including services and finance;
- Supporting the creation of GHG inventories and city-wide mitigation strategies;
- Encouraging knowledge exchange and benchmarking;
- Seeking the participation of cities when developing, formulating and implementing national climate change strategies.

Relationship to Vaughan Vision 2020

Taking action on climate change is consistent with the City's objectives to: "Lead and Support Environmental Sustainability" and "Demonstrate Leadership and Promote Effective Governance".

Regional Implications

Not applicable.

Conclusion

The work of the C40's Environmental Integrity Group addresses the role of cities in climate change mitigation from a broad international perspective. However, the themes it develops are applicable to the Canadian situation. They include:

- Cities are willing to work to reduce greenhouse gas emissions and many are actively doing so. In Vaughan, the City is implementing the Green Directions plan and completing the *Vaughan Tomorrow* program;
- The technologies and other means available to municipalities to reduce greenhouse gas emissions are well known. Many of those identified in the EIG submission are being pursued by the City;
- To optimize on the potential for cities to reduce greenhouse gas emissions, the availability of funding, institutional and regulatory support needs to be in place; and
- Consultation, cooperation and the building of partnerships between the national, provincial and municipal governments will be key to addressing the problem of climate change.

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Given the consistency of the submission with City policy, Council may respond positively to Mayor Miller's request that Vaughan ask that Prime Minister Harper support the submission of the Environmental Integrity Group at the Copenhagen Conference.

Should this be the case, it is recommended that Committee of the Whole authorize the preparation of a letter, for the signature of the Mayor and the Chair and Vice-Chair of the Environment Committee, to the Right Honourable Stephen Harper - Prime Minister of Canada, advising that the City of Vaughan supports the concepts set out in the submission of the Environmental Integrity Group regarding the role of cities in reducing greenhouse gas emissions; and that the Prime Minister be requested to instruct the Chief of Negotiations at the Copenhagen Conference to support the motion submitted by the Environmental Integrity Group.

Attachments

1.
 - a) Letter from Mayor David Miller to GTA Mayors, November 25, 2009
 - b) Letter from Mayor Miller to the Prime Minister of Canada, November 2, 2009
 - c) Environmental Integrity Group Submission to the United Nations Framework Convention on Climate Change – October 8, 2009

Report prepared by:

Roy McQuillin, Manager of Corporate Policy

(A copy of the attachments referred to in the foregoing have been forwarded to each Member of Council and a copy thereof is also on file in the office of the City Clerk.)

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Item 42, Report No. 54, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on December 14, 2009.

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PIERRE BERTON DISCOVERY CENTRE

The Committee of the Whole recommends that this matter be referred to the Committee of the Whole (Closed Session) meeting of December 1, 2009.

The foregoing matter was brought to the attention of the Committee by Councillor Meffe.

Refer to Item 4, Report No. 55, Committee of the Whole (Closed Session) for disposition of this matter.

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Item 43, Report No. 54, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on December 14, 2009.

**43 CEREMONIAL PRESENTATION – RABBI MENDEL KAPLAN WITH RESPECT TO
THE CIVIC HERO AWARD WARD 5**

Councillor Alan Shefman together with the Members of Council presented Rabbi Mendel Kaplan with the Ward 5 Civic Hero Award for his exemplary actions in the community.