

2ND REPORT OF THE
CORPORATE SERVICES COMMITTEE

Meeting held on December 10, 2013, commencing at 1:04 PM, in Committee Room #5, Second Floor, London City Hall.

PRESENT: Mayor J.F. Fontana (Chair), Councillors B. Polhill, J.B. Swan and H.L. Usher and L. Rowe (Secretary).

ABSENT: Councillor J.P. Bryant.

ALSO PRESENT: Councillors J.L. Baechler, N. Branscombe and S. Orser; J.P. Barber, J. Braam, B. Coxhead, S. Datars Bere, K. Dawtrey, A. Dunbar, M. Hayward, G. Kotsifas, J. Lajoie, A. Macpherson, V. McAlea Major, D. Munteer, D. O'Brien, C. Saunders, R. Sharpe, M. Turner, B. Warner and A. Zuidema.

I. CALL TO ORDER

1. Disclosures of Pecuniary Interest

Recommendation: That it BE NOTED that Councillor J.B. Swan disclosed a pecuniary interest in clause 2 of this Report having to do with placing a question on the ballot for the 2014 Municipal Election with respect to funding a Performing Arts Centre by indicating that his employer, Orchestra London, is a proponent.

II. CONSENT ITEMS

2. Submission of Questions on Ballot - 2014 Municipal Election

Recommendation: That, on the recommendation of the City Clerk, the staff report dated December 10, 2013, providing information outlining the legislative requirements to place a question on the 2014 Municipal Election ballot, BE RECEIVED for information.

Motion Passed

YEAS: J.F. Fontana, B. Polhill, H.L. Usher (3)

RECUSED: J.B. Swan (1)

3. Use of Corporate Resources for Election Purposes

Recommendation: That, on the recommendation of the City Clerk, the staff report dated December 10, 2013, with respect to use of corporate resources during an election year, BE RECEIVED for information.

Motion Passed

YEAS: J.F. Fontana, J.B. Swan, B. Polhill, H.L. Usher (4)

4. Annual Report - 2012 Risk Management Services

Recommendation: That, on the recommendation of the Managing Director, Corporate Services and City Solicitor, on the advice of the Manager, Risk Management, the staff report dated December 10, 2013, regarding the 2012 risk management services, BE RECEIVED for information.

Motion Passed

YEAS: J.F. Fontana, J.B. Swan, B. Polhill, H.L. Usher (4)

5. Expropriation of Lands - Veterans Memorial Parkway South Extension - TS1325

Recommendation: That, on the recommendation of the Managing Director, Environmental and Engineering Services and City Engineer, on the advice of the Manager of Realty Services, approval be given to the expropriation of lands as may be required for a project known as Veterans Memorial Parkway South Extension, between Highway 401 and Wilton Grove Road, and that the following actions be taken in connection therewith:

- a) application be made by The Corporation of the City of London as Expropriating Authority to the Council of The Corporation of the City of London as approving authority for the approval to expropriate the lands required for Veterans Memorial Parkway South Extension between Highway 401 and Wilton Grove Road;
- b) The Corporation of the City of London serve and publish notice of the above application in accordance with the terms of the Expropriations Act;
- c) The Corporation of the City of London forward to the Chief Inquiry Officer any requests for a hearing that may be received and report such to the Council of The Corporation of the City of London for its information; and
- d) the proposed by-law appended to the staff report dated December 10, 2013 BE INTRODUCED at the Municipal Council meeting on December 17, 2013 to authorize the foregoing and direct the Civic Administration to carry out all necessary administrative actions.

Motion Passed

YEAS: J.F. Fontana, J.B. Swan, B. Polhill, H.L. Usher (4)

6. Declare Surplus City-Owned Land Adjacent to 47 and 49 Agincourt Gardens

Recommendation: That, notwithstanding the recommendation of Staff to enforce the encroachment policy, on October 1, 2013 the Municipal Council directed staff to sell certain encroachment properties. In light of this, it is recommended that the following actions be taken with respect to the City-owned property known as Westminster Ponds - North East - Pond Mills Environmentally Significant Area to the rear of properties municipally known as 47 and 49 Agincourt Gardens, further described as Part Block A, Plan 875, being an irregular strip of land containing approximately 4,125 square feet (as shown on Schedule "A" appended to the staff report dated December 10, 2013):

- a) the subject property BE DECLARED SURPLUS;
- b) the subject property BE OFFERED for sale to the individual abutting property owners at fair market value in accordance with the City of London's Sale and Other Disposition of Land Policy, inclusive of ancillary costs associated with the transaction as detailed in the staff report dated December 10, 2013; and
- c) the subject properties BE DISPOSED OF subject to the participation and agreement of all (2) owners described above, noting that failure to do this will result in increased cost and potentially landlocked lands.

Motion Passed

YEAS: J.F. Fontana, J.B. Swan, B. Polhill (3)

NAYS: H.L. Usher (1)

7. Declare Surplus City-Owned Land Adjacent to 33, 37,41,45, 49, 53 and 57 Stoneycreek Crescent

Recommendation: That, notwithstanding the recommendation of Staff to enforce the encroachment policy, on October 1, 2013 the Municipal Council directed staff to sell certain encroachment properties. In light of this, it is recommended the following actions be taken with respect to the City-owned property known as the Stoneycreek Valley, further described as Block 26, Plan M-249, Part A: being a

triangular shaped parcel to the rear of 25 and 29 Stoneycreek Crescent, containing approximately 1,050 square feet (as shown on Schedule "A" attached), and Part B: being a 10 foot wide strip of land containing approximately 4,600 square feet to the rear of 25 to 57 Stoneycreek Crescent (as shown on Schedule "A" appended to the staff report dated December 10, 2013):

- a) the subject property referred to as Part B BE DECLARED surplus;
- b) the subject properties referred to as Part A and Part B BE OFFERED for sale to the individual abutting property owners at fair market value in accordance with the City of London's Sale and Other Disposition of Land Policy, inclusive of ancillary costs associated with the transaction, which includes survey, fencing, and legal; and
- c) the subject properties BE DISPOSED OF subject to the participation and agreement of all (9) nine owners described above, noting that failure to do this will result in increased cost and potentially landlocked lands.

Motion Passed

YEAS: J.F. Fontana, J.B. Swan, B. Polhill (3)

NAYS: H.L. Usher (1)

8. Amendment to Council Policy 28(1) Travel and Business Expenses

Recommendation: That, on the recommendation of the Managing Director, Corporate Services and City Treasurer, Chief Financial Officer, the proposed by-law (Appendix "A") appended to the staff report dated December 10, 2013 BE INTRODUCED at the Municipal Council meeting on December 17, 2013 to delete and replace subsection 5 of section VIII of Council Policy 28(1) entitled "Travel and Business Expenses" in order to add a provision that addresses bereavement.

Motion Passed

YEAS: J.F. Fontana, J.B. Swan, B. Polhill, H.L. Usher (4)

9. Procurement of Goods and Services Policy Revisions

Recommendation: That, on the recommendation of the Managing Director, Corporate Services and City Treasurer, Chief Financial Officer, the proposed by-law appended to the staff report dated December 10, 2013, being a By-Law to amend By-Law No. A.-6151-17, BE INTRODUCED at the Municipal Council meeting on December 17, 2013, to revise Schedule "C" to By-Law No. A.-6151-17 being the Procurement of Goods and Services Policy, to:

- a) increase the dollar limit from \$1,000,000 to \$3,000,000 for Tenders that do not have an irregular result as per Section 13.2 in the Procurement of Goods and Services Policy; and
- b) modify Section 20.3 d) ii) and Schedule "A" of the Policy both regarding Contract Amendments/Extensions.

Motion Passed

YEAS: J.F. Fontana, J.B. Swan, B. Polhill, H.L. Usher (4)

10. 2013 Capital Budget Status - Third Quarter Report

Recommendation: That on the recommendation of the Managing Director, Corporate Services and City Treasurer, Chief Financial Officer, the 2013 Capital Budget Status - Third Quarter Report BE RECEIVED for information.

Motion Passed

YEAS: J.F. Fontana, J.B. Swan, B. Polhill, H.L. Usher (4)

11. Managing Director, Corporate Services and City Treasurer, Chief Financial Officer - 2013 Operating Budget Status - Third Quarter Report

Recommendation: That, on the recommendation of the Managing Director, Corporate Services and City Treasurer, Chief Financial Officer, the following actions be taken with respect to the 2013 Operating Budget Status – Third Quarter Report for the General (Property Tax Supported), Water, and Wastewater and Treatment Budgets:

- a) the 2013 Operating Budget Status – Third Quarter Report for the General Budget (Property Tax Supported refer to Appendix A), Water Budget and Wastewater and Treatment Budget BE RECEIVED for information, it being noted that the Civic Administration is projecting:
 - i) \$6.9 million in savings in the General (Property Tax Supported) Budget; it being noted that consistent with Council resolution, the \$6.9 million in savings if realized would be contributed to the Operating Budget Contingency Reserve; it being further noted that \$3.7 million of the \$6.9 million projected surplus relates to a one-time reconciliation of 2010 Ontario Municipal Partnership Funding;
 - ii) \$3.7 million in savings in the Water Budget; it being noted that consistent with Council direction, the \$3.7 million savings would be contributed to the Water Works Capital Reserve Fund;
 - iii) \$1.8 million in savings in the Wastewater and Treatment Budget; it being noted that consistent with Council direction, the \$1.8 million savings would be contributed to the Sewage Works Reserve Fund;
- b) notwithstanding the Council approved Surplus/Deficit Policy, the following drawdowns from the Operating Budget Contingency Reserve BE CONSIDERED:
 - i) \$2.3 million to the City Facilities Reserve Fund in order to provide a “potential” source of funding for facility related initiatives such as Ontario Works Decentralization should the Property Tax Supported Budget be in a surplus position; it being noted that the Ontario Works Decentralization initiative is progressing and is on target to meet the staged timelines identified in the June 17, 2013 report to the Community and Protective Services Committee;
 - ii) \$1.0 million to the Economic Development Reserve Fund to be used to support initiatives brought forward by the Investment and Economic Prosperity Committee that best accelerate London’s economy and foster private sector investment in the City, should the Property Tax Supported Budget be in a surplus position;
 - iii) \$3.6 million be applied as a funding source to avoid 2014 capital budget reductions; it being noted that as part of the 2013 budget deliberations, Council approved a permanent \$3.6 million funding cut to capital that flowed through to the 2014 capital budget; it being further noted that the final 2013 year-end position could fluctuate significantly based on factors beyond the control of Civic Administration such as Ontario Works caseload and/or winter maintenance and will not be known until early 2014;
- c) the Civic Administration’s contribution of \$1,435,013 (\$1,280,920 – property tax supported; \$84,143 – wastewater; and \$69,950 – water) to the Efficiency, Effectiveness and Economy reserves in 2013 BE NOTED.

Voting Record:

Motion to Approve parts a) and b):

Motion Passed

YEAS: J.F. Fontana, J.B. Swan, B. Polhill, H.L. Usher (4)

Motion to Approve part c):

Motion Passed

YEAS: J.F. Fontana, J.B. Swan, B. Polhill, H.L. Usher (4)

12. Extension of Realty Services - Agency of Record Agreement

Recommendation: That, on the recommendation of the Managing Director, Corporate Services and City Treasurer, Chief Financial Officer, on the advice of the Manager of Realty Services, with respect to the Agreement dated the 20th day of October, 2010 between The Corporation of the City of London and CB Richard Ellis Limited, the Civic Administration BE DIRECTED to provide written notice to CBRE extending the term of the Agreement for an additional (3) three years as provided for in the Agreement, on the understanding that staff will only seek third party assistance for transaction management and brokerage services under the explicit direction of the Manager of Realty Services.

Motion Passed

YEAS: J.F. Fontana, J.B. Swan, B. Polhill, H.L. Usher (4)

13. Sherwood Forest Public School - Stakeholder Consultation Process

Recommendation: That the following actions be taken with respect to consultation processes undertaken to consider concepts for the possible redevelopment of the Sherwood Forest Public School property:

- a) the staff report dated December 10, 2013 BE RECEIVED for information; and
- b) the attached communication from S. Levin, President, Orchard Park/Sherwood Forest Ratepayers BE RECEIVED.

Motion Passed

YEAS: J.F. Fontana, J.B. Swan, B. Polhill, H.L. Usher (4)

14. Accessibility for Ontarians with Disabilities Act Compliance

Recommendation: That, on the recommendation of the Managing Director, Parks and Recreation, the staff report dated December 10, 2013 with respect to the City of London's compliance with Ontario Regulation 191/11-Integrated Accessibility Standards Regulation, BE RECEIVED for information.

Motion Passed

YEAS: J.F. Fontana, J.B. Swan, B. Polhill, H.L. Usher (4)

15. Managing Director, Corporate Services and Chief Human Resources Officer - Security Services

Recommendation: That, on the recommendation of the Managing Director, Corporate Services and Chief Human Resources Officer, on the advice of the Division Manager, Corporate Security and Emergency Management, and on the advice and with the concurrence of the Deputy City Treasurer, the following actions be taken with respect to the provision of security services by the Commissionaires:

- a) the proposal submitted by the Commissionaires (Great Lakes) for the provision of security services through a three (3) year contract with an additional two (2) year renewal option BE ACCEPTED; it being noted this is a single/sole source procurement;

- b) the proposed by-law (Appendix "A"), appended to the staff report dated December 10, 2013, BE INTRODUCED at the Municipal Council meeting on December 17, 2013 to approve the Agreement (Schedule "A" to the By-law) between The Corporation of the City of London and the Commissionaires (Great Lakes), at an estimated annual expenditure of approximately \$385,500.00 annually, and subject to the amendments to be made which are noted herein;
- c) subject to (b), above, the Mayor and the City Clerk BE AUTHORIZED to execute the contract with the Commissionaires (Great Lakes) for the applicable services; and
- d) Civic Administration BE AUTHORIZED to undertake all administrative acts that are necessary in connection with the report and the Agreement referenced herein.

Motion Passed

YEAS: J.F. Fontana, J.B. Swan, B. Polhill, H.L. Usher (4)

- 16. Agreements between the City of London and Fanshawe College for Mutual Benefit at Market Lane

Recommendation: That, on the recommendation of the Managing Director, Land Use Planning and City Planner, the proposed by-law appended to the staff report dated December 10, 2013 BE INTRODUCED at the Municipal Council meeting on December 17, 2013 to authorize the Mayor and the City Clerk to execute two agreements for the mutual benefit of the City and Fanshawe College related to the City's use of a discrete area within 137 Dundas Street for electrical and mechanical services that support Market Lane, and for an encroachment into Market Lane at 139 Dundas Street to permit stairs and ramping for Fanshawe's new building.

Motion Passed

YEAS: J.F. Fontana, J.B. Swan, B. Polhill, H.L. Usher (4)

- 17. Request for Write Off of Miscellaneous and Dearness Home Accounts Receivable

Recommendation: That, on the recommendation of the Deputy City Treasurer, the Civic Administration BE AUTHORIZED to write off the outstanding Miscellaneous and Dearness accounts receivable, attached as Appendix "A" to the staff report dated December 10, 2013, to the Allowance for Doubtful Accounts, in accordance with the Uncollectible Accounts Receivable Policy.

III. SCHEDULED ITEMS

None.

IV. ITEMS FOR DIRECTION

None.

V. DEFERRED MATTERS/ADDITIONAL BUSINESS

- 18. (ADDED) Participation of Young Women in Civics and Government

Recommendation: That the Civic Administration BE DIRECTED to provide one-time funding in the amount of \$20,000, within the existing budget to be contributed to the Operating Contingency Reserve Fund, for a video to deliver an impactful message to young women to be shared widely, including on-line media, with the objective of encouraging young women to actively participate in civics and government.

Motion Passed

YEAS: J.F. Fontana, J.B. Swan, B. Polhill, H.L. Usher (4)

VI. CONFIDENTIAL

(See Confidential Appendix to the 2nd Report of the Corporate Services Committee enclosed for Members only.)

The Corporate Services Committee convened in camera from 2:35 PM to 4:00 PM after having passed a motion to do so, with respect to the following matters:

- C-1. A matter pertaining to instructions and directions to officers and employees of the Corporation pertaining to a lease amendment; advice that is subject to solicitor-client privilege, including communications necessary for that purpose; reports or advice or recommendations of officers and employees of the Corporation pertaining to a proposed lease amendment; commercial and financial information supplied in confidence pertaining to the proposed lease amendment, the disclosure of which could reasonably be expected to, prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of the Corporation, result in similar information no longer being supplied to the Corporation where it is in the public interest that similar information continue to be so supplied, and result in undue loss or gain to any person, group, committee or financial institution or agency; commercial, information relating to the proposed acquisition that belongs to the Corporation that has monetary value or potential monetary value; information concerning the proposed lease amendment whose disclosure could reasonably be expected to prejudice the economic interests of the Corporation or its competitive position; information concerning the proposed lease amendment whose disclosure could reasonably be expected to be injurious to the financial interests of the Corporation; and instructions to be applied to any negotiations carried on or to be carried on by or on behalf of the Corporation concerning the proposed lease amendment.
- C-2. A matter pertaining to instructions and directions to officers and employees of the Corporation pertaining to a proposed acquisition of land; advice that is subject to solicitor-client privilege, including communications necessary for that purpose; reports or advice or recommendations of officers and employees of the Corporation pertaining to a proposed acquisition of land; commercial and financial information supplied in confidence pertaining to the proposed acquisition the disclosure of which could reasonably be expected to, prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of the Corporation, result in similar information no longer being supplied to the Corporation where it is in the public interest that similar information continue to be so supplied, and result in undue loss or gain to any person, group, committee or financial institution or agency; commercial, information relating to the proposed acquisition that belongs to the Corporation that has monetary value or potential monetary value; information concerning the proposed acquisition whose disclosure could reasonably be expected to prejudice the economic interests of the Corporation or its competitive position; information concerning the proposed acquisition whose disclosure could reasonably be expected to be injurious to the financial interests of the Corporation; and instructions to be applied to any negotiations carried on or to be carried on by or on behalf of the Corporation concerning the proposed acquisition.
- C-3. A matter pertaining to instructions and directions to officers and employees of the Corporation pertaining to a proposed acquisition and/or disposition of land; advice that is subject to solicitor-client privilege, including communications necessary for that purpose; reports or advice or recommendations of officers and employees of the Corporation pertaining to a proposed acquisition and/or disposition of land; commercial and financial information supplied in confidence pertaining to the proposed acquisition and/or disposition the disclosure of which could reasonably be expected to, prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of the Corporation, result in similar information no longer being supplied to the Corporation where it is in the public interest that similar information

continue to be so supplied, and result in undue loss or gain to any person, group, committee or financial institution or agency; commercial, information relating to the proposed acquisition and/or disposition that belongs to the Corporation that has monetary value or potential monetary value; information concerning the proposed acquisition and/or disposition whose disclosure could reasonably be expected to prejudice the economic interests of the Corporation or its competitive position; information concerning the proposed acquisition and/or disposition whose disclosure could reasonably be expected to be injurious to the financial interests of the Corporation; and instructions to be applied to any negotiations carried on or to be carried on by or on behalf of the Corporation concerning the proposed acquisition and/or disposition.

- C-4. A matter pertaining to labour relations and employee negotiations, advice that is subject to solicitor-client privilege, and advice or recommendations of officers and employees of the Corporation including communications necessary for that purpose.
- C-5. A matter pertaining to personal matters, including information regarding identifiable individuals, including municipal employees, with respect to employment related matters, labour relations and employee negotiations, and advice or recommendations of officers and employees of the Corporation including communications necessary for that purpose and for the purpose of providing instructions and directions to officers and employees of the Corporation.
- C-6. A matter pertaining to advice subject to solicitor-client privilege, including communications necessary for that purpose, and advice with respect to litigation with respect to various personal injury and property damage claims against the City.

VII. ADJOURNMENT

The meeting adjourned at 4:02 PM.