

# Minutes

## Toronto Transit Commission

Meeting No. 1959

Friday, May 24, 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 Friday, May 24, 2013 commencing at 10:08 a.m. The meeting recessed at 10:10 a.m. and re-convened 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), M. Roche (Head of Finance & Treasury), M. Atlas (Senior Solicitor – Legal), A. Pace (Head of Strategic Partnerships), M. Darakjian (Head of Pensions), 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

Vice-Chair Adamson moved that the Board approve the minutes from Meeting No. 1958 and that the Chair and Chief Financial & Administration Officer be authorized to sign the same.

The motion by Vice-Chair Adamson carried.

## Business Arising Out of the Minutes

### a) Fine for Blocking Intersections (Page 2 – Item (c))

Chair Stintz advised that the requested information is on the current agenda as Item 8(h) - Traffic Violations and Mitigation for Transit.

### b) Presentations – OMERS and TTC Pension Fund Society (Page 3 - Item 2(a))

Chair Stintz advised that this item will be brought forward when the Province has filed regulatory changes dealing with plan mergers under the Pension Benefits Act.

## Public Presentations

Prior to commencing with Public Presentations, Chair Stintz read a number of recent customer testimonials describing TTC successes. They included the excellent and friendly demeanour of TTC employees who were on-site to provide directions during a recent maintenance closure of the University subway line, a very kind and friendly female streetcar Operator who waited for customers who were not yet at the stop, an Operator who provided Toronto visitors with a map and directions to their hotel and an Operator who assisted a customer with a broken wrist watch.

The Board extended its appreciation to these employees for their excellent contributions to the TTC's customer service efforts.

- a) City of Toronto Item EX31.3 – Metrolinx Transportation Growth Funding – Dedicated Revenues

Alan Yule

The Board received the deputation for information.  
(See Item 8(g) for minute)

- b) Traffic Violations and Mitigation for Transit

Alan Yule

The Board received the deputation for information.  
(See Item 8(h) for minute)

- c) Reconsideration – Gateway Lease (Supplemental Report)

Alan Yule

Don Vatour  
Principal Partner – New York News

The Board received the deputations for information.  
(See Item 13 for minute)

#### Notice of Motions

- a) Photo Monitoring and Enforcement on Bay Street Clearway and King Street East Streetcar Transit Priority Lane

Moved by: A. Heisey  
Seconded by: J. Colle

1. That TTC staff meet with representatives of the Toronto Police Service and the Transportation Department of the City of Toronto to determine the legislative changes that would be required to permit the utilization of camera technology for enforcement of the Bay Street Clearway and the King Street East Streetcar Transit Priority Lane and the desirability of utilizing cameras as an enforcement tool.
2. That TTC staff meet with representatives of the Toronto Police Service to determine the cost to install and maintain such cameras if the legislation was changed to permit their usage.
3. That TTC staff report back to the Commission as to the outcome of these discussions and the practicality of the application of cameras to enforce the Bay Street Clearway and the King Street East Streetcar Transit Priority Lane with recommended next steps, if any.

Approved

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) PricewaterhouseCoopers LLP Audit Results on the Toronto Transit Commission Consolidated Financial Statements for the Year Ended December 31, 2012

The Board:

- 1) Received the attached report from PricewaterhouseCoopers LLP ("PWC"), including the information noted in the confidential attachment, regarding the audit of the consolidated financial statements of the Toronto Transit Commission for the year ended December 31, 2012, for information;
- 2) Authorized forwarding a copy of the attached report to City Council through the Audit Committee of the City of Toronto; and
- 3) Authorized retaining the contents of the Confidential Attachment as confidential in their entirety as it contains advice which is subject to solicitor-client privilege.

2. Presentations

Nil

3. Budget Matters

- a) Chief Executive Officer's Report – May 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

- b) Draft Consolidated Financial Statements of Toronto Transit Commission for the Year Ended December 31, 2012

It is recommended that the Board:

1. Approve the draft consolidated financial statements of the Toronto Transit Commission for the year ended December 31, 2012; and

2. Forward a copy of the approved consolidated financial statements to City Council for information through the Audit Committee of the City of Toronto.

Approved

- c) Auditor General's Report – TTC Employees Overtime and Related Expenses – Continuous Controls Monitoring

It is recommended that the Board:

1. Receive for information the attached report from the Auditor General's Office, City of Toronto, on the TTC Employees Overtime and Related Expenses – Continuous Controls Monitoring; and
2. Forward the report to the City Audit Committee.

Approved

4. Procurement Authorizations

Nil

5. Procurement Authorization Amendments

Nil

6. Notice of Awards

Nil

7. Service Matters

Nil

8. Other Business

- a) Lease Extension – 40 Carl Hall Road, Downsview Park (Deferred from March 27, 2013)

Commissioner Augimeri moved the following motion:

Whereas TTC entered into a lease dated October 28, 2009 with Park Downsview Parc for approximately 95,000 sq. ft. of warehouse space at 40 Carl Hall Road for a three year term plus two-one year options; and

Whereas TTC exercised its first option as amended by the Lease Amending Agreement dated December 2, 2011 such option expired December 31, 2012; and

Whereas the Board at its March 27, 2013 meeting deferred the decision to exercise TTC's second option to December 31, 2013 to allow Commissioner Augimeri and TTC staff to meet with Canada Lands; and

Whereas TTC staff and Commissioner Augimeri subsequently met with Canada Lands to discuss the lease option and possible extensions; and

Whereas Canada Lands informed Commissioner Augimeri and TTC staff that as a result of future redevelopment of the lands that a commitment beyond 2014 is not possible, however they would extend the current lease to December 31, 2014 at a base rent of \$4.50 sq.ft. plus operating costs of approximately \$4.40 sq.ft.; and

Whereas TTC staff has identified an additional warehouse storage requirement of approximately 40,000 sq.ft. at 40 Carl Hall Road to accommodate its capital inventory needs to December 31, 2014; and

Whereas Canada Lands will lease this additional space to TTC at a base rent of \$4.50 sq. ft. plus operating costs of approximately \$4.40 sq.ft. to December 31, 2014;

It is therefore moved that the recommendation in the staff report dated March 27, 2013 be struck out and the Board approve a lease extension with the additional space requirements until December 31, 2014 in accordance with the terms and conditions set out in this motion.

The motion by M. Augimeri carried.

Chair Stintz moved adoption of the item, as amended.

The motion by Chair Stintz carried.

b) Follow-up to Ombudsman's Report – Property Acquisition Management Plan

It is recommended that the Board endorse the attached Construction Projects Property Acquisition Management Plan.

Approved

c) Applicability of Apprenticeship Programs for TTC Construction Projects

Commissioner De Baeremaeker moved that the following be added to the recommendation in the staff report after the words "Hammer Heads":

"LIUNA Bolt, Carpenter Council of Ontario 'Choice', Helmets to Hardhats and other apprenticeship training programs that are non-profit in nature", so such recommendation now reads as follows:

"It is recommended that the Board endorse the concept that the TTC's construction projects encourage the voluntary participation of contractors in community engagement via youth apprenticeship and training programs such as Hammer Heads, LIUNA Bolt, Carpenter Council of Ontario 'Choice', Helmets to Hardhats and other apprenticeship training programs that are non-profit in nature, and other similar programs".

The motion by Commissioner De Baeremaeker carried.

Chair Stintz moved adoption of the item, as amended.

The motion by Chair Stintz carried.

d) Update – Safety Certification Program for Construction Projects

It is recommended that the Board endorse the adoption of the Certificate of Recognition (COR™) or equivalent safety programs for TTC construction projects.

Approved

e) Appointment of a New Pension Fund Society Board of Director

It is recommended that the TTC Board:

1. Approve appointing Ms. Gemma Piemontese as a Director of the TTC Pension Fund Society.

Approved

f) TTC Pension Fund Society and TTC Sick Benefit Association Annual Report, Audited Financial Statements for the Fiscal Period Ended December 31, 2012 and Bylaw Amendments for Approval

It is recommended that the TTC Board:

1. Approve the TTC Pension Fund Society Bylaw Amendments, as disclosed on pages 49 to 56 of the appended 2013 TTC Pension Newsletter;
2. Receive for information the appended 2013 TTC Pension Newsletter and audited Financial Statements for the fiscal period ended December 31, 2012 of the TTC Pension Fund Society (pages 19 to 48) and TTC Sick Benefit Association (pages 63 to 68).

Approved

g) City of Toronto Item EX31.3 – Metrolinx Transportation Growth Funding – Dedicated Revenues

Commissioner Parker moved receipt of the item.

The motion by Commissioner Parker lost.

Commissioner Colle moved the following motion:

1. TTC Board indicate its support for the Metrolinx Transportation Plan (The Big Move) and for dedicated revenue tools to be implemented by the Province to fund the Metrolinx plan.
2. TTC Board indicate its support for the recommendations found in the City Managers' report (City of Toronto Item EX31.3) and the May 2013 resolutions of Council and that the TTC CEO conveys this support to the Province and Metrolinx.

The motion by Commissioner Colle carried.

Chair Stintz moved adoption of the item, as amended.

The motion by Chair Stintz carried.

h) Traffic Violations and Mitigation for Transit

It is recommended that the TTC Board:

1. Forward this report to the City of Toronto Public Works and Infrastructure (PWI) Committee, and the General Manager of Transportation Services, in order to advise PWI Committee that through the City's Downtown Transportation Operations Study (DTOS) the TTC supports significant increases in fines for and, increased enforcement of, violations of traffic by-laws in the City of Toronto, particularly on those roads that are designated as Transit Priority corridors in the City's Official Plan;
2. Note that the DTOS is evaluating ways to improve traffic flow within a specific area in the downtown, and will be examining areas where on-street parking is now permitted during the peak periods, as well as ways to more effectively deter illegal activity such as prohibited stopping and parking, and blocking of intersections.

Approved

9. New Business

a) BIXI Toronto Inc.

Submitted by Chair Stintz:

1. That TTC staff be requested to prepare a report by the July 2013 TTC Board meeting on the feasibility and expected costs of integrating BIXI Toronto into the TTC; and
2. Forward this decision to the City of Toronto Executive Committee, with a copy to the Deputy City Manager, Cluster B, with a request that any decision on the BIXI matter be deferred until the subject TTC report is referred by the TTC Board to the Executive Committee for consideration.

Approved

10. Correspondence

C1 – Hugues Simard, Vice-President Finance, Sun Media, regarding the distribution of free newspapers in TTC subway stations.

The Board received the communication for information.  
(See Item No. 13 for minute).

C2 – David S. Crawford regarding Item 8(h) - Traffic Violations and Mitigation for Transit and Notice of Motion - Photo Monitoring and Enforcement on the Bay Street Clearway and the King Street East Streetcar Transit Priority Lane.

The Board received the communication for information.  
(See Item No. 8(h) and Notice of Motion for minutes).

C3 – Ian MacEachern, OMERS Administration Corporation regarding TTC Pension Fund Society 72<sup>nd</sup> Director's Newsletter for 2012.



The Board referred the correspondence to the TTC Pension Fund Society Board to prepare a draft response to OMERS for the review and consideration of the TTC Board at its meeting of June 24, 2013.  
(See also Item No. 8(f) for minute).

#### Supplementary Agenda

#### 11. Reconsideration – Gateway Lease (Confidential Attachment)

The Board:

1. Received the information as set out in the Confidential Attachment; and
2. Authorized not publicly releasing the information in the Confidential Attachment as it remains subject to solicitor-client privilege.

#### 12. Notice of Motion – Reconsideration – Gateway Lease (Deferred from March 27, 2013)

Chair Stintz moved withdrawal of the Notice of Motion.

The motion by Chair Stintz carried.

#### 13. Reconsideration – Gateway Lease (Supplemental Report)

Chair Stintz moved that Recommendation No. 4(g) in the staff report be amended to add the words “which RFP is to be issued no later than January 30, 2015” in the first sentence after the words “within the TTC” so such recommendation now reads as follows:

“4(g) - Gateway committing to the issuance of a separate RFP for the distribution of free daily newspapers within the TTC, which RFP is to be issued no later than January 30, 2015. The TTC to be involved in the preparation and evaluation of the RFP”.

The motion by Chair Stintz carried.

Chair Stintz moved adoption of the item, as amended.

The motion by Chair Stintz carried.

The meeting adjourned at 3:50 p.m.