



Special Meeting of Council
Agenda

Date: August 4, 2022
Time: 9:30 am
Location: Hybrid meeting- virtual and Council Chambers, City Hall

City Council meetings are now being conducted using a hybrid model, allowing members of Council, city staff and the public the option of participating remotely or in-person. We ask for your patience as we work through this new meeting model. The meeting will be live web streamed, as usual, and archived on the city website.

Pages

1. **Call to Order:**
2. **Regrets:**
3. **Declarations of Interest:**
4. **Delegations:**

In order to speak at a Council meeting, Individuals must register as a delegation no later than noon the day before the meeting. To register, complete the online application at www.burlington.ca/delegation or by submitting a written request by email to the Office of the City Clerk at clerks@burlington.ca

If you do not wish to delegate, but would like to submit feedback, please email your comments to clerks@burlington.ca by noon the day before the meeting. Your comments will be circulated to Council members in advance of the meeting and will be attached to the minutes, forming part of the public record.

5. **Items to be considered at the Special Meeting of Council:**

- 5.1. Tender Award – EICS 22-35 Skyway Community Centre (EICS-15-22)

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Award the Request for Tender (RFT) EICS-22-35 for Skyway Community Centre to Norlon Builders London Limited for \$37,021,769.55 including H.S.T. (13%) and provisional item(s);

Authorize the Manager of Procurement Services to issue an internal purchase order to the bidder named above;

Approve the revised total budget of \$39,433,100 (Net H.S.T.) with revised financing proposed as recommended in the report EICS-15-22;

Authorize the additional funding of \$2,000,000 from Tax Supported Debt, \$403,000 from the Corporate Accessibility Implementation Project (BD0058) and \$4,710,100 from the infrastructure renewal reserve fund;

Authorize the City Clerk to prepare the debenture and by-law;

Authorize the Mayor and City Clerk to sign any required agreements, subject to the City Solicitor as to form.

6. Motion to Receive and File Information Items:

Receive and file Information items, having been considered by Council:

7. Motion to Approve By-laws:

Enact and pass the following by-laws which are now introduced, entitled and numbered as indicated below:

- 7.1. 63-2022: A by-law to amend By-law 86-2007, as amended, being a by-law for the regulation of traffic 11 - 11

Report TS-11-22, Community Planning, Regulation and Mobility Committee of July 5, 2022

- 7.2. 64-2022: A by-law to appoint Municipal Law Enforcement Officers for the City of Burlington and to repeal By-law 35-2022 12 - 14

Report DA-70-22, CL-31-22

8. Motion to Confirm Proceedings of the Council Meeting: 15 - 16

Enact and pass By-law Number 65-2022, being a by-law to confirm the proceedings of Council at its meeting held Thursday August 4, 2022, being read a first, second and third time.

9. Motion to Adjourn:

Adjourn this Council now to meet again at the call of the Mayor.



SUBJECT: Tender Award – EICS 22-35 Skyway Community Centre
TO: Mayor and Members of Council
FROM: Environment, Infrastructure and Community Services

Report Number: EICS-15-22

Wards Affected: All

File Numbers: 175-07

Date to Committee: August 4, 2022

Date to Council: August 4, 2022

Recommendation:

Award the Request for Tender (RFT) EICS-22-35 for Skyway Community Centre to Norlon Builders London Limited for \$37,021,769.55 including H.S.T. (13%) and provisional item(s);

Authorize the Manager of Procurement Services to issue an internal purchase order to the bidder named above;

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Authorize the Mayor and City Clerk to sign any required agreements, subject to the City Solicitor as to form.

PURPOSE:

Vision to Focus Alignment:

- Support sustainable infrastructure and a resilient environment
- Building more citizen engagement, community health and culture

Executive Summary:

The existing Skyway Arena is a 22,000 square foot building originally constructed in 1974. Previous staff reports have demonstrated the demand for ice and the community interest in a multipurpose recreational facility in the south east of Burlington. Council choose to proceed with an enhanced design of Skyway Arena which included an NHL size rink, six (6) dressing rooms, cold and warm viewing areas and two (2) community rooms with a walking track and to be designed and built to be a low carbon facility.

The building permit has been approved and project is scheduled to commence October 1, 2022, provided Council approve the revised project budget and overall financing proposal presented within EICS-15-22.

The Skyway Community Centre project received three compliant bids. The lowest compliant bid creates a funding shortfall of \$7.11 million compared to the total project budget that was approved in April 2022 (EICS-03-22) of \$32.3 million. As per the Financial Matters section of this report staff are recommending that the additional amount of funding be provided from tax supported debt of \$2 million, \$4.7 million from the City's infrastructure renewal reserve fund and \$0.4 million from capital order BD0058, Corporate Accessibility Implementation Project.

Background and Discussion:

The table below shows the change to the Total Project Cost over the last three years. The lowest compliant bid has resulted in an increased construction cost to \$36.7 million, including softs costs, and project contingency, the new total project cost is estimated at \$39.4 million (including the parks revitalization component). This is an increase of 22% from the Class A, most recently completed in March 2022 or \$7.1 million.

Description	Class A-2020	Class A – Oct.'21	Class A – March' 22	Tender – July '22
Construction Cost	\$20.2 M	\$23.0 M	\$29.5 M	\$36.7 M
Total Project Cost (including design fees, park component)	\$25.1 M	\$28.5 M	\$32.3 M	\$39.4 M

Strategy/process

The original prequalification for General Contractor (GC) as well as short list of mechanical and electrical, and landscape subtrades did not result with any qualified GC's this was subsequently reissued with reduced qualifications. As a result of this process submissions were evaluated and five (5) prequalified GC's were shortlisted.

Three (3) of the five (5) Prequalified GC's submitted pricing at time of tender as noted in Appendix A.

The number of firms submitting is a direct reflection of the current construction market and the lack of industry capacity. It is important to note, that the cost of this project is impacted by uncontrollable variables such as pandemic related pauses/ delays, strikes, supply chain issues, shipment delays and weather, etc. over the past two years in addition to more recent inflationary pressures as detailed in report EICS-03-22.

Options Considered

The Tender was released for a CCDC- 2 contract. No optional pricing options were included as this building is near carbon neutral design and operation and does not lend itself to be fragmented into sections or phases.

Financial Matters:

Revised (Tender) Project Cost: The tender results are provided in Appendix A. The recent cost update has resulted in a revised contracted construction cost of \$32.3 million (excluding HST and contingency), including the parks revitalization component. Additional expenses for HST, soft costs and project contingency bring the total project cost estimate to \$39.4 million.

Senior Government Funding: In July 2021, the City made an application to the Green and Inclusive Community Buildings Program (GIBC) for \$13,019,500. The City was not successful in their application to the GIBC program. The City continues to monitor Senior Government grant programs to support this project. Unfortunately, no new government funding programs to which this project would qualify have been offered since the application was made to the GIBC program.

Ice Users Group: In 2021, staff approached the Ice User groups to mitigate the project increases and to help fund this project. Given the current financial constraints the user groups are experiencing as a result of COVID, it is not currently feasible for the Ice Users to add to their current financial obligations with the City.

Prior Approved Funding:

To date \$32.3 million of City funding has been approved towards the Skyway Community Center and associated park renewal. The most recent funding approved occurred through report EICS-03-22, in the amount of \$20.2 million.

Project Shortfall: Based on the City’s prior approved funding to date (\$32,320,000), and the revised total project cost at tender (\$39,433,100), the project shortfall is \$7,113,100.

Revised Financing Proposal:

Total Project Cost: (including design, contingency, and parks component)	\$39,433,100
Less: Prior Approved Funding	(\$32,320,000)
Funding Shortfall:	\$7,113,100
Financing Proposal:	
Tax Supported Debt	\$2,000,000
Infrastructure Renewal Reserve Fund	\$4,710,100
Re-budget: Corporate Accessibility (BD0058)	\$403,000
Total Revised Financing Proposal	\$7,113,100

Total Financial Impact

The total budget approved amount is \$32,320,000. The total cost for this project at tender award is \$39,433,100 leaving a project shortfall of \$7,113,100. As mentioned earlier in this report, COVID, strikes, material and labour shortage and shipment delays have all impacted this overage.

There continues to be extreme cost increases in materials and supply chain issues that are causing extreme delays in some deliveries and contractors in some instances are having to secure goods that can be available, sometimes at a premium. With the extent of projects on the market at the moment, contractors may be more selective.

It appears that the market pressures affected by material price increases, general contractor and sub-contractor capacity, labour shortage are resulting in additional risk being included in bids received.

One of the biggest factors is that the construction market is looking to remain busy for the foreseeable future (5+ years) with lots of federal work being pushed out, housing demand, and other private developments which all make labour and materials in

demand and ultimately prices high. It is the Quantity Surveyors opinion that we will not see any significant price drops over the next year or two.

Staff have recommended the above revised financing proposal to continue the work initiated for the Skyway Community Center. Staff recommend the City use tax supported debt of \$2 million. This will have an impact on the City's debt capacity and debt charges budget which is discussed further below. The proposal further recommends re-purposing the existing approved City funding for the Corporate Accessibility Implementation Project because of the additional accessibility upgrades associated with this new facility. Lastly, the City is drawing a significant amount of funding from the infrastructure renewal reserve fund to cover the remainder of the shortfall.

Infrastructure Renewal Reserve Fund

The uncommitted reserve fund balance as of March 2022, for the infrastructure renewal reserve fund prior to the recommended draw is \$11.1 million. Should Council approve proceeding with the Skyway Community Center the balance in the reserve fund will reduce to \$6.4 million. The City relies on the infrastructure renewal reserve fund as a primary component to fund the renewal of the City's \$5.2 billion of assets. A draw of this magnitude will impact the sustainability of this funding source and the asset management financing plan going forward.

Tax Supported Debt Charges: Based on the proposed financing for the Skyway Community Center above, it is projected that our debt capacity limit will be approximately 11%. The City's tax supported debt is paid through the City's operating budget, the 2022 budget for debt charges is \$8.5 million. The proposed financing recommendation for the Skyway community center of an additional \$2 million in tax supported debt (15 years, 4.5%) will result in additional debt charges of \$190,000 annually. This is incremental to the debt charges for the \$13 million in tax supported debt approved for this project through report EICS-03-22 (April 2022). The revised impact to debt charges as a result of an unbudgeted increase to the city's tax supported debt of \$15 million is \$1.4 million or 0.74% tax rate impact.

The interest rate environment is showing signs of flux, and yields are already increasing. These increases make the use of debt more expensive, increasing the annual debt repayment. When we issue tax supported debt financing any material difference in the rate at the time of issuance than what is projected above may impact the annual debt repayment and corresponding tax rate impact.

The City is approaching its debt limit of 12.5%, and the approval of the Skyway community center should be done in consideration of other large community investments the City has on the horizon in which debt financing will likely be utilized.

Other Resource Impacts

Facilities and Buildings are working with RPF and Forestry staff to ensure a smooth transition and relocation occurs to Hydro property.

Impact to Multi-year Budget Simulation

The multi-year budget simulation (Appendix A of F-25-22) assumed operating impacts of \$1,575,000 (tax impact of 0.84%) as it relates to Skyway Community Center. The revised operating budget impacts is now estimated at \$1,875,000 (tax impact of 0.98%). The increase is attributable to the additional debt requirement to fund the project shortfall.

Item	Incremental Budget Impact	Tax Impact (%)
Human Resources	\$295,000	0.14%
Operating Materials, Supplies, and Purchased Services	\$280,000	0.13%
Program and Rental Revenues	(\$100,000)	(0.03)%
Tax Supported Debt Charges	\$1,400,000	0.74%
Total Net Operating Impact	\$1,875,000	0.98%

Climate Implications

Staff have worked with the design team to reduce the emissions produced by the facility to align with both the Climate Emergency Declaration and the Corporate Energy and Emissions Management Plan. The design also incorporates improved accessibility and inclusivity to align with the needs of our community.

The following table provides the change to the GHG (T) Annual Emissions as a result of the revitalization to the Skyway Community Centre. This is obtained in the current energy modeling based on the same operating hours as previously held at Skyway Arena, square footage and HVAC selection.

Description	Annual GHG (T)	Mechanical and Electrical
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2016 Standard Arena Design	196	Standard gas operated mechanical system and electricity – no longer sufficient even though it is cost-effective as gas is economical for heating, but emissions are greater.
New Skyway Community Centre	23**	Geothermal Electrical <i>** this can be further reduced to 16 GHG (T) if solar is implemented in the future</i>

Engagement Matters:

Not applicable.

Conclusion:

Staff recommend that the RFT be awarded to Norlon Builders London Limited in the amount of \$37,021,769.55 including H.S.T for the construction of the New Skyway Community Centre and Park. This project incorporates significant service enhancements as requested by the community during the public engagement process. Access to ice and floor sports as well as indoor community rooms and walking track facilities will be critical to serve this area of the City and support its residents.

Respectfully submitted,

Jennifer Johnson,
Senior Project Manager
Facilities and Buildings

Appendices:

- A. Procurement Information
- B. Financial Budget

Report Approval:

All reports are reviewed and/or approved by Department Director, the Chief Financial Officer and the Executive Director of Legal Services & Corporation Counsel.

Appendix A – Procurement Information

Details

Advertised / Issue Date:	XX
Advertised Methods(s):	<input type="checkbox"/> OPBA <input checked="" type="checkbox"/> Biddingo <input type="checkbox"/> Construction Association <input type="checkbox"/> Other (specify)
Closing Date:	July 27, 2022

Number of Bids Received:	3
Total Number of Compliant bids:	3

Bid Results

The contract is awarded to the lowest compliant bidder. Provisional Pricing not included in bid total.

No.	Name of Company	Total Bid Including 13% HST
1	Norlon Builders London Limited	\$37,021,769.55
2	Atlas Construction Inc.	\$40,181,105.00
3	Maystar General Contractors Inc.	\$42,130,949.38

Appendix B – 2022 Budget for Skyway Community Centre

	PROJECT April 2022 Budget	PROJECT Tender BUDGET 2022
CONTRACTED CONSTRUCTION		
Contracted Construction	\$ 24,155,300	\$ 32,292,600
Allowances (warm viewing benches, site furnishings, new Hydro transformer, PA, IT/data, and security)	\$ 1,075,000	\$ 470,000
HST (1.76%)	\$ 444,053	\$ 576,600
Subtotal Contracted Construction (Net HST)	\$ 25,674,353	\$ 33,339,200
Construction Contingency (10% for tender budget)	\$ 3,750,000	3,333,900
Total Contracted Construction	\$ 29,460,000	\$ 36,673,100
INTERNAL COSTS		
Capital Works Project Management (2%)	\$ 800,000	800,000
Site Plan & Building Permit, etc	180,000	180,000
FF&E	\$ 500,000	400,000
Total Internal Costs	\$ 1,480,000	\$ 1,380,000
EXTERNAL COSTS		
Consulting Fees (includes Commissioning)	\$ 1,100,00	1,100,000
Geotechnical, Inspections & Testing	\$ 130,000	130,000
Public Art	150,000	150,000
Total External Costs	\$ 1,380,000	\$ 1,380,000
TOTAL PROJECT COSTS (ROUNDED)	\$ 32,320,000	\$ 39,433,100

The Corporation of the City of Burlington

City of Burlington By-law 63-2022

A by-law to amend By-law 86-2007, as amended, being a by-law for the regulation of traffic (TS-11-22)

Whereas pursuant to subsection 27 (1) of the Municipal Act, 2001, S.O. 2001, c. 25, a municipality may pass by-laws in respect of a highway only if it has jurisdiction over the highway;

Now therefore the Council of the Corporation of the City of Burlington hereby enacts as follows;

1. Bylaw 86-2007, as amended, is hereby further amended by REMOVING the following items from Schedule 13 (Rates of Speed):

COLUMN 1 HIGHWAY	COLUMN 2 LOCATION FROM	COLUMN 3 LOCATION TO	COLUMN 4 SPEED LIMIT	COLUMN 5 TIMES OR DAYS
No. 4 Side Road	Walkers Line	Appleby Line	Sixty (60) km per hour	Anytime

Enacted and passed this 4th day of August, 2022

Mayor Marianne Meed Ward _____

Deputy City Clerk Kevin Klingenberg _____

The Corporation of the City of Burlington

City of Burlington By-law 64-2022

A by-law to appoint Municipal Law Enforcement
Officers for the City of Burlington and to repeal By-law 35-2022
File: 745-06 (CL-31-22, DA-70-22)

Whereas Section 15 of the *Police Services Act*, R.S.O. 1990, c. P.15, as amended, authorizes municipal councils to appoint one or more Municipal Law Enforcement Officers for the purpose of enforcing the by-laws of the municipality;

The Council of the Corporation of the City of Burlington hereby enacts as follows:

1. That those persons so named on Schedule "A" attached hereto and forming part of this by-law be appointed as Municipal Law Enforcement Officers.
2. By-law 35-2022 be hereby repealed.

Enacted and passed this 4th day of August 2022.

Mayor Marianne Meed Ward _____

Deputy City Clerk Kevin Klingenberg _____

<p>FIRE DEPARTMENT Barry, Phil Bridge, Jason Coffey, Pete Di Sibio, Lazo Eales, Mark Everett, Dan Gillam, Tim Hammer, Chad Jones, Steve Lahey, Colin Langfrey, Matt LaPorte, Jason Martin, Chris Pawlik, John Roche, Karen Stephen, Jesse Thorburn, Phil VanderLelie, Dan Wheatley, Ryan Williamson, Mathew</p>	<p>BUILDING & BY-LAW Animal Care and Licensing Attendant Animal Control Officer Building Architect/Engineer Building Inspector Building Technologist By-law Officer CBO/Director of Building and By-law Deputy CBO/Manager of Policy and Regulatory Services Deputy CBO/Manager of Building Inspection Deputy CBO/Manager of Building Permits Manager of By-law Enforcement Permit Technologist Supervisor of Animal Services Supervisor of By-law Enforcement Supervisor of Licensing and Permit Administration</p>	<p>ROADS,PARKS, FORESTRY Adriaans, Brian Blackburn, Nadia Boyd, Brett Bunker, Greg Deitner, Drew Day, Kelly Duncan, Brian Glenn, Gary Hickerson, David Hutchison, Scott Isaac, Alan Kellogg, Gavin Krysac, Nick Koevoets, Matt Lee, John McLoughlin, Kyle Robinson, Steve Scalera, Enrico Shaw-Lukavsky, Robin Soukup, Michael Sova, Mark Torchia, Melissa Torkelson, Eric Wright, Laura</p> <p>OTHER ENFORCEMENT AGENCIES Ontario Provincial Police (OPP) Halton Regional Police Services (HRPS) Halton Region Alcohol and Gaming Commission of Ontario (AGCO) Ministry of Transportation of Ontario (MTO)</p>
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<p>Engineering Services Barnes, Bart Canham, Eric Clark, Cary Giangregorio, Teresa Forde, Jason Georgiadis, Tom Hamilton, Scott Hill, Dave Hyatt, Steven Kane, Joel Kilgour, Tom Korobkin, Mike Linschoten, Emily Malik, Umar McIsaac, Jeff Medeiros, Josh Mohammed, Junior Rabeau, Marion Savelli, David Schimana, Max Scott, Adam Shahzad, Arif Shareqi, Zelaikha Simpson, Annette Vanderbrug, Ingrid Yaromich, Janine</p> <p>FINANCE Beggs, Tracy</p>	<p>RECREATION, COMMUNITY AND CULTURE Beard, Denise Beijes, Em Clint, Kristina Cote, Emilie Cottingham, Chris Glenn, Chris Ireland, Wayne Jarvis, Chris Kerr, Mandy Ljuljdjuraj, Victor Maxwell, Sandra McVittie, Shannon Meade, Mike Paparizo, Angela Phillips, Llewelyn Sheehan, Ryan Smith, Ann Spence, Jennifer Trella, Rich Virgin, Scott Vujic, Mara Walker, Alex Weake, Brad</p> <p>Park Ambassadors (seasonal)</p>	<p>TRANSIT Abdulla, Osama Borgatti, Mike Green, Paul Hoyes, Anthony Cleghorn, Andrew Wilson, William Meloche, Alice Rudd, Steven</p> <p>TRANSPORTATION Black, Jeff Camm, Stephen Edgcumbe, Kaylan Jefferson, Brent King, Chris Patrau, Florin Vrakela, Steve</p>
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<p>PARKING SERVICES City Officers Hall, Kelly Stagg, Mike Weir, Mike</p> <p>Ontario Parking Control Bureau Corp. Azeem, Aziz Benneto, Carlos Chapman, Francis Chapman, Richard Frigault, Shawn Galea, Nicholas Khaira, Jaipal Ngo, Vincent Robbins, Matthew Sensicle, Christian Fernando, Kevin</p>	<p>Canadian Corps of Commissionaires Barkovich, Micheal Cachia, Maximilian Gayle, Mark Goodman, Hazel Husnjak, Matthew Lalata, Jay Leslie, Gordon Lohan, Sumit Nasir, Sham Orifici, David Rosenberg-Lizama, Enrique Shears, Sarah Velko, Alexander Vella, Joseph</p>	<p>PRIVATE PROPERTY PARKING AGENCIES</p> <p>Condominium Parking Control Collins, Jeremy</p> <p>The Sign Department Belizaire, Rebecca Klymenchenko, Maksym Lewis, Andres Rose, James Ibbotson, Carrie</p>
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The Corporation of the City of Burlington

City of Burlington By-law 65-2022

A by-law to confirm the proceedings of the meeting of the Special Council of the Corporation of the City of Burlington held on Thursday August 4, 2022

Whereas according to Section 5 of the *Municipal Act*, 2001, c. 25 as it may be amended from time to time, the powers of The Corporation of the City of Burlington are to be exercised by the Council of The Corporation of the City of Burlington and municipal powers are to be exercised by by-law; and

Whereas it is deemed expedient that the actions of the Council of The Corporation of the City of Burlington be confirmed and adopted by by-law;

Now therefore the Council of the Corporation of the City of Burlington hereby enacts as follows:

1. The actions of the Council of The Corporation of the City of Burlington in respect of:
 - (a) each recommendation in the report of the Committees;
 - (b) Each motion, resolution and other action passed and taken by the Council of The Corporation of the City of Burlington at this meeting are hereby adopted and confirmed as if same were expressly included in this by-law.
2. The Mayor and the proper officials of The Corporation of the City of Burlington are hereby authorized and directed to do all things necessary to give effect to the action of the Council of The Corporation of the City of Burlington referred to in Section 1.

By-law number 65-2022

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3. The Mayor, or in the absence of the Mayor, the Deputy Mayor, and the Clerk, or in the absence of the Clerk, the Deputy Clerk,
 - a) are authorized and directed to execute all documents necessary to the action taken by Council as described in Section 1, and
 - b) Are authorized and directed to affix the seal of The Corporation of the City of Burlington to all such documents referred to in Section 1.
4. This by-law comes into force on the day upon which is enacted by the Council of the Corporation of the City of Burlington.

Enacted and passed this 4th day of August, 2022.

Mayor Marianne Meed Ward _____

Deputy City Clerk Kevin Klingenberg _____