



**CITY OF VAUGHAN
COUNCIL MINUTES
MAY 12, 2003**

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CITY OF VAUGHAN
COUNCIL MEETING
MONDAY, MAY 12, 2003
MINUTES
1:00 P.M.

Council convened in the Municipal Council Chambers in Vaughan, Ontario, at 1:07 p.m.

The following members were present:

Regional Councillor Joyce Frustaglio, Chair
Regional Councillor Gino Rosati
Councillor Bernie Di Vona
Councillor Mario F. Ferri
Councillor Linda D. Jackson
Councillor Mario G. Racco

105. CONFIRMATION OF AGENDA

MOVED by Councillor Jackson
seconded by Councillor Racco

THAT the agenda be confirmed.

AMENDMENT

MOVED by Councillor Ferri
seconded by Regional Councillor Rosati

That the following addendum be added to the agenda:

- 1) AWARD OF TENDER T03-003
CONSTRUCTION OF THE VELLORE VILLAGE COMPLEX

Report of the City Manager with respect to the above.

CARRIED UNANIMOUSLY

Upon the question of the main motion, as amended:

CARRIED

106. DISCLOSURE OF INTEREST

There was no disclosure of interest by any member.

107. ADOPTION OR CORRECTION OF MINUTES

MOVED by Councillor Jackson
seconded by Councillor Ferri

THAT the minutes of the meeting April 14, 2003 be adopted as presented.

CARRIED

108. DETERMINATION OF ITEMS REQUIRING SEPARATE DISCUSSION

The following items were identified for separate discussion:

Committee of the Whole Report No. 38

Items 1, 6, 10, 11, 13, and 14

Committee of the Whole (Closed Session) Report No. 39

Items 8 and 12

Committee of the Whole (Public Hearing) Report No.40

Item 2

MOVED by Councillor Ferri
seconded by Councillor Jackson

THAT Items 1 to 2 of the Committee of the Whole (Working Session) Report No. 37, BE APPROVED and the recommendations therein be adopted;

THAT Items 1 to 27 of the Committee of the Whole Report No. 38, with the exception of the items identified for separate discussion BE APPROVED and the recommendations therein be adopted;

THAT Items 1 to 15 of the Committee of the Whole (Closed Session) Report No. 39, with the exception of the items identified for separate discussion BE APPROVED and the recommendations therein be adopted; and

THAT Items 1 to 4 of the Committee of the Whole (Public Hearing) Report No. 40, with the exception of the item identified for separate discussion BE APPROVED and the recommendations therein be adopted.

CARRIED

109. CONSIDERATION OF ITEMS REQUIRING SEPARATE DISCUSSION

COMMITTEE OF THE WHOLE REPORT NO. 38

(Refer to Committee Report for complete recommendations and documentation on all Committee items.)

ITEM - 10 MAPLE SPRINGS PHASE 2 NEIGHBOURHOOD
TRAFFIC COMMITTEE PLAN

MOVED by Councillor Ferri
seconded by Councillor Jackson

THAT Item 10, Committee of the Whole Report No. 38 be adopted and amended, as follows:

By approving:

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1. That the Maple Springs Phase 2 Neighbourhood Traffic Committee plan proposal be approved, including the allway stop controls proposed at the intersections of:
 - Drummond Drive and Logwood Crescent/Monteith Crescent;
 - Drummond Drive and Solway Avenue/Blackthorne Drive; and
 - Isaac Murray Avenue and Royal Ridge Crescent/Holy Jubilee Catholic School (west access);
2. That funds in the amount of \$140,000 for the implementation of the plan proposal be drawn from the 2001 Capital Budget (Traffic Calming, Project No. 1203-2);
3. That the speed limit on Drummond Drive be reduced from 50 km/h to 40 km/h;
4. That allway stop controls be implemented at the intersections of St. Joan of Arc Avenue and Fletcher Drive, and Brandon Gate and Ashton Drive/Haymer Drive;
5. That an allway stop control be installed at the intersection of Ashton Drive and Craddock Street/Medley Court; and
6. That some design changes be made to the roundabout of the intersection of Cranston Park Drive and Drummond Drive/Melville Avenue, as described in this report, to improve traffic operations and safety;

By receiving the report of the Commissioner of Engineering and Public Works, dated May 5, 2003; and

By receiving the written submission from Maple Springs Traffic Calming Committee, Phase 2, dated May 7, 2003.

CARRIED

ITEM - 1 RESURGENCE OF THE WEST NILE VIRUS

MOVED by Councillor Racco
seconded by Regional Councillor Rosati

THAT Item 1, Committee of the Whole Report No. 38 be adopted without amendment.

CARRIED

ITEM - 6 AWARD OF TENDER T03-040 VAUGHAN GROVE SPORTS PARK – ONTARIO SOCCER ASSOCIATION (O.S.A.) PARK IMPROVEMENTS

MOVED by Regional Councillor Rosati
seconded by Councillor Ferri

THAT Item 6, Committee of the Whole Report No. 38 be adopted and amended, as follows:

By approving the following in accordance with the additional report of the Commissioner of Community Services, dated May 12, 2003:

- “1. That T03-040, Vaughan Grove Sports Park O.S.A. – Park Improvements, be awarded to P. Gabriele & Sons Ltd. for the amount of \$298,661.08 (including G.S.T.);

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2. That a contingency allowance of 15% be approved, within which the Executive Director of Buildings, Facilities and Parks is authorized to approve amendments to the contract; and
3. That a bylaw be enacted authorizing the Mayor and the City Clerk to sign the necessary documents.”

CARRIED

ITEM - 11 ATHABASCA DRIVE
 TRAFFIC OPERATIONS

MOVED by Councillor Ferri
seconded by Councillor Di Vona

That this matter be referred to a future Committee of the Whole meeting, prior to the summer hiatus, to allow staff an opportunity to review and address the issues of concern identified in the written submission from Mr. Robert and Ms. Wendy Hofstatter.

CARRIED

ITEM - 13 AWARD OF TENDER - T03-042
 KIRBY ROAD AND KING-VAUGHAN ROAD
 RURAL ROAD UPGRADE

MOVED by Councillor Ferri
seconded by Councillor Jackson

THAT Item 13, Committee of the Whole Report No. 38 be adopted and amended, as follows:

By approving the following in accordance with the additional report of the Commissioner of Engineering and Public Works, dated May 12, 2003:

- “1. That Parts A, B and D of Tender T03-42 for the Kirby Road and King-Vaughan Road Rural Road Upgrade be awarded to Metric Contracting Services Corporate in the amount of \$986,314.50 plus G.S.T.;
2. That a contingency allowance in the amount of \$100,000.00 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.J. Burnside & Associates Limited to provide contract and administration and construction inspection services including contingencies at an estimated fee of \$76,010.00 plus G.S.T.; and
4. That the Mayor and Clerk be authorized to sign the necessary documents.”

CARRIED

ITEM - 14 AWARD OF TENDER - T03-008
 UPLANDS AREA WATERMAIN AND STORM SEWER REPLACEMENT
 AND ROAD RECONSTRUCTION – PHASE 2

MOVED by Councillor Racco
seconded by Regional Councillor Rosati

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THAT Item 14, Committee of the Whole Report No. 38 be adopted and amended, as follows:

By approving the following in accordance with the additional report of the Commissioner of Engineering and Public Works, dated May 12, 2003:

- “1. That Tender T03-008 for the replacement of watermain and storm sewer and road reconstruction in the Uplands Area (Phase 2) be awarded to Direct Underground Inc., in the amount of \$3,114,366.18;
2. That a contingency allowance in the amount of \$312,000.00 be approved, within which the Commissioner of Engineering and Public Works is authorized to approve amendments to the Contract; and
3. That the Mayor and Clerk be authorized to sign the necessary documents.”

CARRIED

COMMITTEE OF THE WHOLE (CLOSED SESSION) REPORT NO. 39

(Refer to Committee Report for complete recommendations and documentation on all Committee items.)

ITEM - 8 WALLACE HOUSE

MOVED by Councillor Jackson
seconded by Councillor Racco

THAT Item 8, Committee of the Whole (Closed Session) Report No. 39 be adopted and amended, as follows:

By requesting that the staff report with respect to funding for display cases and tables, be provided for the Committee of the Whole (Closed Session) meeting of May 20, 2003.

CARRIED

COMMITTEE OF THE WHOLE (PUBLIC HEARING) REPORT NO. 40

(Refer to Committee Report for complete recommendations and documentation on all Committee items.)

ITEM - 2 AMENDMENT TO ZONING BY-LAW FILE Z.03.023
1366950 ONTARIO LIMITED
PRELIMINARY REPORT

MOVED by Regional Councillor Rosati
seconded by Councillor Di Vona

THAT Item 2, Committee of the Whole (Public Hearing) Report No. 40 be adopted and amended, as follows:

By receiving the written submission of Mr. Emilio Bisceglia, Emilio Bisceglia & Associates, 3710 Chesswood Drive, Suite 210, Toronto, M3J 2W4, dated May 8, 2003.

CARRIED

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MOVED by Councillor Jackson
seconded by Councillor Ferri

THAT Council resolve into Committee of the Whole (Closed Session) for the purpose of discussing the following matters:

- i) the security of property of the City or local board;
- ii) personal matters about an identifiable individual, including municipal or local board employees;
- iii) a proposed or pending acquisition or disposition of land by the municipality or local board;
- iv) labour relations or employee negotiations;
- v) litigation or potential litigation, including matters before administrative tribunals, affecting the City or local board;
- vi) the receiving of advice that is subject to solicitor/client privilege, including communications necessary for that purpose; and
- vii) a matter in respect of which Council, boards, Committee or other body has authorized a meeting to be closed under an Act of the Legislature or an Act of Parliament.

CARRIED

Council recessed at 1:35 p.m.

MOVED by Councillor Di Vona
seconded by Councillor Jackson

THAT Council reconvene at 1:45 p.m.

CARRIED

Council reconvened at 1:45 p.m. with the following members present:

Regional Councillor Joyce Frustaglio, Chair
Regional Councillor Gino Rosati
Councillor Bernie Di Vona
Councillor Mario F. Ferri
Councillor Linda D. Jackson
Councillor Mario G. Racco

COMMITTEE OF THE WHOLE (CLOSED SESSION) REPORT NO. 39

(Refer to Committee Report for complete recommendations and documentation on all Committee items.)

ITEM - 12 COST IMPLICATIONS – CONVERSION OF BY-LAW ENFORCEMENT OFFICERS FROM PART-TIME TO FULL-TIME

MOVED by Councillor Racco
seconded by Regional Councillor Rosati

THAT Item 12, Committee of the Whole (Closed Session) Report No. 39 be adopted and amended, as follows:

By approving the following:

That four of the current complement of eight part-time By-law Enforcement Officer II positions be converted to full-time positions immediately and that the remaining four positions be converted in 2004 subject to the 2004 budgeting process.

By receiving the confidential report of the Commissioner of Legal and Administrative Services, dated May 12, 2003.

CARRIED

ADDENDUM ITEM

**110. AWARD OF TENDER T03-003
CONSTRUCTION OF THE VELLORE VILLAGE COMPLEX
(Addendum No. 1)**

MOVED by Regional Councillor Rosati
seconded by Councillor Ferri

- 1) That the following resolution be approved:
 1. That Tender T03-003 for the construction of the Vellore Village Complex be awarded to Maystar General Contractors Inc. for the amount of \$39,000,000.00 not including G.S.T., conditional on the York Region Catholic District School Board awarding the tender to Maystar; and
 2. Council approve a contingency allowance of 5%, within which the Executive Director of Buildings, Facilities, and Parks is authorized to approve amendments to the contract in accordance with the development agreement;
- 2) That the report of the City Manager, dated May 12, 2003, be received; and
- 3) That the confidential memoranda from the Director of Legal Services, dated May 9, 2003, the City Manager, dated May 12, 2003, and the Commissioner of Legal & Administrative Services/City Solicitor, dated May 12, 2003, be received.

CARRIED

Recommendation

The City Manager, in consultation with the Executive Director of Buildings, Facilities and Parks, the Commissioner of Legal and Administrative Services and the Director of Purchasing seeks Council direction on this matter.

Purpose

Seek Council direction for the award of T03-003, construction of the Vellore Village Complex, and obtain Council approval to execute the development agreement pertaining to the Vellore Village Complex.

Background – Analysis and Options

Council, on October 15th, 2001, directed staff to proceed with a joint initiative to develop a community centre/high school project with the York Catholic District School Board. This multi-use facility was conceived as a recreational and educational complex that would serve as a “centre” for the community.

The Facility components for the community centre will include:

- Aquatic facility, (pools, change rooms, etc.)

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- Party room, (rentals such as birthday parties)
- Banquet room facility with kitchen
- Program rooms; pre-school (2), youth (1), general (1)
- Senior's area
- Administration and common space
- Concession area
- Gymnasium, (plus three additional to be shared with the school)

Outdoor features will include:

- Large water play area
- 2 senior soccer fields
- Senior softball diamonds
- 3 tennis courts
- 3 bocce courts
- play grounds (senior and junior)
- seating area
- outdoor ice rink
- skate board facility

On October 29, 2001, Council approved the architectural firms of MacLennan Jaunkalns Miller Architects/Zas Architects to develop the design and prepare the drawings and specifications.

On September 9, 2002, RFI02-258 pre-qualification of contractors for the construction of the Vellore Village Joint Complex were issued and closed on September 24, 2002. Fifty-six (56) requests for pre-qualification (includes general and sub-contractors) were received. Eight (8) general contractors were deemed qualified to submit bids for Tender T03-003 for the construction of the Vellore Village.

On February 18, 2003, tender T03-003 closed and the bids were publicly opened. Eight (8) bid documents were issued to the pre-qualified contractors and four (4) pre-qualified contractors submitted bids. The results of the bids are as follows:

Contractor	Bid Price
Maystar General Contractors Inc. Vaughan, Ontario	\$39,000,000.00*
The Atlas Corporation Concord, Ontario	\$39,475,000.00
Aquicon Construction Co. Ltd. Brampton, Ontario	Non-compliant
Bondfield Construction Company Ltd. Concord, Ontario	Non-compliant
Eastern Construction Toronto, Ontario	No bid
Buttcon Ltd. Concord, Ontario	No bid
Bird Construction Etobicoke, Ontario	No bid
Aecon Building Concord, Ontario	No bid

* Corrected for mathematical error

Development Agreement

In order to facilitate the construction of the joint facility, a Development Agreement must be entered into by the City and Board. A draft Development Agreement has been negotiated by Staff and was authorized by By-law 182-2002. The Development Agreement provides for construction matters, including:

1. The retention of an Architect;
2. Preparation of Plans;
3. Approval of a Budget;
4. Construction contracts and a Development Schedule;
5. The creation of a Development Committee charged with the authority to make design, development and construction decisions and consisting of 6 members, three each to be appointed by Council and the Board;
6. Project Costs.

The Development Agreement deals strictly with design and construction matters. The Plans, Schedules, Budgets, and Parties Respective Shares will be set out expressly in this agreement. Matters relating to the maintenance and day to day management of the joint facility will be set out in a further agreement, currently being negotiated by staff, and referred to as the Shared Facilities Agreement, also authorized by By-law 182-2002.

Options:

Please refer to the Privileged and Confidential Memorandum from the City Manager, dated May 12, 2003, regarding the options available to Council.

Conclusion

It was determined both by the pre-qualification process and review of the tender that the lowest bidder, Maystar General Contractors Inc., meets the requirements of the contract. If Council chooses option 2 to award the tender T03-003, the joint project will proceed as soon as the development agreement is executed, and the contract is awarded. Should Council wish to award today, then the following resolution is suggested:

1. Award tender T03-003 for the construction of the Vellore Village Complex to Maystar General Contractors Inc. for the amount of \$39,000,000.00 not including G.S.T., conditional on the York Region Catholic District School Board awarding the tender to Maystar, and,
2. Council approve a contingency allowance of 5%, within which the Executive Director of Buildings, Facilities and Parks is authorized to approve amendments to the contact in accordance with the development agreement.

Attachments

1. Privileged and Confidential Memorandum, dated May 12, 2003

Report prepared by:

Marlon Kallideen
Executive Director of Buildings, Facilities and Parks, Ext. 6126

(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.)

111. PROJECTS SUBMITTED FOR ONTARIO SUPERBUILD FUNDING

MOVED by Councillor Di Vona
seconded by Councillor Racco

That staff provide a report identifying the City of Vaughan projects submitted for Ontario SuperBuild funding.

CARRIED

The foregoing matter was brought to the attention of Council by Councillor Di Vona.

112. BY-LAWS FIRST, SECOND AND THIRD READINGS

MOVED by Councillor Di Vona
seconded by Councillor Jackson

THAT the memorandum from the Director of Community Planning dated May 9, 2003, regarding By-law 134-2003, be received; and

THAT the following by-laws be read a First, Second and Third time and enacted:

- | | |
|------------------------|--|
| By-Law Number 130-2003 | A By-law to execute a funding agreement for infrastructure projects with the Government of Ontario through its Ontario Super Build Corporation and the Corporation of the City of Vaughan. (Council April 14, Item 2, Committee of the Whole, Report No. 31) |
| By-Law Number 131-2003 | A By-law to adopt Amendment Number 592 to the Official Plan of the Vaughan Planning Area. (OP.02.023 and Z.02.081, Helena Dean/1540072 Ontario Limited) (Council, March 17, 2003, Item 16, Committee of the Whole, Report No. 22) |
| By-Law Number 132-2003 | A By-Law to amend City of Vaughan By-Law 1-88. (Z.02.081 and OP.02.023, Helena Dean/1540072 Ontario Limited, east side of Islington Avenue, north of Major Mackenzie Drive, being Lot 24 on Registered Plan 11 (10435 Islington Avenue), within Lot 24, Concession 8, City of Vaughan. (Council, March 17, 2003, Item 16, Committee of the Whole, Report No. 22) |
| By-Law Number 133-2003 | A By-law to amend City of Vaughan By-Law 1-88. (Z.99.081 and Z.98.035, Toronto Hebrew Memorial Park, south of King Vaughan Road, from Bathurst Street through to Dufferin Street, being part of Lot 33, concession 2, City of Vaughan) (Council, June 22, 1998, Item 39, Committee of the Whole, Report No. 47) |
| By-Law Number 134-2003 | A By-law to consolidate and update By-law 370-2000 (adopting Official Plan Amendment No.600) and all amendments thereto which are in full force and effect as of January 1, 2003. (City of Vaughan) |
| By-Law Number 135-2003 | A By-law to amend City of Vaughan By-law 1-88. (Z.02.086, Lanterna Group Limited, southeast of Weston Road, and Major Mackenzie Drive, on Tern Drive in Part of Lot 19, Concession 5, City of Vaughan) (Council, March 31, 2003, Item 15, Committee of the Whole, Report No. 26) |

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- By-Law Number 136-2003 A By-law to amend City of Vaughan By-law 1-88. (Z.00.041 (related file DA.01.037), 9519 Keele St. Limited (Administrative Correction), northeast corner of Keele Street and Fieldgate Drive, being Part of Lot 17, Concession 3, City of Vaughan) (Council, June 12, 2000, Item 2, Committee of the Whole, Report No. 49)
- By-Law Number 137-2003 A By-law to amend City of Vaughan By-law 1-88. (Z.01.084, Algem Properties Ltd., southeast corner of Dufferin Street and King High Drive, being Part of Lots 57 and 58 on Registered Plan 3541, municipally known as 7851 Dufferin Street, in Part of Lot 6, Concession 2, City of Vaughan) (Council, June 24, 2002, Item 39, Committee of the Whole, Report No. 50)
- By-Law Number 138-2003 A By-law to amend City of Vaughan By-law 1-88. (Z.02.049, Vallemill Developments Ltd., southeast corner of Rutherford Road and Weston Road, in lot 15, Concession 5, City of Vaughan) (Council, April 14, 2003, Item 25, Committee of the Whole, Report No. 31)
- By-Law Number 139-2003 A By-law to amend City of Vaughan By-law 1-88. (Z.02.002, Ronald and Dan Sant, east side of Cold Creek Road, north side of Kirby Road, being Part 2 on Registered Plan 8343, municipally known as 11811 Cold Creek Road, in Part of Lot 32, Concession 10, City of Vaughan. (Council, November 25, 2002, Item 9, Committee of the Whole, Report No. 80)
- By-Law Number 140-2003 A By-law to amend By-Law 1-96 as amended, to govern and control the parking of vehicles in the City of Vaughan. (Cheltenham Avenue) (Council, April 14, 2003, Item 33, Committee of the Whole, Report No. 31)
- By-Law Number 141-2003 A By-law to amend the Consolidated Traffic By-law 284-94, as amended, to govern and control traffic in the City of Vaughan. (Blue Willow Drive and Michelle Drive) (Council, November 11, 2002, Item 22, Committee of the Whole, Report No. 76)

CARRIED

113. CONFIRMING BY-LAW

MOVED by Councillor Racco
seconded by Councillor Jackson

THAT By-law Number 142-2003, being a by-law to confirm the proceedings of Council at its meeting on May 12, 2003, be read a First, Second and Third time and enacted.

CARRIED

114. ADJOURNMENT

MOVED by Councillor Ferri
seconded by Councillor Jackson

THAT the meeting adjourn at 1:50 p.m.

CARRIED

Joyce Frustaglio, Acting Mayor

J. D. Leach, City Clerk