

# Minutes

## Toronto Transit Commission

Meeting No. 1957

Wednesday, March 27, 2013

A meeting of the TTC Board was held in Committee Room 2, 2<sup>nd</sup> Floor, Toronto City Hall, 100 Queen Street West, Toronto, Ontario on Wednesday, March 27, 2013 commencing at 10:08 a.m. The meeting recessed at 10:10 a.m. and re-convened at 10:50 a.m. at which time the Board approved a second Committee of the Whole resolution in order to discuss confidential matters related to Items 4(c) and 8(a). The meeting recessed to go in-camera at 10:51 a.m. and reconvened at 1:05 p.m.

K. Stintz (Chair), M. Adamson (Vice-Chair), M. Augimeri, R. Cho, J. Colle, G. De Baeremaeker, A. Heisey, P. Milczyn, J. Parker and A. Virmani (Board Members), A. Byford (Chief Executive Officer), J. Taylor (Chief of Staff), D. Dixon (Chief Operating Officer), S. Ghaly (Chief Capital Officer), B. Hughes (Acting Chief Customer Officer), V. Rodo (Chief Financial & Administration Officer), C. Upfold (Acting Chief Service Officer), B. Leck (Head of Legal & General Counsel), B. Ross (Executive Director of Corporate Communications), D. Garisto (Head of Property Development), M. Stambler (Head of Strategy & Service Planning), A. Pace (Head of Strategic Partnerships – Engineering, Construction & Expansion), J. Lee (Head of Materials and Procurement), M. Piemontese (Director – Project Procurement), K. Lee (Head of Commission Services) and D. McDonald (Co-ordinator – Corporate Secretariat Services) were present.

K. Stintz was in the Chair.

## Declarations of Interest – Municipal Conflict of Interest Act

Nil

## Committee of the Whole Resolution

Chair Stintz moved that the Board recess to meet as the Committee of the Whole to deal with litigation or potential litigation matters, labour relations, employee negotiations, and to receive advice which is subject to solicitor-client privilege.

The motion by Chair Stintz carried.

Reconvened  
Meeting (open to the public) – 1:05 p.m.  
Committee Room 2, City Hall

## Minutes of Previous Meetings

J. Colle moved that the Board approve the minutes from Meeting No. 1956 and that the Chair and Chief Financial & Administration Officer be authorized to sign the same.

The motion by J. Colle carried.

## Business Arising Out of the Minutes

Nil

## Public Presentations

Prior to commencing with Public Presentations, Chair Stintz read a number of recent customer testimonials describing TTC successes. They included an Operator cleaning debris from his bus, the recovery of lost medication thanks to the efficient action of divisional staff and Lost Articles staff, a streetcar Operator informing waiting customers at stops about the details of a service delay and an Operator who patiently waited for a customer who was not at the stop.

Vice-Chair Adamson extended the Board's appreciation to these employees for their excellent contributions to the TTC's customer service efforts.

### a) TTC's Method of handling Customer Complaints

Brian Magee

The Board received the deputation for information.

CEO A. Byford spoke of the TTC's commitments in regard to complaint handling and the steps that are being taken to address Mr. Magee's particular concerns. Mr. Magee expressed his gratitude to the TTC Executive Team for their efforts thus far and for the action currently being taken.

b) Alternate Funding Streams to Increase Service in Southeast Etobicoke

Alan Yule

The Board received the deputation for information.

c) Motion to Reconsider Gateway Lease

Michael Aychental  
CEO – Gateway Newstands  
(Submitted brief)

David Goldman  
President – Gateway Newstands

Sanjay Mehta

Queenie Wong – Finch Station

Gualiti Merchant – Sherbourne Station

Amirali K. Maknojia – Finch Station

Rubakumar Kirubakaran – Sheppard Station

Kil Joon Ahn

Reny Cowdry – Kipling Station

Mustafa Khan

Elesh Ruperal – Union Station & Nature's Choice Ltd.

The Board received the deputations for information.  
(See Notice of Motion (a) for minute).

d) Chief Executive Officers Report – March 2013 Update

Alan Yule

The Board received the deputation for information.  
(See Item 3(a) for minute).

e) Procurement Authorization Amendment – Purchase 126 Sixty Foot Low Floor Clean Diesel Articulated Buses

Alan Yule

The Board received the deputation for information.  
(See Item 5(a) for minute).

## Notice of Motions

Moved by: Chair Stintz

### a) Reconsideration - Gateway Lease

1. That the Board reconsider the Gateway Lease matter originally decided on October 24, 2012 and previously reconsidered on January 21, 2013.

Part 1 of the motion by Chair Stintz carried on a two thirds vote of the members present.

2. In accordance with Section 7(a) of the Procedures By-law, the Board waive Section 50(b) of the Procedures By-law to allow for the reconsideration of the Gateway Lease to be heard at this meeting.

Part 2 of the motion by Chair Stintz carried on a two thirds vote of the members present.

3. That the Board:
  - i) rescind its decision to endorse the original recommendation of staff (as set out in the October 24, 2012 report as Item No. 8(d));
  - ii) rescind all approved motions relating to Item No. 12 from the January 21, 2013 meeting; and
  - iii) note that this action will result in a rental revenue and bonus loss in excess of \$2.4M over the current term which expires April 30, 2014, \$2M of which was factored into the 2013 TTC Operating Budget.

Following significant discussion on this matter, M. Augimeri moved that this item be deferred to the next meeting of the Board to allow CEO A. Byford to consider the material presented by the speakers.

The motion by M. Augimeri carried.

## Motions without Notice

Nil

## Items of Which Notice has Previously Been Given

Nil

## Items Deferred from Last Meeting to Permit Debate/Public Presentations

Nil

1. Reports with Confidential Attachments (Committee of the Whole)

a) Murad Manzur v. TTC

The Board:

1. Authorized General Counsel to take the actions recommended in the Confidential Attachment, as amended; and
2. Authorized that the information and recommendations as set out in the Confidential Attachment remain confidential until the conclusion of the current, and any associated litigation.

b) Large Litigation Matters

The Board:

1. Received the confidential information as set out in Confidential Attachment 1:
2. Noted that the confidential information as set out in Confidential Attachment 1 remains confidential in its entirety as it contains advice which is subject to solicitor-client privilege; and
3. Received this report for information purposes.

c) Gateway Proposal

The Board:

1. Received the Confidential Attachment; and
2. Authorized that the information as set out in the Confidential Attachment remains confidential as it contains advice and communication that is subject to solicitor-client privilege.

2. Presentations

Nil

3. Budget Matters

a) Chief Executive Officer's Report – March 2013 Update

It is recommended that the TTC Board forward a copy of this report to (1) each City of Toronto Councillor and (2) the City Deputy Manager and Chief Financial Officer, for information.

Approved

4. Procurement Authorizations

a) Procurement Authorization – Wilson Carhouse North Expansion Contract C1-38

It is recommended that the Board authorize the award of Contract C1-38, Wilson Carhouse North Expansion to Buttcon Limited (Buttcon) in the amount of \$37,700,190.00 inclusive of all taxes on the basis of lowest Total Bid Price.

Approved

b) Procurement Authorization – Supply of Detroit Diesel Bus Parts

It is recommended that the Board authorize the award of a three-year inventory supply contract for the supply of Detroit Diesel and Allison bus parts for the period April 2013 to April 2016 to Wajax Power Systems in the upset limit amount of \$24,900,000 including applicable taxes.

Approved

c) Procurement Authorization – Leslie Street Connection Track Contract ABYS1-1

The Board approved the recommendation in the staff report, as follows:

“It is recommended that the Board authorize the award of Contract ABYS1-1, Leslie Street Connection Track to Pomerleau Inc. (Pomerleau) in the amount of \$104,727,250.54 for the installation of track along Leslie Street between Leslie Barns Streetcar Maintenance and Storage Facility (Leslie Barns) and the existing streetcar network on Queen Street, associated utility and streetscaping work, and additional City infrastructure”.

A. Heisey moved the following ancillary motion:

That the TTC request the City Manager to ensure that the infrastructure that the City requires to be implemented in conjunction with all TTC projects is clearly identified to the TTC early in the project planning and is budgeted for in the appropriate City Division budget.

The motion by A. Heisey carried.

Chair Stintz moved adoption of the item, as amended.

The motion by Chair Stintz carried.

5. Procurement Authorization Amendments

a) Procurement Authorization Amendment – Purchase 126 Sixty Foot Low Floor Clean Diesel Articulated Buses

M. Stambler, Head of Strategy & Service Planning, provided a PowerPoint presentation on this item. The Board received the presentation for information and approved the recommendation in the staff report, as follows:

"It is recommended that the Commission authorize the amendment to Contract C32PM12729 (Supply of Sixty Foot Low Floor Articulated Clean Diesel City Buses) with Nova Bus, a Division of Volvo Group Canada Inc. (Nova) in the amount of \$119,419,831.20 for the following:

1. \$117,021,837.24 inclusive of all applicable taxes for the purchase of 126 Sixty Foot Articulated Low Floor Diesel Buses (Articulated Buses) for delivery in 2014.
2. \$2,397,993.96 inclusive of all applicable taxes as an upset limit for the expenditure of funds for the following related items pertaining to the 126 Articulated Buses:
  - a. Potential Contract Amendments
  - b. Options
  - c. Alternatives
  - d. Recommended Special Tools
  - e. Recommended Maintenance Parts".

b) Amendment Authorization – The Supply of Various Electrical Components and Supplies

It is recommended that the TTC Board approve an amendment to extend the current contract term from March 31, 2013 to August 31, 2013 with Wesco Distribution Canada LP for the supply of various electrical components, and to increase the upset limit amount from \$18,400,000 to \$19,900,000.

Approved

6. Notice of Awards

Nil

7. Service Matters

a) 108 Downsview – Evening and Weekend Service on Grandravine Drive

It is recommended that the TTC Board:

1. Approve the implementation of new service on the 108A Downsview (Downsview Station – Jane Street via Grandravine Drive) branch, during the evenings from Monday to Friday, all day on Saturdays, and during the daytime and early evenings on Sundays and holidays, effective June 23, 2013 as described in this report; and
2. Forward this report to Councillors Perruzza and Augimeri.

Approved

8. Other Business

a) Lease Extension – 40 Carl Hall Road, Downsview Park

M. Augimeri moved deferral of this item to the next meeting of the Board.

The motion by M. Augimeri carried.

b) Old Mill Station – Priority for Accessibility

The Board approved the recommendation in the staff report, as follows:

“It is recommended that the TTC Board:

1. Note that the current priority schedule for the construction of elevators and accessibility features, including making Old Mill Station accessible in 2023, should be retained and that the Advisory Committee on Accessible Transit (ACAT) supports this conclusion; and
2. Forward this report to the deputants of the October 24, 2012 Board meeting who presented a petition on this matter”.

P. Milczyn moved the following ancillary motion:

That staff be requested to revisit the sequencing of station accessibility in 3 years' time and report back to the Board at that time.

The motion by P. Milczyn carried.

Chair Stintz moved adoption of the item, as amended.

The motion by Chair Stintz carried.

c) The Leslie Barns Streetcar Maintenance and Storage Facility Project Status Update No. 3

J. Colle moved referral of this item to the next meeting of the Board to allow staff to report back on the various cost breakdowns associated with the streetcar project, and for consideration at that time to having this information incorporated into the CEO's report.

The motion by J. Colle carried.

d) Toronto-York Spadina Subway Extension Highway 407 Station Parking Lot Agreement

It is recommended that the Board:

1. Approve the commercial terms outlined in this report associated with the parking lot agreement between the TTC and Her Majesty the Queen in Right of Ontario as represented by the Minister of Infrastructure for the Highway 407 Station, as part of the TYSSE project, and
2. Direct staff to take the necessary action to execute the parking lot agreement by March 31, 2013.

Approved



e) Open Shop Contracting

Chair Stintz advised the Board that she has asked staff to bring a report to the next Board meeting on a process for engaging the local construction trades and contractor associations, etc. with a view to improving the procurement and project management process.

After advising the Board of the foregoing, Chair Stintz moved receipt of the staff report.

The motion by Chair Stintz carried.

f) Outstanding Board Items

It is recommended that the Board receive for information the updated list of outstanding Board items for the period up to and including the meeting of February 25, 2013.

Received

9. New Business

Submitted by A. Heisey.

a) Fine for Blocking Intersections

One of my recurring observations of surface transit operations is the continual blocking of intersections by cars stuck in intersections after the light turns red particularly in the downtown core. Brian Leck TTC General Counsel kindly did some research as to the fine for blocking an intersection in Toronto and in other North American cities. The result of his departments work is attached.

The current fine in Toronto is only \$40 for blocking an intersection which is very small for a traffic offense that inconveniences 1,000's of TTC customers. This is a trivial fine that based on my observations has very little deterrence impact. Comparable fines in other large US cities are \$75-150. Although there are many jurisdictions in Canada with comparably low fines the cities affected by these fines do not have the extensive surface transit operations that Toronto does that are un-separated from traffic.

It is my opinion that one of our priorities as a Board should be to try to do whatever possible to improve surface transit and reduce travel times.

Recommendation:

1. The Board request that TTC staff review this matter and report back to the Board's April meeting with staff recommendations in this regard.

Approved

10. Correspondence

C1 – Angela Marley, ACAT Chair, forwarding for information the approved minutes of the ACAT January 31, 2013 General Monthly Meeting.

The Board received the communication for information.

C2 – Anne Creighton LiUNA Local 183 regarding Open Shop Contracting.

The Board received the communication for information.  
(See Item No. 8(e) for minute).

C3 – Councillor Paula Fletcher regarding the Leslie Street Connection Track Contract ABYS1-1.

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

The meeting adjourned at 5:20 p.m.