

FURTHER TO AUTHORITY MEETING #9/05
To be held Friday, November 25, 2005

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BRIDGE EXTENSION AND BALA SUBDIVISION UNDERPASS 13-15**

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TO: Chair and Members of the Authority
Meeting #9/05, November 25, 2005

FROM: Adele Freeman, Director, Watershed Management

**RE: CONTRACT FOR CONSTRUCTION OF CN'S KINGSTON SUBDIVISION
BRIDGE EXTENSION AND BALA SUBDIVISION UNDERPASS**

KEY ISSUE

Approval of tendering and approval process for construction of CN's Kingston Subdivision Bridge Extension and Bala Subdivision underpass.

RECOMMENDATION

THAT for purposes of awarding the Contract for Construction of CN's Kingston Subdivision Bridge Extension and Bala Subdivision Underpass, the tendering and approval process as set out in the report dated November 21, 2005, be approved;

THAT the award of contract be conditional upon approval by authorized representatives of Toronto Waterfront Revitalization Corporation (TWRC) and CN and confirmation of available funding for the project;

AND FURTHER THAT appropriate TRCA officials be directed and authorized to take whatever action may be required to give effect thereto, including obtaining necessary approvals and the execution and signing of any documents and indemnities.

BACKGROUND

In March of 2001, the three levels of government, (federal, provincial and municipal [City of Toronto]) identified the naturalization and flood protection of the mouth of the Don River as one of four priority projects in the revitalization of the Toronto waterfront. TRCA was named as the agency and subsequently the eligible recipient for the project following the establishment of the Toronto Waterfront Revitalization Corporation. In the fall of 2003, TRCA initiated the Class Environmental Assessment (EA) for the Lower Don River West Remedial Flood Protection Project (LDRW Project) to deal with one component of the flood protection. The Class EA was prepared by Dillon consulting and submitted to the Ministry of the Environment. Two Part II orders were filed requesting an Individual EA be carried out. On September 28, 2005, TRCA was advised that the Minister of the Environment had approved the Class EA. Canadian Environmental Assessment approval is not required specifically for this project as no federal funding was provided to undertake the work and there were no other federal triggers.

The approved Class EA consists of five components:

1. flood protection landform on the west side of the Don River;
2. interim flood protection works on the east bank of the Don River (retaining wall/dykes);
3. an additional bridge span (21.3 m) extending westward from the existing west abutment of CN's Kingston Subdivision bridge over the Don River;
4. modifications to the Enbridge Gas Utility Bridge that spans the Don River at Old Eastern Avenue; and
5. continued dredging of the Keating Channel (Acres, 1983).

On May 27, 2005, TRCA approved the award of contract by a team led by Totten Sims Hubicki (TSH) to undertake Detailed Design and Construction Administration for Component 1 of the Lower Don River Remedial Flood Protection Project.

On May 27, 2005 TRCA approved the award of contract for UMA Engineering to provide coordination of CN's and GO Transit's participation and approvals through the Detailed Design of Component 1 of the Lower Don River West Remedial Flood Protection Project.

On May 27, 2005 the TRCA approved that Hydro One be engaged to undertake Level A Assessments for the relocation of their underground and overhead power transmission lines.

RATIONALE

TRCA staff have worked closely with representatives of TWRC, CN, GO Transit and the City of Toronto to develop a final detailed design for the CN bridge expansion and the Bala pedestrian underpass. The Hydro One strike has somewhat delayed the process but the tender documents are approaching finalization. The construction of the bridge will proceed in a number of distinct phases.

TRCA staff, in consultation with TWRC and CN, have proceeded to structure the tender package to ensure that one contractor is hired for the project. Included are all works associated with the Kingston Bridge Expansion and the Bala Pedestrian Underpass unless otherwise specified, such as that required to be undertaken directly by Hydro One, that the contract document is in the standard CN contract and tendering format used across Canada with special provisions added as required to bind the contractor to the terms of the Delivery Agreement between the TWRC and TRCA.

CN have stringent requirements with respect to the qualifications of potential contractors. The tender package will be submitted to a list of nine contractors that meet CN's qualifications to ensure that a competitive bid process is established and to ensure the necessary expertise to undertake the project.

The prequalified contractors are as follows:

- Aecon Construction
- Bridgecon Construction
- Dagmar Construction
- Dufferin Construction
- Grascan Construction
- Soncin Construction
- Torbridge Construction
- Toronto Zenith Construction
- USL Construction (1983)

Given the joint nature of this project, TRCA, CN and TWRC staff will recommend a contractor based on the following process:

1. TRCA consultants will prepare the tender package advising the bidders that the contractor will be required to report directly to a CN project manager for a portion of the work and a TRCA appointed construction manager for the remainder of the work. TRCA construction administrator/project manager (TSH) will oversee all work conducted on behalf of TRCA.
2. TRCA will include the CN form of contract with the necessary special provisions to meet TRCA and TWRC requirements.
3. TRCA and CN will determine the final form of the contract vis a vis signatories.
4. Tender packages will be provided to CN prequalified contractors.
5. TRCA will set the closing time and date for the closure providing about 15 business days for preparation of the tenders.
6. A bidders meeting will be held with representatives from CN, TRCA and TWRC present.
7. TRCA will receive sealed bids at its head office, 5 Shoreham Drive. The tender opening will not be a public opening but a member of the Authority will be present. A representative of the TWRC and CN will also be present at the opening.
8. Representatives of TRCA, CN, City of Toronto and the TWRC will review the tenders and recommend the preferred contractor. TWRC will confirm the selection, CN will confirm the selection and TRCA will award the contract(s).

The tender calls will be issued by end of November with a closing date of December 19th, 2005. The contract will be awarded first week of January. To avoid delays in starting this project, provided that all agreements are in place, TWRC requests that this project begin as quickly as possible.

The Eligible Recipient agreement with TWRC requires the use of a competitive procurement process that is transparent, fair and equitable. TRCA's purchasing policy meets this requirement. To enable the project to proceed, CN requires that their procurement policy and process be followed. CN's policy is very similar to that of TRCA with one notable exception: tenders are not opened in a public forum. We anticipate that TWRC will agree to this exception provided representatives of TWRC and TRCA are present for the tender opening. TRCA representatives will include a member of the Authority.

FINANCIAL DETAILS

Through the Eligible Recipient agreement TWRC will provide all funding required to TRCA for this work. An agreement has been made with the City of Toronto to provide TRCA with the necessary funds to cover the cost of maintaining and replacing the Kingston Bridge and the Bala Pedestrian underpass as necessary.

Report prepared by: Adele Freeman, extension 5238

For Information contact: Adele Freeman, extension 5238

Date: November 21, 2005

TO: Chair and Members of the Authority
Meeting #9/05, November 25, 2005

FROM: James W. Dillane, Director, Finance and Business Services

RE: CITY OF PICKERING
Request for a Temporary Easement for a Bus Turning Loop
Lake Ontario Waterfront/Pickering-Ajax Sector
CFN 37110

KEY ISSUE

Receipt of a request from the City of Pickering to provide a temporary easement for a bus turning loop, west side of Whites Road, north of Finch Avenue, City of Pickering, Regional Municipality of Durham, Lake Ontario Waterfront/Pickering-Ajax Sector.

RECOMMENDATION

THAT WHEREAS The Toronto and Region Conservation Authority (TRCA) is in receipt of a request from the City of Pickering to provide a temporary easement for a bus turning loop, west side of Whites Road, north of Finch Avenue, City of Pickering, Regional Municipality of Durham;

AND WHEREAS it is in the best interest of the TRCA in furthering its objectives as set out in Section 20 of the Conservation Authorities Act to cooperate with the City of Pickering in this instance;

THEREFORE LET IT BE RESOLVED THAT a temporary easement containing a total of 0.026 hectares (0.065 acres), more or less, be granted to the City of Pickering for a temporary bus turning loop, said land being on the west side of Whites Road, north of Finch Avenue, Lake Ontario Waterfront/Pickering-Ajax Sector, City of Pickering, as shown on a drawing prepared by the City of Pickering Operations & Emergency Services Department, Sheet 1 of 1, dated November 2005;

THAT consideration be the nominal sum of \$2.00, plus all legal, survey, and other costs to be paid by the City of Pickering;

THAT the temporary easement be in effect for a ten (10) year period;

THAT the City of Pickering is to fully indemnify the TRCA from any and all claims from injuries, damages or costs of any nature resulting in any way, either directly or indirectly, from the granting of this easement or the carrying out of construction;

THAT an archaeological investigation be completed, with any mitigative measures being carried out to the satisfaction of TRCA staff, at the expense of the City of Pickering;

THAT all TRCA lands disturbed by the proposed works be revegetated / stabilized following construction and, where deemed appropriate by TRCA staff, a landscape plan be prepared for TRCA staff review and approval in accordance with existing TRCA landscaping guidelines;

THAT said easement be subject to approval of the Minister of Natural Resources in accordance with Section 21(2) of the Conservation Authorities Act, R.S.O. 1990, Chapter C.27, as amended, if necessary;

AND FURTHER THAT the appropriate TRCA officials be authorized and directed to take whatever action may be required to give effect hereto, including the obtaining of necessary approvals and the execution of any documents.

BACKGROUND

The City of Pickering has formally requested a temporary easement for a bus turning loop located on the west side of Whites Road, north of Finch Avenue. The proposed bus loop is required to provide municipal transit services to this newly expanding residential area of the City of Pickering. The temporary easement is required for a ten (10) year period. The Regional Municipality of Durham has confirmed that the bus loop will be removed with the widening of Whites Road to four lanes, as shown in the region's Transportation Master Plan for 2013-2021. When the road widening project is completed, there will be a dedicated bus route on Whites Road, as a connection from Taunton Road to Kingston Road, and a turning loop will not be required. The proposed works are not located within a Regional Storm Flood Plain or Fill Regulated Area. Therefore, a permit pursuant to Ontario Regulation 158 for the proposed works is not required.

The subject TRCA-owned lands were acquired from Cougs (White) Limited on October 27, 2004 under the Natural Heritage Lands Protection and Acquisition Project 2001-2005, Lake Ontario Waterfront/Pickering-Ajax Sector.

Plantings:

All lands disturbed by construction will be stabilized and, where deemed appropriate by TRCA staff, revegetated with native woody and herbaceous plant material in accordance with existing TRCA landscaping guidelines. A landscape plan has already been submitted, which will be reviewed by staff. As part of the eventual widening of Whites Road to four lanes, staff will be requesting the completion of a forest edge management plan by the Region of Durham when commenting on any future Environmental Assessment Act application.

A plan illustrating the permanent easement location is attached.

FINANCIAL DETAILS

The City of Pickering has agreed to assume all legal, survey and other costs involved in completing this transaction.

Report prepared by: George Leja, extension 5342

For Information contact: George Leja, extension 5342 or Ron Dewell, extension 5245

Date: November 18, 2005

Attachments: 1

Attachment 1



TO: Chair and Members of the Authority
Meeting #9/05, November 25, 2005

FROM: Brian Denney, Chief Administrative Officer

RE: **HUMBER ARBORETUM**

KEY ISSUE

Financial contribution to the Centre for Urban Ecology.

RECOMMENDATION

THAT Toronto and Region Conservation Authority (TRCA) contribute a total of \$300,000 to Humber College, over the next 3 to 5 year period, to support the construction of the new Centre for Urban Ecology at the Humber Arboretum, subject to the commitment of the other partners as set out in the staff report.

BACKGROUND

The Humber Arboretum is a partnership project of the City of Toronto, Humber College of Applied Arts and Technology and the TRCA. Most of the land comprising the Arboretum is owned by TRCA. The table land portion of the Arboretum is owned primarily by Humber College and these lands contain the existing Nature Centre. The existing building is in a state of poor repair and is inadequate to accommodate the scale and range of uses which are required to sustain the programming at the Arboretum. The Arboretum is developed and managed by staff and students of Humber College with financial support from the City of Toronto.

There is an urgent need to replace the existing Nature Centre. Humber College has taken the lead on behalf of the Management Committee of the Arboretum to engage consultants to design a new Centre for Urban Ecology and obtain tenders for its construction. The revised total budget for the project is approximately \$3,880,000. The proposed funding formula would see contributions as follows:

Fundraising - \$1,580,000 over 5 years of which \$1,380,000 is currently in hand;
City of Toronto - \$1,000,000 over 4 years;
Humber College - \$1,000,000 over 2 years; and
Toronto and Region Conservation Authority - \$300,000 over 3 to 5 years.

The commitment from Humber College is conditional upon participation of the other partners and the City of Toronto contribution is still subject to final capital budget deliberations as well as to the commitment from the other partners.

FINANCIAL DETAILS

It is anticipated that TRCA's contribution can be obtained from some combination of operational surpluses, revenues and potentially some participation by The Conservation Foundation of Greater Toronto through the education related initiatives of The Living City Campaign over the next 3 to 5 years. If required, TRCA reserves can accommodate this contribution over the 3 to 5 year period.

Report prepared by: Brian Denney, 416-667-6290
For Information contact: Brian Denney, 416-667-6290
Date: November 23, 2005

TO: Chair and Members of the Authority
Meeting #9/05, November 25, 2005

FROM: James W. Dillane, Director, Finance and Business Services

RE: SERENITY PARK CEMETERY CORPORATION
Request for Waiver of Height Restriction - Northeast Corner, Jane and Steeles,
City of Vaughan

KEY ISSUE

Request that Toronto and Region Conservation Authority waive its six story height restriction on lands owned by Serenity Park Cemetery Corporation, northeast corner of Jane and Steeles, City of Vaughan.

RECOMMENDATION

THAT staff to authorized and directed to enter into discussions with representatives of Serenity Park Cemetery Corporation with respect to Toronto and Region Conservation Authority's (TRCA) requirement that any development of the site be no more than six stories;

THAT staff be authorized to engage the services of a qualified real estate appraiser to assist in the valuation of the Serenity Cemetery proposal;

AND FURTHER THAT staff report to the Authority on the results of these discussions at the earliest opportunity.

BACKGROUND

In 1997, TRCA sold lands at the northeast corner of Jane Street and Steeles Avenue to a company now known as Serenity Park Cemetery Corporation. The 4.3 acre site was zoned for a crematorium and columbarium to be contained in buildings of 2 and 4 stories on the site. The sale included a restrictive covenant on title that limited the height of buildings on the site to no more than six stories.

RATIONALE

Serenity Park advises that the City of Vaughan is about to consider an official plan amendment for the area to the east of Jane Street which would provide for high density, residential development along the north side of Steeles Avenue. Serenity Park is seeking to change the use of the site from cemetery to residential and has entered into discussions with the City of Vaughan.

TRCA is in receipt of a request from Serenity Park by letter dated November 16, 2005, to increase the height limit for the site beyond 6 stories. Staff need to evaluate this request in terms of impact on Black Creek Pioneer Village. The height limit was imposed to protect the village from structures of excessive height which would dominate views from the village.

Serenity Park recognizes that increasing the height limit has value to the Serenity Park and is prepared to share in the cost of a real estate appraiser to help determine the added value of their proposal. This will enable TRCA and Serenity Park to arrive at acceptable compensation to TRCA should TRCA decide to waive the six story limitation.

DETAILS OF WORK TO BE DONE

Staff is seeking direction to enter into discussions with Serenity Park with respect to their request. Staff will be consulting with the City of Vaughan concerning the proposed change in use and increased height. A recommendation will be brought to the Authority at the earliest opportunity.

Report prepared by: Jim Dillane, extension 6292
For Information contact: Jim Dillane, extension 6292
Date: November 17, 2005