

Minutes

Toronto Transit Commission

Meeting No. 1989

Monday, September 28, 2015

A meeting of the TTC Board was held in Committee Room 2, Toronto City Hall, 100 Queen Street West, Toronto, Ontario, on Monday, September 28, 2015 commencing at 9:35 a.m. The meeting recessed at 9:38 a.m. on resolution to meet as the Committee of the Whole and reconvened at 10:50 a.m. The Board recessed for lunch break at 12:05 p.m. and reconvened at 1:05 p.m.

Present - Committee of the Whole

J. Colle (Chair), A. Heisey Q.C. (Vice-Chair), M. Adamson, R. Byers, J. Campbell, S. Carroll, V. Crisanti, G. De Baeremaeker, R. Lalonde and J. Mihevc (Members), A. Byford, R. Leary, G. Piemontese, V. Rodo, B. Ross, G. Shortt, J. Taylor, C. Upfold, J. Fraser, B. Leck, J. Lee, T. Baik, J. Murray, J. Kervin, K. Sibley, C. Bergquist, V. Guzzo, L. Jabour, P. Smith, K. Lee and D. McDonald.

J. Colle was in the Chair.

K. Rowe, (Chair's Office) and D. Magisano (Mayor's Office) were also present.

Present – Public Session

J. Colle (Chair), A. Heisey Q.C. (Vice-Chair), M. Adamson, R. Byers, J. Campbell, S. Carroll, V. Crisanti, G. De Baeremaeker, R. Lalonde and J. Mihevc (Members), A. Byford (Chief Executive Officer), C. Upfold (Deputy Chief Executive Officer & Chief Customer Officer), J. Fraser (Acting Chief Capital Officer), R. Leary (Chief Service Officer), G. Piemontese (Chief People Officer), V. Rodo (Chief Financial & Administration Officer), B. Ross (Executive Director - Corporate Communications), G. Shortt (Chief Operating Officer), J. Taylor (Chief of Staff), B. Leck (Head - Legal & General Counsel), J. Lee (Head - Materials & Procurement), M. Stambler (Head - Strategy & Service Planning), A. Borkwood (Head – Customer Development), V. Albanese (Head – Diversity & Human Rights), K. Kuzmowich (Diversity Lead & Human Rights Consultant), M. Cousins (Head – Transit Enforcement), J. Kennelly (Head – Audit), J. Kervin (Head – Property, Planning & Development Management), V. Guzzo (Director – Property), L. Jabour (Development Co-ordinator), R. Thompson (Chief Project Manager – Scarborough Subway Extension), V. Artemyeva (Research Manager), K. Lee (Head - Commission Services) and D. McDonald (Co-ordinator – Corporate Secretariat Services) were present.

J. Colle was in the Chair.

J. Livey (Deputy City Manager), J. Keesmaat (Chief Planner & Executive Director, City of Toronto) and P. Notaro (City Manager's Office) were present for Item 2.

Prior to officially calling the meeting to order Chair Colle took the opportunity to thank the organizers and all those who attended the Freedom Train event on Friday, July 31, 2015. The ride from Union Station to Downsview Station marks Emancipation Day and recognizes the role of the Underground Railroad in Canadian History.

Declarations of Interest – Municipal Conflict of Interest Act

Vice-Chair Heisey declared a conflict of interest on Item No. 35 – TYSSE – Construction of a Walkway within Landscaped Berm at W.R. Allen Road/Dufferin Street and Sheppard Avenue West, as a close personal friend is a property owner in the immediate area.

Minutes of Previous Meetings

Vice-Chair Heisey moved that the Board approve the minutes from Meeting No. 1988 and that the Chair and Chief Financial & Administration Officer be authorized to sign the same.

The motion by Vice-Chair Heisey carried.

Business Arising Out of the Minutes

Nil

Public Presentations

- a) Auditor General's Report – Continuous Controls Monitoring Program – Toronto Transit Commission, 12-Month Review of Employee Absenteeism, 2014

Alan Yule

The Board received the deputation for information.
(See Item No. 3 for minute).

- b) TO Prosperity – Interim Poverty Reduction Strategy

Deputy Mayor Pam McConnell
City of Toronto

Shalini Manandhar Sharma - (Absent)
(submitted brief)

Michael Rosenberg

Adina Lebo
CARP Toronto
(submitted brief)

Paul Codd
(submitted brief)

Herman Rosenfeld
Transit Riders

Kisa Ehigiator

Sean Meagher
Social Planning Toronto

David Cronsilver

Ken MacLeod

The Board received the deputations for information.
(See Item No. 4 for minute).

c) Presentation: Fare Policy Principles

Joel Wolch

Bob Brent

The Board received the deputations for information.
(See Item No. 6 for minute).

Presentations/Reports/Other Business

1. Chief Executive Officer's Report – September 2015 Update

Sho Kalache (Co-ordinator – Pan Am/Parapan Am Games) and Mitch Stambler (Head – Strategy & Service Planning) provided a PowerPoint and video presentation on TTC service during the PanAm/ParaPan Am Games.

The Board received the presentation and the Chief Executive Officer's Report – September 2015 Update for information.

2. Presentation: Toronto Transit Expansion Projects Status Update

John Livey (Deputy City Manager), Jennifer Keesmaat (Chief Planner & Executive Director) and Peter Notaro (City Manager's Office) provided a presentation to the TTC Board on this item.

The Board received the presentation for information and extended its appreciation to the presenters for their attendance at the meeting.

3. Auditor General's Report – Continuous Controls Monitoring Program – Toronto Transit Commission, 12-Month Review of Employee Absenteeism, 2014

It is recommended that the TTC Board:

1. Forward the Auditor General's report to the City Audit Committee and City Council for information.

Approved

4. TO Prosperity – Interim Poverty Reduction Strategy

Chair Colle moved the following motion on the item:

- i) That the TTC endorse the principles of the Interim Poverty Reduction Strategy and that the report be referred to the TTC Budget Committee for review.

The motion by Chair Colle carried.

5. Presentation: Q2 2015 Customer Satisfaction Survey Results

Arthur Borkwood (Head – Customer Development) and Viktoriya Artemyeva (Research Manager) provided a PowerPoint presentation on this item.

The Board received the presentation for information.

6. Presentation: Fare Policy Principles

The Board opted to forego the staff presentation on this item.

Chair Colle moved that the staff report be amended by adding the following as Part 4 to the Recommendation:

- “4. Confirm the principle that the TTC shall remain whole and/or not experience any additional financial burden as a result of any regional fare integration proposals”.

The motion by Chair Colle carried.

Vice-Chair Heisey moved that the staff report be amended by adding the following as Part 5 to the Recommendation:

- “5. That the Province provides the same level of operating subsidy for riders crossing the City of Toronto boundary on local transit systems that they provide for GO riders crossing that boundary”.

The motion by Vice-Chair Heisey carried.

The item was adopted, as amended.

7. Presentation: Transit Fare Inspection Pilot Program Progress Report

Mark Cousins (Head – Transit Enforcement) provided a PowerPoint Presentation on this item.

The Board received the presentation for information and adopted the recommendation in the staff report, as follows:

It is recommended that the Board:

1. Receive the update on the Transit Fare Inspection Pilot Program progress report.

8. Update on the Shared Services Project

The Board received the item for information.

9. 2014 TTC APTA Audit

The Board deferred this report until such time as information previously requested on the item by the Audit & Risk Management Committee is available.

10. Notice of Motion – Spacing and Safety of Bus Stops

Moved by: Chair Colle

Seconded by: Commissioner Crisanti

Whereas Councillor Frances Nunziata, Ward 11, York South – Weston, has submitted two letters to the attention of the TTC Chair; and

Whereas both letters relate to an issue of spacing between bus stops;

Be it resolved that:

1. Staff report back on the matters of appropriate spacing between bus stops, the potential safety benefits of locating stops at protected crossings such as traffic signals and pedestrian crosswalks, and the effects of traffic signals and pedestrian crosswalks on both overall traffic operations and the speed and reliability of transit services; and
2. Staff not take any action to remove either of the bus stops referenced in the letters from Councillor Nunziata, in order to allow the Board to consider the aforementioned staff report before responding to the Councillor.

Approved

11. Board Request: Staff Review of Options to Exclude Bombardier from Future Bidding

The Board referred this item to staff for a report back at the December meeting.

12. Litigation of the TTC Fitness for Duty Policy

The Board referred this item to staff for report back at the December meeting, or sooner.

13. Automatic Train Control (ATC) Project Quarterly Update Report

It is recommended that the Board:

1. Receive the information as set out in the Confidential Attachment.
2. Authorize that the information provided in the Confidential Attachment is to remain confidential in its entirety as it contains information that is subject to solicitor-client privilege.

Approved

14. Toronto-York Spadina Subway Extension Steeles West Station, Contract A31-1 Claims

The Board:

1. Approved the recommendations outlined in the Confidential Attachment.
2. Authorized that the information provided in the Confidential Attachment is to remain confidential in its entirety as it contains information that is subject to solicitor-client privilege.

Chair Colle also moved the following ancillary motion:

- i) Request that the TYSSE Task Force (ETF) provide an update on the TYSSE project at the November TTC Board meeting.

The motion by Chair Colle carried.

15. Lease of Warehouse Space – 21 Don Roadway

It is recommended that the Board:

1. Adopt the confidential recommendations contained in the confidential attachment to this report; and
2. Authorize staff to negotiate a lease for warehouse space located at 21 Don Roadway, Toronto, Ontario with the owner, substantially on the terms and conditions set out in the Confidential Attachment, in a form satisfactory to TTC's General Counsel;
3. Delegate authority to the CEO, to execute a Lease Agreement for warehouse space located at 21 Don Roadway, Toronto, Ontario based on the offer to lease, in a form satisfactory to TTC's General Counsel; and
4. Authorize the public release of the confidential information contained in this report once a lease has been executed between the TTC and the owner of 21 Don Roadway.

Approved

16. Office Lease Extension – 1835 Yonge Street – 6th and 7th Floor

It is recommended that the Board:

1. Authorize the execution of a lease amendment agreement to extend the lease between LPF Realty Office and the Toronto Transit Commission for the lease of Suite 600 located on the sixth floor of 1835 Yonge Street for a term of five years in substantial accordance with the terms and conditions set out in the "Lease Extension Proposal for the Premises located at 1835 Yonge Street, Suite #600 (part of the sixth floor) and #700 (comprising the entire seventh floor), lease dated December 1, 2007 between LPF Realty Office Inc., the Landlord and Toronto Transit Commission, the Tenant" (Offer), to the satisfaction of the TTC's Head of Legal and General Counsel;
2. Authorize the execution of a lease amendment agreement to extend the lease between LPF Realty Office and the Toronto Transit Commission for the lease of Suite 700

located on the seventh floor of 1835 Yonge Street for a term of four years and one month in substantial accordance with the terms and conditions set out in the "Lease Extension Proposal for the Premises located at 1835 Yonge Street, Suite #600 (part of the sixth floor) and #700 (comprising the entire seventh floor), lease dated December 1, 2007 between LPF Realty Office Inc., the Landlord and Toronto Transit Commission, the Tenant", to the satisfaction of the TTC's Head of Legal and General Counsel;

3. Approve the expenditure of funds for:
 - a) the payment of rent in accordance with the terms and conditions of the above noted lease estimated for Suite 600 in the amount of \$815,000 (plus HST) subject to changes from current projection in the escalation of additional rent (e.g. utilities, property taxes and maintenance); and
 - b) the payment of rent in accordance with the terms and conditions of the above noted lease estimated for Suite 700 in the amount of \$1,534,000 (plus HST) subject to changes from current projection in the escalation of additional rent (e.g. utilities, property taxes and maintenance); and
4. Execute all document and agreements in accordance with the Toronto Transit Commission's policies and on terms and conditions acceptable to the TTC's Head of Legal and General Counsel.

Approved

17. Office Lease Extension – 1920 Yonge Street – 5th Floor

It is recommended that the Board:

1. Authorize the execution of the lease amendment agreement to extend the lease between 1920/1944 Davisville Centre Inc. and the Toronto Transit Commission for the lease of Suite 500 located on the fifth floor of 1920 Yonge Street for a term of approximately four years and nine months in substantial accordance with the terms and conditions set out in the "Proposal to Amend and Extend the Existing Lease" for the lease of Suite No. 500 and 600, 1920 Yonge Street, Toronto, Ontario dated June 25, 2015 to the satisfaction of the TTC's Head of Legal and General Counsel;
2. Authorize the execution of the lease amendment agreement to extend the lease between 1920/1944 Davisville Centre Inc. and the Toronto Transit Commission for the lease of Suite 600 located on the sixth floor of 1920 Yonge Street for a term of five years in substantial accordance with the terms and conditions set out in the "Proposal to Amend and Extend the Existing Lease" for the lease of Suite No. 500 and 600, 1920 Yonge Street, Toronto, Ontario dated June 25, 2015 to the satisfaction of the TTC's Head of Legal and General Counsel.;
3. Approve the expenditure of funds for:
 - a) the payment of rent in accordance with the terms and conditions of the above noted lease estimated for the fifth floor in the amount of \$1,856,000 (plus HST) subject to changes from current projection in the escalation of additional rent (e.g. utilities, property taxes and maintenance); and

- b) the payment of rent in accordance with the terms and conditions of the above noted lease estimated for the sixth floor in the amount of \$2,651,000 (plus HST) subject to changes from current projection in the escalation of additional rent (e.g. utilities, property taxes and maintenance); and
4. Execute all document and agreements in accordance with the Toronto Transit Commission's policies and on terms and conditions acceptable to the TTC's Head of Legal and General Counsel.

Approved

18. Procurement Authorization – Keele Yard Retrofit Contract B4-36

It is recommended that the Board authorize:

1. Award of Contract B4-36, Keele Yard Retrofit to Century Group Inc. in the amount of \$8,017,118.35 inclusive of all taxes on the basis of lowest Total Bid Price.

Approved

19. Procurement Authorization – Supply of OBI Parts

It is recommended that the Board:

1. Authorize the award of a contract for the supply of OBI parts for the period of approximately October 2015 to October 2018 to New Flyer Industries Canada ULC for an upset limit amount of \$29,327,000 including applicable taxes.

Approved

20. Procurement Authorization Amendment – Construction Management Services - Contract G85-313

It is recommended that:

1. The Board authorize an Amendment to contract G85-313 Construction Management Services to MMM Group Limited in the amount of \$7,500,000 (incl. HST), increasing the upset limit amount from \$30,000,000 to \$37,500,000.

Approved

21. Toronto-York Spadina Subway Extension Purchase Authorization Amendment – Contract A85-97 – Construction Management Services

It is recommended that:

1. The Board authorize Contract Amendment No. 13 to Morrison Hershfield Ltd. (MH), in the amount of \$6,000,000.00, increasing the total upset limit amount to \$70,900,000.00. The contract amendment is required to allow for continued construction management support on the Toronto-York Spadina Subway Extension project.

Approved

22. Approved Minutes of the Advisory Committee on Accessible Transit (ACAT) General Monthly Meetings for June 25, 2015 and July 30, 2015

The Board received for information the approved minutes from the Advisory Committee on Accessible Transit (ACAT) General Monthly Meetings of June 25, 2015 and July 30, 2015.

23. 2014 Annual Human Rights Report

It is recommended that the Board:

1. Receive this report for information; and
2. Authorize forwarding this report to City Council, through the Executive Committee, for information purposes.

Approved

24. PricewaterhouseCoopers LLP 2014 Management Letter Follow-Up Report

It is recommended that the Board:

1. Receive the report; and
2. Approve forwarding a copy of the report to the City Clerk for appropriate handling.

Approved

25. 102 Markham Road/42 Cummer – Service Changes in Tapscott Employment District

It is recommended that the Board:

1. Approve the route and service changes outlined in this report for implementation on January 3, 2016; and
2. Forward this report to the City of Toronto Planning Department, the offices of Councillor Raymond Cho (Ward 42 Scarborough – Rouge River) and Councillor Chin Lee (Ward 41 Scarborough – Rouge River), and to York Region Transit.

Approved

26. Dissolution of Toronto Transit Infrastructure Limited

It is recommended that the TTC, as the sole shareholder of Toronto Transit Infrastructure Limited (TTIL), approve the attached proxy which will be used to approve the dissolution of Toronto Transit Infrastructure Limited (TTIL) at an upcoming TTIL Shareholder meeting.

Approved

27. Appointment of Chair to the Audit and Risk Management Committee

Chair Colle moved that:

1. Commissioner Campbell be added as a member of the TTC Audit & Risk Management

Committee; and

2. Commissioner Campbell be appointed Chair of the TTC Audit & Risk Management Committee.

The motion by Chair Colle carried.

28. Organizational Span of Control Review

The Board referred this item to staff for the purpose of receiving a presentation on the subject at a future Board meeting.

29. Terms of Reference for the Human Resources & Labour Relations Committee

The Board deferred this item to the next meeting of the Board in order to facilitate Board approval of the item.

30. PRESTO Related Financial Controls

The Board received this report for information.

31. 2014 Transit Enforcement Annual Report

It is recommended that the TTC Board:

1. Receive the attached report; and
2. Forward the attached report to the Toronto Police Services Board in accordance with Section 8.9 of the Special Constable Agreement between the Toronto Police Services Board and the Toronto Transit Commission.

Approved

32. Planning and Consultation Process for Second Exits – Chester Station Update

Prior to dealing with this report the Board invited Councillor Mary Fragedakis to speak on the item. Following Councillor Fragedakis' address to the Board, which was very complimentary of staff and community members for their roles in a productive and positive consultation process, the Board unanimously adopted the recommendations in the staff report, as follows:

It is recommended that the Board:

1. Approve the location at 29 Chester Avenue (west side of the Toronto Parking Authority (TPA) parking lot) for the Chester Station second exit, as recommended by the Chester Station LWG;
2. Approve changes to the Terms of Reference/framework for the planning and consultation process, originally endorsed by the Board in February 2013;
3. Approve proceeding with the next second exit location selection process for Donlands and Greenwood stations; and

4. Approve a modified process for the second exits located in more commercial/dense urban environments: College, Dundas, Museum, Summerhill and Dundas West, which will provide for greater flexibility.

Approved

33. New Business: TTC Bus Route Redesign Along Eglinton Avenue

Submitted by Commissioner Mihevc:

As the work of Metrolinx along Eglinton Avenue progresses, it would be wise to begin the planning as soon as possible for all the buses that currently interface with Eglinton Avenue and consider how the new LRT might change the routes and schedules.

I am requesting that a staff report be delivered in early 2016 on this matter to the Commission.

Approved

34. Correspondence: Reinstating the Bathurst-Finch Community Bus

The Board deferred this item to be brought back with the staff report being prepared on Wheel-Trans and Community Bus accessibility services.

35. Toronto-York Spadina Subway Extension Project – Construction of a Walkway with Landscaped Berm at W.R. Allen Road/Dufferin Street and Sheppard Avenue West

It is recommended that the Board:

1. Direct TYSSE to proceed with the restoration of the berm as necessitated by project scope and permit obligations; and
2. Refer this item to the Public Realm Unit of Transportation Services for possible further study in consultation with City Planning Division, including sourcing possible funding.

Approved

The meeting adjourned at 5:10 p.m.