



**CITY OF VAUGHAN
SPECIAL COUNCIL MINUTES (1)
OCTOBER 20, 2003**

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CITY OF VAUGHAN

SPECIAL COUNCIL MEETING (1)

MONDAY, OCTOBER 20, 2003

MINUTES

2:00 P.M.

Council convened in the Finance Boardroom in Vaughan, Ontario, at 2:40 p.m.

The following members were present:

Mayor Michael Di Biase, Chair
Regional Councillor Gino Rosati
Councillor Bernie Di Vona
Councillor Mario F. Ferri
Councillor Linda D. Jackson
Councillor Susan Kadis

MOVED by Councillor Jackson
seconded by Regional Councillor Rosati

That the rules of procedure of Procedural By-law 400-2002 be waived to allow the meeting to begin at 2:40 p.m.; and

That Section 3.13 of Procedural By-Law 400-2002 be waived to permit the meeting to be held in the Finance Boardroom.

CARRIED

232. CONFIRMATION OF AGENDA

MOVED by Councillor Ferri
seconded by Councillor Kadis

THAT the agenda be confirmed.

CARRIED

233. DISCLOSURE OF INTEREST

There was no disclosure of interest by any member.

MOVED by Councillor Di Vona
seconded by Councillor Jackson

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; and
- iii) labour relations or employee negotiations.

CARRIED

SPECIAL COUNCIL MEETING MINUTES (1) – OCTOBER 20, 2003

Council recessed at 2:50 p.m.

MOVED by Councillor Ferri
seconded by Councillor Di Vona

THAT Council reconvene at 3:00 p.m.

CARRIED

Council reconvened at 3:00 p.m. with the following members present:

Mayor Michael Di Biase, Chair
Regional Councillor Gino Rosati
Councillor Bernie Di Vona
Councillor Mario F. Ferri
Councillor Linda D. Jackson
Councillor Susan Kadis

234. CONFIDENTIAL MATTER (Item 4)

MOVED by Regional Councillor Rosati
seconded by Councillor Ferri

That the confidential recommendation of the Committee of the Whole (Closed Session) of October 20, 2003, be approved.

CARRIED

235. PROPOSED ANNEXATION OF LANDS FROM CITY OF VAUGHAN TO TOWN OF CALEDON (Item 1)

MOVED by Councillor Ferri
seconded by Regional Councillor Rosati

That the recommendation contained in the following report of the Commissioner of Legal and Administrative Services, dated October 20, 2003, be approved:

CARRIED

Recommendation

The Commissioner of Legal and Administrative Services recommends:

1. That Council receive the Minutes of the Joint Public Meeting held on October 9, 2003 to consider the proposed Caledon annexation of lands in Vaughan;
2. That Council of the City of Vaughan enact a by-law to confirm its support for the proposed restructuring as contained in the Restructuring Proposal set out in Attachment No. 1, to confirm all procedural requirements were complied with in considering the Restructuring Proposal and to authorize the Town of Caledon to forward the Restructuring Proposal to the Minister of Municipal Affairs and Housing for approval pursuant to subsection 173(1) of the *Municipal Act, 2001*;

3. That a certified copy of the by-law be forwarded to the Town of Caledon for delivery to the Minister of Municipal Affairs and Housing in conjunction with its Restructuring Report.

Purpose

The purpose of this report is to seek Council approval of the Restructuring Proposal made by the Town of Caledon for the annexation of a small parcel of land left over following the realignment of the Albion Vaughan Road at its junction with Regional Road 50 and Mayfield Road.

Background - Analysis and Options

The subject lands are in private ownership and are located at the north/east intersection of Regional Road 50 and the Albion-Vaughan Road, consisting of an area of 1.7 ha (4.2 ac) with frontage on the east side of Regional Road 50 and flankage on Albion-Vaughan Road. The location of the subject lands is shown on Attachment No. 2.

A number of years back in the course of settling Ontario Municipal Board planning appeals, a Memorandum of Agreement was entered into by Caledon and Vaughan, along with the affected landowners, confirming that Caledon would annex the lands from Vaughan and thereafter Peel rather than York would be responsible for servicing of the lands. With the realignment of the Albion Vaughan Road, the lands now lie on the west side of the road (the Caledon side) rather than the east side (the Vaughan side). The terms of the Memorandum of Agreement were subject to all procedural steps and consultations being taken by the parties that might be required under the *Municipal Act* for an annexation or restructuring proposal.

Vaughan's Finance Department has confirmed there are no outstanding tax arrears on the property for the year 2003. In the future, should the Restructuring be approved, taxes will be levied by and paid to Caledon. The City's Commissioner of Engineering and Public Works has confirmed that the Albion-Vaughan Road is and will continue to be the boundary road between Caledon and Vaughan, subject to the joint maintenance obligations contemplated by the *Municipal Act, 2001* or as may be set out in any agreement entered by the Town of Caledon and the City of Vaughan in the future.

Vaughan Council at its meeting on September 15, 2003 adopted a recommendation of the Committee of the Whole and appointed a Committee of three members of Council: Regional Councillor Joyce Frustaglio, Regional Councillor Gino Rosati and Local Councillor Mario Ferri. The Committee was instructed to attend a joint public meeting on the Restructuring Proposal.

Joint Public Meeting

The joint public meeting was held by Caledon, Vaughan, Peel and York on October 9, 2003 at the Vaughan Civic Centre, with all relevant Committee members attending on behalf of each Council. Notice of the public meeting to consider the proposed restructuring was provided by publication in a newspaper (3 papers in Vaughan) of general circulation, by the printed public agenda and on the City's website, as required by the City's Notice By-law, By-law Number 394-2002.

Each of the other municipalities provided notice of the public meeting in accordance with their procedural notice requirements.

No member of the public from any of the affected municipalities appeared at the public meeting to make a deputation on the Restructuring Proposal, nor did any member of the public or any agency deliver written comments to the Clerk of the City of Vaughan.

The Minutes of the Joint Public Meeting on October 9, 2003 are contained in Attachment No. 3 to this Report.

Official Plan and Zoning By-law Amendment Applications

The Commissioner of Planning's September 15, 2003 Committee of the Whole Report containing recommendations to approve the Official Plan and Zoning By-law Amendment applications related to the subject property were adopted by Council at its meeting on September 22, 2003. The Official Plan Amendment was subsequently forwarded to the Region of York for approval. Region of York Planning staff have confirmed that the OPA is being processed and a Notice of Decision will be issued shortly. Vaughan Planning staff have confirmed they will be bringing forward the amending Zoning By-law shortly for enactment by Council.

Conclusion

The effect of the Restructuring Proposal is that upon approval by the Minister of Municipal Affairs and Housing the subject lands will no longer be part of the City of Vaughan and will become part of the Town of Caledon. The effective date of this change will be January 1, 2004, provided the approval is received prior to January 1.

Vaughan Council has indicated its support for the Restructuring Proposal on a number of occasions in the past. No comments have been received by any City Department indicating difficulties with the proposed annexation. Further, no deputations were received from the public at the public meeting or in writing indicating any concern with the Restructuring Proposal.

Attachments

- Attachment No. 1 - Restructuring Proposal
- Attachment No. 2 - Location Map
- Attachment No. 3 - Minutes – Joint Public Meeting - October 9, 2003

Report prepared by:

Carolyn P. Stobo, Solicitor/Special Services

(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.)

**236. ADDENDUM TO REQUEST FOR PROPOSAL RFP03-212
AMENDMENT TO CLIENT/ARCHITECT AGREEMENT
VAUGHAN CIVIC CENTRE DESIGN COMPETITION
(Item 2)**

MOVED by Regional Councillor Rosati
seconded by Councillor Di Vona

That this matter be deferred to a future meeting for a further staff report addressing the increase for professional services including details on recently charged professional services for similar public sector projects.

CARRIED

Recommendation

The City Manager, in consultation with the Senior Management Team and the Professional Advisor, recommends that:

The City of Vaughan issue an addendum to Request for Proposal RFP03-212 (Vaughan Civic Centre Design Competition) which will:

- a) Increase the fee for professional services from 5.5% of construction costs (\$76,000,000) to 6.9% of construction costs; and
- b) Delete the following disciplines from the list of required professional services to be provided under this contract: Acoustics, Audio Visual Services and Food Services.

Background – Analysis and Options

On September 22, 2003 Council approved the following requirement for incorporation into the Request for Proposal for the Vaughan Civic Centre design competition.

That the Request for Proposal include a contract for professional services in respect of the development of the Vaughan Civic Centre specifying the fee at 5.5% of the construction cost, inclusive of all consulting costs.

This provision was included in the Request for Proposal. On October 2, 2003, the City issued the RFP to the four architectural firms that were selected to participate in the competition. Shortly thereafter, the Professional Advisor received an inquiry from the competing firms questioning the percentage used to establish the fee for professional services (e.g. architectural; urban design; landscape architecture; structural, civil and traffic engineering; and related consulting like interior design). An adjustment to the percentage used to establish the professional fees was requested.

A number of reasons were cited to support this request. These include: for this class of building, the Ontario Association of Architects' Fee Schedule (October 1989) provides for a fee of 8.1% on the first \$32,000,000.00 of construction value with the fee on the remainder being subject to negotiation; precedent fees for similar buildings elsewhere; and the unique and challenging characteristics of this project. The latter included the need for the preparation of a complex master plan, the integration of several uses on site; addressing the specific needs of these users and the challenges of managing a major redevelopment while the site remains in operation.

The appropriateness of the fee specified in the RFP was evaluated in light of these issues. It was determined that there was merit in increasing the professional fees to what would be more in line with industry norms and the expectations of the architectural profession. Based on these considerations, it is recommended that a fee equivalent to 6.9% of total construction costs be applied to the project. This percentage was established by the blending of a higher fee rate for the first \$32,000,000 of construction cost with a declining rate being applied to the remaining costs.

Based on construction costs of \$76,000,000 the change of rate from 5.5% to 6.9% would increase the professional fees from \$4,180,000 to \$5,244,000, a difference of \$1,064,000. However, professional fees are considered a "soft cost" like furniture and fittings and are not part of the construction cost of \$76,000,000, which remains unchanged. Construction costs also include the site works and building fitout.

The total cost of the project reflects the sum of the construction costs and the soft costs plus an escalation factor. The soft costs were assumed to be 25% of the total construction costs. The professional fees were included in this amount, but for the purposes of the estimate, there was no specific assumption made on the rate at which these fees were calculated.

It was intended that the 25% factor be representative of the usual array of soft costs associated with this class and size of building. Therefore, the professional fees have been accounted for in the portion of the budget that will apply to the soft costs. It is anticipated that the ultimate impact on the soft costs of the proposed change in the professional fees will be negligible and can be mitigated, if required, when the budget is finalized.

The RFP also required that a number of consulting services be included as part of the contract with the successful proponent. On review, it is recommended that three consultants be deleted from this contract. These include an acoustical consultant (for the Council Chamber), an audio-visual expert (Council Chamber and presentation facilities) and a food services consultant.

It was determined that the scope of work for these consultants could not reasonably be established at this point and hence the cost implications of their retainers. For this reason, they can be deleted from this contract. However, it is expected that some or all of these services may be required later in the design stage. When appropriate, they can be retained on a competitive basis.

Conclusion

Further review has been given to the fee for architectural/professional services specified in the RFP for the Vaughan Civic Centre Design Competition. After consultation with the Professional Advisor, it has been determined that there is merit in increasing the rate at which the professional fees are calculated. It is anticipated that such a change will have minimal effects on the total budget for the project.

Additionally, it is recommended that a number of consulting services required by the RFP be deleted from the contract with the successful proponent. If required in the future, they can be retained on a competitive basis on the basis of a more precise scope of work.

Therefore, it is recommended that the RFP for the Vaughan Civic Centre Design Competition (RFP03-212) be amended through the issuance of an addendum to the Architects short-listed for the competition. Should Council concur then the recommendation set out above should be adopted.

Attachments

N/A

Report Prepared by:

Roy McQuillin, Manager of Corporate Policy

237. HYDRO VAUGHAN DISTRIBUTION INC., HYDRO VAUGHAN HOLDINGS INC. & HYDRO VAUGHAN ENERGY CORPORATION
(Item 3)

MOVED by Councillor Jackson
seconded by Councillor Di Vona

- 1) That Clause 1 of the recommendation contained in the following report of the City Solicitor, dated October 20, 2003, be approved; and
- 2) That any compensation payable to Mr. Racco from any of the said Corporations cease as of October 31, 2003.

CARRIED

Recommendation

The City Solicitor, in consultation with the Vice President of Corporate Services & Secretary of Hydro Vaughan Distribution Inc., recommends:

1. That the Resolutions of the Shareholder of Hydro Vaughan Distribution Inc., Hydro Vaughan Holdings Inc. and Hydro Vaughan Energy Corporation to remove Mario G. Racco from the Boards of Directors, effective when he ceases to be a Councillor of the City of Vaughan, be executed by the City as sole shareholder; and
2. That any compensation payable to Mr. Racco from any of the said Corporations cease as of such date.

Purpose

The purpose of this report is to reflect Councillor Racco's deemed resignation as a Councillor as a result of his election to the Provincial Legislature on the Boards of Directors of the three (3) Hydro Corporations. It is necessary to ensure that Mr. Racco has no conflict with sitting on the Boards and the Legislature at the same time. The three (3) Corporations are discrete from the City and there is no automatic deemed resignation as there is with his position as Councillor.

Background - Analysis and Options

Pursuant to Section 82 of the Election Act, Councillor Racco is deemed to resign as a Councilor on the date that the return of the Provincial Election is published in the Ontario Gazette which is estimated to be some day this week. Council has directed that the Boards of Directors of the three Vaughan Hydro Corporations be composed of the members of Council. It is recommended that the attached three (3) Resolutions be passed by each Corporation to remove Mr. Racco from the Boards of Directors on the date that he ceases to be a member of Council.

Conclusion

It is advisable to remove Councillor Racco from the Boards of Directors of Hydro Vaughan Distribution Inc., Hydro Vaughan Holdings Inc. and Hydro Vaughan Energy Corporation, effective on the date that he is deemed to resign as a Councilor to avoid any possibility of conflict.

Attachments

1. Resolution of the Sole Shareholder of Hydro Vaughan Distribution Inc.
2. Resolution of the Sole Shareholder of Hydro Vaughan Holdings Inc.
3. Resolution of the Sole Shareholder of Hydro Vaughan Energy Corporation

Report prepared by:

Robert J. Swayze

(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.)

238. BY-LAWS FIRST, SECOND AND THIRD READINGS

MOVED by Councillor Ferri
seconded by Councillor Di Vona

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

By-Law Number 373-2003 A By-law to amend City of Vaughan By-law 1-88. (Z.03.044, Bulk Transfer System, northeast corner of Highway #50 and Albion-Vaughan Road, Parts 3, 4 and 5 on Plan 65R-18771, Lots 29 and 30, Concession 11) (Council, September 22, 2003, Item 21, Committee of the Whole, Report No. 66)

By-Law Number 374-2003 A By-law to authorize the Town of Caledon to forward a Restructuring Proposal for the annexation of lands in Vaughan to the Minister of Municipal Affairs and Housing. (Special Council, October 20, 2003, Item 1)

CARRIED

239. CONFIRMING BY-LAW

MOVED by Councillor Kadis
seconded by Councillor Jackson

THAT By-law Number 375-2003, being a by-law to confirm the proceedings of Council at its meeting on October 20, 2003, be read a First, Second and Third time and enacted.

CARRIED

240. ADJOURNMENT

MOVED by Councillor Jackson
seconded by Regional Councillor Rosati

THAT the meeting adjourn at 3:50 p.m.

CARRIED

Michael Di Biase, Mayor

J. D. Leach, City Clerk