



REGIONAL MUNICIPALITY OF WATERLOO CONSOLIDATED COUNCIL AGENDA

Wednesday, February 6, 2013
Closed Session 6:45 p.m.
WATERLOO COUNTY ROOM
Regular Meeting 7:00 p.m.
REGIONAL COUNCIL CHAMBER
150 Frederick Street, Kitchener, ON

*Denotes Item(s) Not Part of Original Agenda

1. **MOMENT OF SILENCE**

2. **ROLL CALL**

3. **MOTION TO GO INTO CLOSED SESSION**

THAT a closed meeting of Regional Council be held on Wednesday, February 6, 2013 at 6:45 p.m. in the Waterloo County Room, in accordance with Section 239 of the *Municipal Act*, 2001, for the purposes of considering the following subject matters:

- a) receiving of legal advice subject to solicitor client privilege related to interpretation of legislation
- b) labour relations and personal matters about identifiable individuals
- * c) proposed or pending disposition of land in the City of Waterloo

4. **MOTION TO RECONVENE IN OPEN SESSION**

5. **DECLARATION OF PECUNIARY INTEREST UNDER THE MUNICIPAL CONFLICT OF INTEREST ACT**

6. **PRESENTATIONS**

7. **PETITIONS**

8. **DELEGATIONS**

- * a) Barry Green, Resident of Cambridge, Bus Fare Increase & Proposed Reduction of iXpress Bus Service

9. **MINUTES OF PREVIOUS MEETINGS**

- a) Closed Budget – January 16, 2013
- b) Budget – January 16, 2013
- c) Closed Council – January 16, 2013
- d) Council – January 16, 2013
- e) Planning & Works – January 29, 2013
- f) Closed Committee – January 29, 2013
- g) Special Council – January 29, 2013
- h) Administration & Finance – January 29, 2013
- i) Community Services – January 29, 2013

10. **COMMUNICATIONS**11. **MOTION TO GO INTO COMMITTEE OF THE WHOLE TO CONSIDER REPORTS**12. **REPORTS****Finance Reports****Committee Reports**

- | | | |
|---|---|-----|
| | a) Planning & Works - attached & marked PS-130129 | 1 |
| * | Closed Planning & Works – attached & marked CPS-130129 | 5A |
| | b) Administration & Finance - attached & marked FS-130129 | 7 |
| | c) Community Services - attached & marked SS-130129 | 9 |
| * | Closed Community Services – attached & marked CSS-130129 | 10A |

Chief Administrative Officer**Regional Chair****Regional Clerk**13. **OTHER MATTERS UNDER COMMITTEE OF THE WHOLE**

- | | | |
|----|--|----|
| a) | CR-RS-13-014/CR-FM-13-003 , Sale of 14 Erb Street West, Waterloo (WRPS North Division) | 11 |
| b) | E-13-022 , Conestoga Parkway (Highway 7/8) LRT Overpass Design | 13 |

14. **MOTION FOR COMMITTEE OF THE WHOLE TO RISE AND COUNCIL RESUME**15. **MOTION TO ADOPT PROCEEDINGS OF COMMITTEE OF THE WHOLE**16. **MOTIONS**17. **NOTICE OF MOTION**

- a) TAKE NOTICE THAT I, Councillor Doug Craig, intend to introduce the following motion at the Council Meeting on February 6, 2013:

THAT Council of the Regional Municipality of Waterloo request a February 2013 meeting of the four (4) area Members of Provincial Parliament (MPP's) to discuss Provincial and Regional issues of mutual concern.

18. **UNFINISHED BUSINESS**19. **OTHER BUSINESS**20. **QUESTIONS**21. **ENACTMENT OF BY-LAWS – FIRST, SECOND & THIRD READINGS**

- a) A By-law to Expropriate Certain Lands for the Reconstruction of Weber Street West between Wilhelm Street to Guelph Street, (Regional Road 8), in the City of Kitchener

- * b) A By-law to Confirm the Actions of Council – January 29, 2013
- c) A By-law to Confirm the Actions of Council – February 6, 2013

22. ADJOURN

**THE REGIONAL MUNICIPALITY OF WATERLOO
PLANNING AND WORKS COMMITTEE**

Summary of Recommendations to Council

The Planning and Works Committee recommends as follows:

1. THAT the Regional Municipality of Waterloo install pedestrian traffic control signals, during the reconstruction and widening of Weber Street (Regional Road 8), between College Street and Guelph Street, in the City of Kitchener. [E-13-016]
2. THAT the Region of Waterloo endorse a practice of enhancing accessibility at intersections and roundabouts in the Region of Waterloo as outlined in Report E-13-014, dated January 29, 2013.
3. THAT the Regional Municipality of Waterloo take no action on Report E-13-017, Proposed Removal of Heavy Truck Restriction on Bleams Road (Regional Road 56) Between Homer Watson Boulevard (Regional Road 28) and Fischer-Hallman Road (Regional Road 58), City of Kitchener.
4. THAT the Regional Municipality of Waterloo initiate an Environmental Assessment Study to improve pedestrian access to transit to the Hanson/Hayward Avenue Industrial and Alpine Village Areas, City of Kitchener, as described in Report No. P-13-008, dated January 29, 2013.
5. THAT the Region of Waterloo accept P-13-003, Monthly Report of Development Activity for December 2012, dated January 29, 2013.
6. THAT The Regional Municipality of Waterloo direct and authorize the Regional Solicitor to take the following actions with respect to the expropriation of lands for the reconstruction of Bloomingdale Road between Kraft Drive and Bridge Street, in the City of Kitchener, in the Region of Waterloo as detailed in report CR-RS-13-009 dated January 29, 2013:
 1. Complete application(s) to the Council of the Regional Municipality of Waterloo, as may be required from time to time, for approval to expropriate land, which is required for the reconstruction of Bloomingdale Road and described as follows:

Fee Simple Partial Taking:

1. Lot 25 Small Lots N of Hornings Tract, Kitchener being Part 8 on 58R-17403; PIN 22302-0103 (66 Bloomingdale Road North, Kitchener);
2. Lot 21 Small Lots N of Hornings Tract, Kitchener being Part 4 on 58R-17403; PIN 22302-0107 (52 Bloomingdale Road North, Kitchener);
3. Lot 18 Small Lots N of Hornings Tract, Kitchener being Part 1 on 58R-17403; PIN 22302-0110 (40 Bloomingdale Road North, Kitchener)
4. Lot 22 Small Lots N of Hornings Tract, Kitchener being Part 5 on 58R-17403;

PIN 22302-0106 (54 Bloomingdale Road North, Kitchener);

5. Lot 19 Small Lots N of Hornings Tract, Kitchener being Part 2 on 58R-17403; PIN 22302-0109 (44 Bloomingdale Road North, Kitchener)
 6. Lot 20 Small Lots N of Hornings Tract, Kitchener being Part 3 on 58R-17403; PIN 22302-0108 (48 Bloomingdale Road North, Kitchener);
 7. Lot 31 Small Lots N of Hornings Tract; Part Lot 32 Small Lots N of Hornings Tract, Kitchener as in 657148 being Part 10 on 58R-17403; PIN 22302-0100 (88 Bloomingdale Road North, Kitchener);
 8. Lot 23 Small Lots N of Hornings Tract, Kitchener being Part 6 on 58R-17403; PIN 22302-0105 (58 Bloomingdale Road North, Kitchener);
 9. Part Lot 71, German Company Tract, Township of Waterloo; Woolwich as in 1268832 being Part 5 on 58R-17402; PIN 22710-0140 (155 Bloomingdale Road, Kitchener);
 10. Part Lot 39, Small Lots N of Hornings Tract, Kitchener as in 1211424 being Part 3 on 58R-17402; PIN 22301-0004 (130 Bloomingdale Road North, Kitchener);
 11. Part Lot 38 Small Lots N of Hornings Tract, Kitchener; Part Lot 39 Small Lots N of Hornings Tract, Kitchener as in 968521 being Part 2 on 58R-17402; PIN 22301-0005 (126 Bloomingdale Road North, Kitchener);
 12. Part Lot 37 Small Lots N of Hornings Tract, Kitchener; Part Lot 38 Small Lots N of Hornings Tract, Kitchener as in 746418 being Part 1 on 58R-17402; PIN 22301-0006 (122 Bloomingdale Road North, Kitchener);
 13. Part Lot 32 Small Lots N of Hornings Tract, Kitchener as in 1553512 being Part 11 on 17403; PIN 22302-0099 (92 Bloomingdale Road North, Kitchener);
 14. Part Lot 39 Small Lots N of Hornings Tract, Kitchener as in 542388 being Part 4 on 58R-17402; PIN 22301-0003 (134 Bloomingdale Road North, Kitchener);
2. Serve notices of the above application(s) required by the Expropriations Act;
 3. Forward to the Chief Inquiry Officer any requests for a hearing that may be received;
 4. Attend, with appropriate Regional staff, at any hearing that may be scheduled;
 5. Discontinue expropriation proceedings or any part thereof, in respect of the above described lands, or any part thereof, upon the registration on title of the required documentation to complete a transaction whereby the required interests in the lands are conveyed; and
 6. Do all things necessary and proper to be done, and report thereon to Regional Council in due course.
7. THAT Council of the Regional Municipality of Waterloo approve the expropriation of lands for the purpose of reconstruction of Weber Street West between College Street

and Guelph Street, in the City of Kitchener, in the Region of Waterloo as detailed in Report CR-RS-13-010 dated January 29, 2013, described as follows:

Fee Simple Partial Taking:

1. Part of Lot 8, Plan 373 being Parts 4 and 5 on 58R-17416, City of Kitchener, PIN 22332-0021 (LT) (306 Guelph Street, Kitchener);
2. Part of Lot 8, Plan 373 being Part 6 on 58R-17416, City of Kitchener, PIN 22325-0009 (LT) (307 Guelph Street, Kitchener);
3. Part of Lot 8 Plan 373 being Part 11 on 58R-17416, City of Kitchener, PIN 22326-0174 (LT) (26 Blucher Street, Kitchener);
4. Part of Lot 8, Plan 373 being Part 2 on 58R-17416, City of Kitchener, PIN 22332-0019 (LT) (340 Weber Street West, Kitchener);
5. Part Lot 8, Plan 373 being Part 9 on 58R-17416, City of Kitchener, PIN 22326-0176 (LT) (315 Weber Street West, Kitchener);
6. Part of Lot 8, Plan 373 being Part 8 on 58R-17416, City of Kitchener, PIN 22326-0177 (LT) (319 Weber Street West, Kitchener);
7. Part of Lot 8, Plan 373, being Part 3 on 58R-17416, City of Kitchener, PIN 22332-0020 (LT) (336 Weber Street West, Kitchener);
8. Part of Lot 8 Plan 373, being Part 7 on 58R-17416, City of Kitchener, PIN 22326-0167 (LT) (295 Guelph Street, Kitchener); and
9. Part of Lot 8, Plan 373 being Part 1 on 58R-17416, City of Kitchener, PIN22332-0220 (LT) (348 Weber St. West, Kitchener).

Fee Simple Full Taking:

1. Lot 24, Plan 131, City of Kitchener, PIN 22326-0193 (LT) (269 Weber St W, Kitchener);
2. Part Lot 8, Plan 373, City of Kitchener, PIN 22331-0095 (LT) (296 Guelph Street, Kitchener);
3. Part Lot 8, Plan 373, City of Kitchener, PIN 22331-0097 (LT) (345 Weber Street West, Kitchener);

AND THAT staff be instructed to register a Plan of Expropriation for the property within three months of the granting of the approval to expropriate the property, as required by the *Expropriations Act*;

AND THAT the registered owners be served with a Notice of Expropriation and a Notice of Possession for the property after the registration of the Plan of Expropriation;

AND THAT if no agreement as to compensation is made with an owner, the statutory Offer of Compensation and payment be served upon the registered owners of the

property in the amount of the market value of the interests in the land as estimated by the Region's appraiser in accordance with the Expropriations Act;

AND FURTHER THAT the Regional Solicitor be authorized to discontinue expropriation proceedings or any part thereof, in respect of the above described lands, or any part thereof, upon the registration on title of the required documentation to complete the transaction.

8. THAT the Region of Waterloo implement a rainwater harvesting promotion campaign in 2013 as detailed in Report E-13-008.1.
9. THAT The Regional Municipality of Waterloo enter into a License Agreement with Cambridge and North Dumfries Hydro Inc. effective the 1st day of February 2013, for the purpose of the installation, maintenance and operation of radio repeater equipment on the Inverness Water Tower (the "Tower"), in the City of Cambridge, as per Report E-13-015, dated January 29, 2013, to the satisfaction of the Regional Solicitor and that the Commissioner of Transportation and Environmental Services be authorized to execute the same.
10. THAT Report No. P-13-005, dated January 29, 2013, be adopted as Regional Council's formal response to Proposed Amendment 2 to the Provincial Growth Plan for the Greater Golden Horseshoe;

THAT the Ontario Growth Secretariat be requested to use any revised figures on an interim basis only until the initiation in 2016 of the comprehensive review of the Provincial Growth Plan;

AND THAT the Province of Ontario assess the merits of better coordinating and potentially merging other related Provincial policy with the Growth Plan.

Conflict:
R. Deutschmann

11. THAT the Regional Municipality of Waterloo receive Report No. P-13-006, dated January 29, 2013 for information, and endorse the implementation of recommendations from the Heritage Impact Assessment for the King/Victoria Transit Hub, as summarized in this report.
12. THAT Regional Council submit Report No. P-13-012, dated January 29, 2013, as its comments on the proposed wind turbine project in the County of Perth.

AND THAT this report be forwarded to the Conestogo Wind Power Project proponent and to the County of Perth.

13. THAT the Regional Municipality of Waterloo request the Province of Ontario establish a Task Force to expand on the current GO rail service mandate by examining the potential deployment of interregional rail services to link commuters with employment opportunities, colleges and universities in the major urban growth centres of Waterloo Region, Guelph and other communities in Southern Ontario, as described in Report No. P-12-008, dated January 29, 2013;

AND THAT the Regional Municipality of Waterloo formally request Metrolinx continue to plan and advance the additional rail passenger service to Waterloo Region identified in this report.

14. THAT the Regional Municipality of Waterloo take the following action regarding the Region's Brownfields Financial Incentive Program, as described in Report No. P-13-004/F-13-007, dated January 29, 2013:
 - a) Approve a sustainable, long term funding model for the financing of the Regional portion of Tax Increment Grant approvals based on funding the grant from the incremental tax revenue following remediation and redevelopment;
 - b) Approve the allocation of \$250,000 from the 2013 Regional Smart Growth Initiative Capital Budget to provide additional funding for the Phase Two Environmental Site Assessment Grant program;
 - c) Delegate authority for Phase Two Environmental Site Assessment grant approvals to the Chief Financial Officer and the Commissioner of Planning, Housing and Community Services, or their respective designates, jointly and;
 - d) Direct staff to continue reviewing the Brownfield Financial Incentive Program and report back in the latter part of 2013 with recommendations for program refinements that further align the program with Regional priorities, in consultation with the Area Municipalities.

15. THAT the Regional Municipality of Waterloo:
 - a) declare an easement interest in the lands described as Part Lot 102, German Company Tract, being Part 1, Reference Plan 58R-17685, part of PIN 22254-0193 (LT), in the Township of Woolwich surplus to the needs of the Region, as detailed in Report No. CR-RS-13-001/E-13-018 dated January 8, 2013, and provide the standard public notification as required by the Region's property disposition by-law; and
 - b) approve, enter into an Agreement for, and execute all documentation related to, the conveyance of a permanent easement to Waterloo North Hydro Inc., for the sum of \$1.00, for the installation and maintenance of hydro equipment over the lands described as Part Lot 102, German Company Tract, being Part 1, Reference Plan 58R-17685, part of PIN 22254-0193 (LT), in the Township of Woolwich as detailed in Report No. CR-RS-13-001/E-13-018 dated January 8, 2013, pursuant to the Region's property disposition by-law and the satisfaction of the Regional Solicitor.

16. THAT the Regional Municipality of Waterloo approve the revised construction phasing for the widening of Ira Needles Boulevard from Highview Drive to Erb Street including the advancement of \$5.8 million in funding from 2015 to 2014, all as outlined in report E-13-006.1.

January 29, 2013

**THE REGIONAL MUNICIPALITY OF WATERLOO
PLANNING AND WORKS COMMITTEE**

Summary of Closed Recommendations to Council

The Planning and Works Committee recommends as follows:

1. THAT The Regional Municipality of Waterloo approve the costs settlement in regard to the expropriation proceeding of T.G. Hammond Limited and Graham Energy Limited v. The Regional Municipality of Waterloo, wherein the Region pays T.G. Hammond Limited and Graham Energy Limited the total sum of \$979,355, plus tax if applicable.
2. THAT The Regional Municipality of Waterloo approve the costs settlement in regard to the expropriation proceeding of 1231 Shantz Station Road Inc. and Greenhorizons Group of Farms Limited v. The Regional Municipality of Waterloo, wherein the Region pays 1231 Shantz Station Road Inc. and Greenhorizons Group of Farms Limited the total sum of \$247,873, inclusive of tax.
3. THAT The Regional Municipality of Waterloo approve the settlement with Anna Correia, operating as Press Box Sports Lounge, for the total amount of \$324,353.70, inclusive of costs and HST, in relation to the expropriation of the Ms. Correia's leasehold interest at 100 Victoria Street, Kitchener.

January 29, 2013

**THE REGIONAL MUNICIPALITY OF WATERLOO
ADMINISTRATION AND FINANCE COMMITTEE**

Summary of Recommendations to Council

The Administration and Finance Committee recommends as follows:

1. THAT the Regional Municipality of Waterloo approve payment of the 2013 membership fees in the amount of \$68,321.57 for the Federation of Canadian Municipalities and \$10,824.63 including all applicable taxes for the Association of Municipalities of Ontario. [F-13-004]
2. THAT the Regional Municipality of Waterloo approve \$37,025.69 in accounts receivable write-offs for the year ended December 31, 2012 as set out in Report F-13-005.

January 29, 2013

**THE REGIONAL MUNICIPALITY OF WATERLOO
COMMUNITY SERVICES COMMITTEE**

Summary of Recommendations to Council

The Community Services Committee recommends as follows:

1. WHEREAS municipal governments are the front-line providers of services and programs of community safety such as policing and emergency services as well as support services for offenders, sentenced to prison, when they return to their home communities;

AND WHEREAS new federal legislation, including the Safe Streets and Communities Act, is expected to substantially increase costs to public safety, enforcement and corrections at all orders of government;

AND WHEREAS in municipalities the legislation is expected to increase the demands on policing resources as well as demands for social, housing, employment and health services for offenders released from prisons and returning to their communities;

AND WHEREAS court delays due to mandatory minimum sentencing and other aspects of the new crime legislation will impact not only victims but also the number of accused on remand in Provincial prisons awaiting trial, where there is little to no access to rehabilitation programs and supports;

AND WHEREAS provinces may be faced with needing to cut other funds including funds for municipalities as a result of bearing the increased costs of incarceration in their facilities; and

AND WHEREAS evidence-based, comprehensive and integrated crime prevention, and safe alternatives to judicial and custodial options, such as restorative justice and alternative sentencing options (drug treatment and mental health courts, community service orders, fine option programs etc.) have proven not only to be effective in reducing crime but also effective in reducing the costs to police and other municipally delivered public safety services;

AND WHEREAS municipal governments recognize that they have a vital role in engaging in discussions on correctional issues that affect community safety both broadly and directly within their jurisdiction;

BE IT RESOLVED THAT the Regional Municipality of Waterloo submit for consideration to the Federation of Canadian Municipalities (FCM) that they pass a resolution calling on the federal government to provide a rigorous cost-benefit analysis of the impact of increased and extended incarceration and other consequences of the recent crime legislation on community safety, with particular attention to impacts on municipalities as a result of costs in policing and of reintegration of offenders released from prisons into their home communities;

AND THAT the proposed FCM resolution urge the federal government to work with all orders of government to continue to strengthen and invest in strategic, successful and proven methods in crime prevention, victim assistance, effective alternatives to judicial and custodial options and support for the effective integration of offenders released from prisons back into our communities;

AND FURTHER THAT the Regional Municipality of Waterloo call on FCM to pass a resolution urging the federal government to respond to all the issues as stated in the above operative clauses. [CPC-13-001]

2. THAT the Regional Municipality of Waterloo approve the 2013 Social Service Grants as set out in Schedule A of F-13-008 dated January 29, 2013;

AND THAT the Regional Municipality of Waterloo approve a Private Homemakers Rate of \$13.20 per hour effective January 1, 2013.

3. THAT the Regional Municipality of Waterloo approve submission of the Region of Waterloo's 2013/14 Community Homelessness Prevention Initiative Investment Plan to the Ministry of Municipal Affairs and Housing;

AND THAT Regional Council delegate approval of future Community Homelessness Prevention Initiative Investment Plans to the Commissioner of Social Services, as outlined in report SS-13-005, dated January 29, 2013.

4. THAT the Regional Municipality of Waterloo approve and submit the attached business case for additional Community Homelessness Prevention Initiative base funding of \$1,175,000 from the Ministry of Municipal Affairs and Housing, as outlined in report SS-13-006, dated January 29, 2013.

January 29, 2013

**THE REGIONAL MUNICIPALITY OF WATERLOO
COMMUNITY SERVICES COMMITTEE**

Summary of Closed Recommendations to Council

The Community Services Committee recommends as follows:

1. THAT the Regional Municipality of Waterloo, in concert with the County of Wellington, re-appoint the following persons to the Kissing Bridge Trailway Advisory Board for three-year terms ending December 31, 2015:
 - a) Doug Martin (Lions Club of Elmira nominee);
 - b) Bob Orth (Golden Triangle Snowmobile Club nominee – alternate);
 - c) Al Murray (Conestoga-Winterbourne Optimist Club nominee);
 - d) Art Woods (Lions Club of Elmira nominee – alternate);
 - e) Nick Wetzel (Golden Triangle Snowmobile Club nominee);
 - f) Jamie Bennett (Conestoga-Winterbourne Optimist Club nominee – alternate);
 - g) Derek Kidnie (Linwood and District Lions Club nominee); and
 - h) Glen Martin (Agricultural community representative), subject to his being formally nominated by the Waterloo Federation of Agriculture.

2. THAT the Regional Municipality of Waterloo appoint Mr. Glen Scheels and Ms. Jen Vasic as representatives of the general public to the Public Art Advisory Committee for a three year term commencing January 31, 2013 and expiring on December 31, 2015.

January 29, 2013



REGION OF WATERLOO

CORPORATE RESOURCES
Legal Services
Facilities Management & Fleet Services

TO: Chair Ken Seiling and Members of Regional Council

DATE: February 6, 2013 **FILE CODE:** L07-40

SUBJECT: Sale of 14 Erb Street West, Waterloo (WRPS North Division)

RECOMMENDATION:

That the Regional Municipality of Waterloo approve, enter into an Agreement for, and execute all documentation related to the disposition of the lands and buildings described as Lots 2, 3 and 4, East Side of Albert Street and Part of Lots 1, 2, 3 and 4 West Side of King Street North, Plan 491, designated as Part 1 on Reference Plan 58R-5290 being PIN 22375-0092(LT) City of Waterloo, Regional Municipality of Waterloo, being 14 Erb Street West in the City of Waterloo, to 1452101 Ontario Limited for the sum of \$3,100,000.00, exclusive of all applicable taxes, conditional upon completion of the purchaser's due diligence, subject to documentation satisfactory to the Regional Solicitor.

REPORT:

The subject lands at 14 Erb Street West, at the corner of Erb and Albert Streets, in the City of Waterloo were formerly used by the Waterloo Regional Police Service for its North Division. Construction of the new North Division station at 45 Columbia Street, Waterloo is nearing completion with an expected occupancy date of spring 2013. Regional Council approved the surplus declaration of the property in report CR-RS-12-018, dated April 17, 2012.

The Region retained CBRE Limited, a commercial realtor, to assist in the marketing of the property which was conducted through a modified request for proposal process. Initial proposals were received October 31, 2012 with follow up submissions by November 28, 2012. A short-list of 3 proposals were evaluated using comprehensive criteria including the qualifications, experience and proven accomplishments of the proponent, the development concept and its fit with uptown Waterloo development goals, preservation of heritage, property tax status, as well as the offer price and conditions. The proposals were evaluated by a committee comprised of Regional Facilities Management, Legal and Real Estate Services staff, City of Waterloo Planning and Economic Development staff, and staff of CBRE Limited.

Regional staff have negotiated, and recommend for approval, an agreement of purchase and sale with the preferred proponent, 1452101 Ontario Limited, for the purchase of the property for a price of \$3,100,000. The agreement is conditional for 90 days upon the purchaser completing its due diligence inquiries and investigations of the subject property. Following the waiver of the due diligence condition the purchase and sale transaction is scheduled to be completed on June 10, 2013.

CORPORATE STRATEGIC PLAN:

One of the strategic objectives of Focus Area 2 of the Corporate Strategic Plan is to develop, optimize and maintain infrastructure to meet current and projected needs. The proposed sale of 14 Erb Street West, Waterloo is the disposition of a Regional asset that is surplus to the Region's needs.

FINANCIAL IMPLICATIONS:

The proceeds of the sale of this property in the amount of \$3,100,000 will be allocated to the new WRPS North Division project as originally planned. While this amount falls just short of the target price of \$3,200,000 in the North Division construction budget, project team staff are currently evaluating options to reduce costs for this project.

OTHER DEPARTMENT CONSULTATIONS/CONCURRENCE:

Finance staff have reviewed this report and their comments have been included where appropriate.

ATTACHMENTS

NIL

PREPARED BY: *Doug Gilmore, Manager, Facility Asset Planning*
Fiona M. McCrea, Solicitor, Property

APPROVED BY: *Gary Sosnoski, Commissioner, Corporate Resources*



REGION OF WATERLOO

**TRANSPORTATION AND ENVIRONMENTAL SERVICES
Rapid Transit**

TO: Chair Ken Seiling and Members of Regional Council

DATE: February 6, 2013

FILE CODE: A02-30/PW

SUBJECT: CONESTOGA PARKWAY (HIGHWAY 7/8) LRT OVERPASS DESIGN

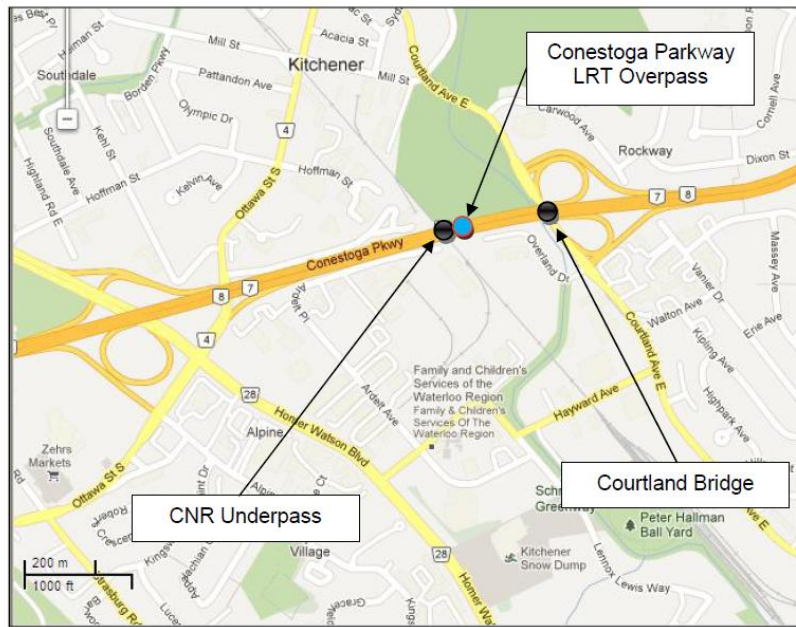
RECOMMENDATION:

THAT the Regional Municipality of Waterloo take the following actions regarding the agreement with Her Majesty the Queen in Right of Ontario Represented by the Minister of Transportation for the Province of Ontario (the "MTO") for design and construction of the Light Rail Transit (LRT) overpass within MTO owned lands under the Conestoga Parkway (Highway 7/8) between Homer Watson Boulevard and Courtland Avenue (the "Overpass") and pursuant to report E-13-022, dated February 6, 2013:

1. authorize the Commissioner of Transportation and Environmental Services to enter into an agreement that is satisfactory to the Regional Solicitor with MTO for the design of the Overpass at a cost of up to \$395,690.00 plus applicable taxes;
2. approve, in principle, the construction of the Overpass, by the MTO's Contractor, for an estimated project cost of \$8,256,742.00 plus applicable taxes, inclusive of all design, construction, construction impact and administration costs, and conditional upon approval by Council in its unfettered discretion of the final project cost and Overpass design; and
3. require staff to report back to Council upon completion of the detailed design work for the Overpass and the determination of the final project cost.

SUMMARY:

The Region of Waterloo is proceeding with the implementation of the rapid transit project with the objective of commencing revenue service in 2017. The approved light rail transit (LRT) alignment extends from Conestoga Mall to Fairview Park Mall via a combination of municipal, Provincial and rail rights-of-way. One of the key interface points in the LRT alignment is where the LRT crosses on MTO lands under Conestoga Parkway (Highway 7/8) between Homer Watson Boulevard and Courtland Avenue.



The MTO is currently in the second year of a four year contract to rehabilitate and widen Conestoga Parkway (Highway 7/8) including the structures between Fisher Hallman and Courtland Avenue. The contractor and designer for this project were selected by MTO through a competitive bidding process in compliance with MTO's procurement requirements. These works are currently scheduled for completion in late 2014. Given the MTO work that is underway, but is not planned to begin in the vicinity of the railway crossing until spring 2013, an opportunity exists for the Region to include (for the benefit of the Region) the Overpass in MTO's existing contract via a Change Order to the said contract. The MTO has shown their preliminary support of the Overpass provided it is approved by the Minister of Transportation and is owned and maintained by the MTO. The Region would be responsible for all costs associated with the design, construction and future maintenance of the Overpass.

Staff has reviewed several project delivery options for the Overpass and concluded that it is in the Region's best interest to take advantage of the MTO's current rehabilitation and reconstruction project. This piggy-back approach with the existing MTO project could ultimately serve to reduce overall LRT project costs and construction timing, while minimizing disruption to the traffic on Highway 7/8. Completing the Overpass early and in coordination with the existing MTO project will reduce the potential risk that the LRT project is delayed.

Under this project delivery option, the preliminary design documents along with performance specifications including, but not limited to, project objectives, standards, submittals, approval requirements and schedule would be provided to the MTO. The MTO designer will complete a design for the Overpass under the direction of MTO with complete involvement of Region staff. The MTO would obtain from their existing contractor a lump sum cost to complete the construction of the Overpass. The Region would approve the work plan and cost.

The construction work would be implemented through a Change Order to the MTO's existing contract and would be managed by MTO. The Region will participate throughout the project and oversee the process to make sure that the project is delivered as per the agreement and on time.

MTO and MTO's designer and contractor have provided preliminary construction cost estimates based on a design concept, upon completion of the design a final construction cost will be provided. If this cost is unacceptable to the Region, the Region will, as per conditions of agreement, have the

right to walk away with the completed design and not complete the construction with the current contractor. The final design can then be provided to a separate contractor for the performance of the construction and related work or added to the DBFOM request for proposal (RFP). In this case, the Region will compensate MTO only for the design costs.

The Region will require MTO to provide from their designer and/or contractor an indemnity in favour of the Region in connection with any and all costs or damages that the Region incurs as a result of the negligence of the said designer and/or contractor.

It should be noted that under Part X, paragraph 24 of the Region's Purchasing By-Law (04-093), the Region is authorized to enter into cooperative or joint arrangements with other governmental bodies such as the MTO for the purchase of goods and/or services where there are economic advantages to doing so, and the methods of acquisition to be used are based on competitive purchasing methods similar to those described in the Region's Purchasing By-law. The MTO's consultant, for the Highway 7/8 reconstruction project, was selected using a competitive bidding process. The MTO's consultant developed a lump sum quote and scope of work (design related activities, geotechnical study and contract drawing revisions) for the overpass design based on the assumptions in MTO's original assignment. The lump sum and scope of work were reviewed by Region staff and the Region's General Engineering Consultant and were found to be reasonable. The design portion of the assignment is approximately 6.5% of the estimated construction cost.

Cost Estimates:

Staff has been working with MTO over the past several months and has successfully developed a working solution and mutually acceptable project development approach. Based on the preferred design option, the MTO has developed a preliminary cost estimate for designing and constructing the Overpass. The following provides the MTO's preliminary cost estimate by component:

1)	Construction	\$4,495,000.00
2)	Construction impact	\$2,150,000.00
3)	Design	\$ 395,690.00
4)	<u>Construction administration</u>	<u>\$1,216,052.00</u>
	Total Cost	<u>\$8,256,742.00</u> plus applicable taxes

It is expected that by July 2013, the MTO will submit their final design for Region's approval along with any cost adjustments to the above mentioned total estimated project cost.

If the agreement cannot be reached on the final design and cost, Region will compensate MTO only for the above mentioned design costs of up to \$395,690.00 plus applicable taxes. Region staff will report back to Regional Council for approval to either continue with construction by MTO's contractor or an alternate approach.

REPORT:

1) Background

In June 2011, Council approved the technology, route, stations, staging and funding of Stage 1 of the Region's rapid transit project. As part of Stage 1, 19 kilometers of light rail will be constructed from Conestoga Mall to Fairview Park Mall.

One of the key interface points in the LRT alignment is where the LRT crosses on MTO lands under Conestoga Parkway (Highway 7/8) between Homer Watson Boulevard and Courtland Avenue. This

existing bridge carries Conestoga Parkway over one CNR track and is a single-span, rigid-frame concrete structure, built in 1967. This existing structure is not wide enough to accommodate CNR tracks and the planned LRT line.

2) Project Delivery Options for Highway 7/8 LRT Overpass

The three (3) project delivery options considered for the Highway 7/8 Overpass are described below.

Option 1: Construction of the Overpass as a Change Order to the Existing MTO Contract

Under this project delivery option, the preliminary design documents along with performance specifications including, but not limited to, project objectives, standards, submittals, approval requirements and schedule would be provided to the MTO. The MTO would obtain from their existing contractor a lump sum cost to meet the Region's specifications including completing the design and construction of the Overpass. The Region would approve the work plan and cost recognizing that some cost adjustments may be required as the design is advanced to completion.

Furthermore, as part of this process, MTO will require Ministerial approval and need to initiate a change order to their existing contract in order to include the Overpass. MTO will also manage design and construction activities; the Region will participate throughout the project and oversee the process to make sure that the project is delivered as per the agreement and on time. This delivery approach complies with the Part X, paragraph 24 of the Region's Purchasing By-Law (04-093) wherein the Region is authorized to enter into cooperative or joint arrangements with other governmental bodies such as the MTO for the purchase of goods and/or services where there are economic advantages to doing so, and the methods of acquisition to be used are based on competitive purchasing methods similar to those described in the Region's Purchasing By-law. The MTO's consultant, for the Highway 7/8 reconstruction project, was selected using a competitive bidding process. The MTO's consultant developed a lump sum quote and scope of work (design related activities, geotechnical study and contract drawing revisions) for the overpass design based on the assumptions in MTO's original assignment. The lump sum and scope of work were reviewed by Region staff and the Region's General Engineering Consultant and were found to be reasonable. The design portion of the assignment is approximately 6.5% of the estimated construction cost.

It is expected that by July 2013, the MTO will submit their final design for the Region's approval along with any cost adjustments to the total estimated project cost of \$8,256,742 plus applicable taxes. If an agreement on the cost adjustments cannot be reached with the MTO, the Region will have the right to walk away with the design. The Region then can seek bids from third parties (via competitive bidding process) for the construction of the Overpass. The design could also be included in the DBFOM request for proposal (RFP) package as an addendum.

The Region will require MTO to provide from their designer and/or contractor an indemnity in favour of the Region in connection with any and all costs or damages that the Region incurs as a result of the negligence of the said designer and/or contractor.

Benefits

- Efficiencies generated by employing the existing MTO design team to provide input into the Overpass design and staging as part of the ongoing construction.
- Accelerating the Overpass work, this will serve as a ground breaking event for the LRT project.

Subject to the level of design required for pricing, the schedule could be advanced with phased submittals to allow for early acquisition of long lead components (pre-cast box girders, etc.).

Risks

- The final construction costs would not be fully developed prior to Council approval of the subject report (E-13-022). Council will have the opportunity to approve final construction costs following the completion of the design.

Option 2: Construction of the Overpass with a Design-Bid-Build Approach

For this option, the Region would prepare complete contract documents including design drawings and specifications for submittal under a construction tender. The contractor's price for this option would typically be a lump sum cost. Under this project delivery option, the Region will, in coordination with the MTO, manage project design and construction activities.

The overpass is within MTO lands and traverses under an existing Provisional highway (Highway 7/8) and approvals from the MTO will be required.

Benefits

- Region will have greater control over project costs, schedule and quality.
- This will minimize the risk cost allowance, by the contractor, for project unknowns.
- More familiar process to MTO.

Risks

- Subject to the construction schedule, there may be a risk of project delay due to design and pricing.
- Coordination with the MTO's contractor for the existing Highway 7/8 project may be challenging.
- Potential for delay to the DBFOM contractor is higher.
- Impacts on the travelling public may be extended over a longer period of time.

Option 3: Design and Construction of the Overpass included in the DBFOM Contract

For this option, all the design and construction work will be done by the DBFOM consortium. The MTO's existing project end date and the Region's project start date will be coordinated to minimize disruptions to the travelling public.

The risk associated with the design and construction would be delegated to the DBFOM consortium as they will be providing the project design and construction.

Since, the Overpass is within MTO lands and traverses under an existing Provisional highway (Highway 7/8), necessary approvals from the MTO will required.

Benefits

- Region will have greater control over project costs, schedule and quality.
- As part of the larger LRT project, the cost (construction cost only) of the Overpass may be reduced.

Risks

- Travelling public could potentially be impacted twice (i.e. during the current MTO rehabilitation work of Highway 7/8, and then later when the DBFOM consortium builds the Overpass).
- Potential for higher construction administration cost due to the longer duration of the work.

Based on this evaluation, Staff recommends Option 1 as the most viable and cost effective option, resulting in minimum disruption to the travelling public. Option 1 provides the Region with the potential to walk away with a complete design package in the event the overall costs (including cost adjustments yet to be determined) are not deemed to be acceptable. The Region can subsequently elect to provide the design to a third party (via competitive bidding process).

3) Highway 7/8 Overpass Design Options

During the preliminary assessment of the cost and schedule impacts of the Overpass structure, staff has determined that construction of a second structure next to the existing CNR overpass is preferred. The second structure option is preferred to facilitate separation distances and safety zones that are required between heavy rail and light rail vehicles.

Staff in coordination with MTO evaluated several design options including the following five options:

- Option 1: Pre-cast concrete box girders with a rigid concrete frame
- Option 2: Pre-cast concrete box girders with steel pipe piles
- Option 3: Pre-cast concrete box girders with steel H-piles
- Option 4: Pre-cast concrete box girders with secant piles
- Option 5: Combined CNR – LRT structure

After much deliberation with the MTO, it was agreed that Option 4 is the most viable design option and it provides the opportunity to coordinate works while minimizing the disruption to traffic on Highway 7/8. A full summary of the above-mentioned design options are provided in Attachment 'A'.

4) Next Steps

In summer 2013, staff will report back to Council with their evaluation summary of the Highway 7/8 Overpass design package with recommendations on whether to:

- a) Piggy-back on the existing MTO contract as a change order for the construction of the Overpass; or
- b) seek bids from third parties (via competitive bidding process) for construction of the Overpass; or
- c) include the design package developed by the MTO design team for Highway 7/8 Overpass in the DBFOM RFP documents as an addendum.

The project overall next steps are as follows:

- February 2013: shortlist qualified DBFOM teams;
- April 2013: issue request for proposals from shortlisted DBFOM teams;
- January 2014: evaluate and select preferred DBFOM team;
- May 2014: approve final agreement with the preferred DBFOM team;
- 2014/2015: full implementation of aBRT;
- 2014: begin construction of LRT Stage 1; and
- 2014: begin the transit project assessment process for LRT Stage 2; and
- 2017: complete construction and begin operation of LRT Stage.

CORPORATE STRATEGIC PLAN:

The report supports Focus Area 3.1 of Council's Strategic Focus: Develop an implementation plan for light rail transit including corridor and station area planning.

FINANCIAL IMPLICATIONS:

Based on the preferred design option, the MTO has developed a preliminary cost estimate for designing and constructing the Overpass. The following provides the MTO's preliminary cost estimate by component:

5)	Construction	\$4,495,000.00
6)	Construction impact	\$2,150,000.00
7)	Design	\$ 395,690.00
8)	<u>Construction administration</u>	<u>\$1,216,052.00</u>
	Total Cost	<u>\$8,256,742.00</u> plus applicable taxes

It is expected that by July 2013, the MTO will submit their final design for Region's approval along with any cost adjustments to the above mentioned total estimated project cost. If an agreement on the cost adjustments cannot be reached with the MTO, the Region will have the right to walk away with the design and seek bids from a third party (via competitive bidding process) for construction of the Overpass. However, Region will be responsible for compensating MTO for the design costs of up to \$395,690.00 plus applicable taxes. These funds will be paid from the Early Works portion of the approved LRT project budget. The Early Works line item is for early construction, potentially including hydro corridor, maintenance yard and civil works, and in 2013 includes \$59,500,000.

OTHER DEPARTMENT CONSULTATIONS/CONCURRENCE:

This report was prepared with input from Finance, from Transportation and Environmental Services, and from Corporate Resources.

ATTACHMENTS

Attachment A - Highway 7/8 Overpass Design Options

PREPARED BY: *Masood Mirza*, Senior Project Manager, Rapid Transit

APPROVED BY: *Thomas Schmidt*, Commissioner, Transportation and Environmental Services

Attachment A

Highway 7/8 Overpass Design Options

Several types of overpass structures were evaluated including the following:

- **OPTION 1: Pre-cast Concrete Box Girders with a Rigid Concrete Frame**



This option consists of pre-cast concrete abutment walls, a cast-in-place floor slab, and pre-cast box girders. This would resemble the typical rigid frame structure shown above. This design is a stable box with a reinforced concrete slab at the bottom, cast continuous with the rebar from the pre-cast wall panels, and with two hinges connecting the pre-cast walls to the box girders at the top.

Construction would include excavation to base of structure, installation of pre-cast abutment walls, grouting of pre-cast components and placement of a cast in place floor slab. This would be followed by earth backfill and the installation of pre-cast box girders and pre-cast approach slab concrete panels.

Advantages

- Second fastest construction after H-Pile option
- Better quality control due to pre-cast components
- Stability of vertical supports much greater owing to rigid connections between vertical and horizontal members

Disadvantages

- Not suitable for sites with uneven settlement
- Placing steel reinforcement in concrete (time + money)
- Sequence of concrete placement, removal of formwork is sometimes more complicated
- Design is more complex and therefore more costly
- Requires bigger clearance from the existing CNR Overhead in order to achieve the desired gradient for excavation. An alternative to bigger clearance is to install shoring, which would increase costs
- Additional property requirements

- **Option 2: Pre-cast Concrete Box Girders with Steel Pipe Piles**



This design consists of pre-cast concrete abutments on steel pipe piles, retained soil systems (RSS) walls and pre-cast concrete box girders. Stability of the piles requires driving a sufficient length of steel pipe piles beneath the LRT rail elevation.

Construction would include driving 900mm (35in) diameter steel pipe piles; from which soil is Augered out, rebar cages installed and concrete placed to form abutment piles. The piles are separated by existing soil. The soil is retained by either RSS walls or pre-cast concrete wall panels. The pre-cast concrete box girders are then placed on top of the capped piles.

This type of structure requires a minimum distance of 15m from the existing structure. Even if the new structure is located at a distance of 15m from the existing structure, for structural stability, vibration-induced settlement of soils, of the existing structure pre-augering of the piles may be required.

Advantages

- Relative ease of construction
- Lower cost than secant pile foundation
- Higher vertical and lateral geotechnical resistance than H-Piles

Disadvantages

- Possible difficult subsoils could impede pile installation and cause excessive vibration
- Vibration may cause settlement of the approach fills of adjacent CNR structure and distress any adjacent buried utilities
- Monitoring of vibration/settlement and pre-construction condition survey will be required
- Risk of damage to the pile tip is high should obstructions be encountered
- Extra cost due to earth retaining system required to hold back fill behind abutments
- More time-consuming than driving steel H-Piles
- Separation distance of 15 m or more would result in building encroachment on the southeast side of the rail corridor due to the structure location.

- **Option 3: Pre-cast Concrete Box Girders with Steel H-Piles**

This design consists of concrete abutment caps on steel H-Piles, an RSS wall, and pre-cast concrete box girders. Stability of the piles requires driving a sufficient length of steel H piles beneath the LRT rail elevation.

Construction would include driving steel H-Piles, and installing pre-cast concrete box girders and pre-cast concrete wall panels. As mentioned above a distance of 15m will also be required for this option 3 to mitigate the risk of damage to the existing structure.

Advantages

- Relative ease of construction
- Readily installed
- Quicker to install than Steel Pipe Piles

Disadvantages

- Vibration may cause settlement of the approach fills of adjacent CNR structure and distress any adjacent buried utilities
- Monitoring of vibration/settlement and pre-construction condition survey will be required
- Extra cost due to earth retaining system required to hold back fill behind abutments
- Separation distance of 15 m or more would result in building encroachment on the southeast side of the rail corridor due to the structure location

- **Option 4: Pre-cast Concrete Box Girders with Secant Piles**



This option consists of concrete abutment caps on secant piles, supporting pre-cast concrete box girders. Construction would include augering piles and excavating between the two secant pile walls. A pre-cast concrete facing would be installed and pre-cast concrete box girders would then be placed on top of the capped piles.

It is recommended that the new structure not be closer than 8m from the existing structure. Vibration monitoring will still be required, at least during the initial stages of augering, to confirm that the resulting vibrations are within tolerable limits.

Advantages

- Lateral movement minimized due to more rigid structure
- Easily installed in difficult ground (cobbles/boulders)
- Less noisy construction
- Less vibration than Steel Pipe Piles or H-Piles

- Minimizes property impacts and eliminates encroachment on adjacent buildings to the southeast

Disadvantages

- Difficult waterproofing in joints
- Increased costs compared to Steel H-Piles
- Requires steel casing
- Waiting for the concrete to set will delay construction
- Longer installation duration than H-Piles

• Option 5: Combined CNR – LRT Structure

This option is to replace the existing CNR Overpass with a single structure for both the CNR and the LRT lines. This option consists of removal of the existing structure to be replaced by a pre-cast concrete box girder superstructure, which could be supported by any one of the foundation options outlined in the previous sections.

There would be significant potential issues in terms of the construction of a joint structure due to jurisdictional concerns, construction coordination issues and safety impacts between light and heavy rail. Independent of those concerns, there would be no impacts on the CNR overpass and the project could proceed with conventional construction methods (H-piles). The construction schedule could be similar to the Courtland Bridge construction and if the contractor can provide appropriate resources it may be completed within the same phasing periods. However, the construction phasing is dependent on restraints defined by CNR.

Advantages

- New CNR Overpass lifespan would be longer than rehabilitated lifespan
- No risk to damage of existing CNR Overpass
- No clearance restrictions for excavation
- Avoids impacts to adjacent properties by permitting work within existing rights-of-way

Disadvantages

- Increased costs
- Longer construction time
- Difficult to coordinate because of separate ownership
- Safety requirements necessitate separation of the two structures.
- Potential delays if the contractor cannot complete construction within the timeframe of the Courtland Bridge construction contract