



The Corporation of the
Town of Milton
COUNCIL

REVISED AGENDA

Confidential Session – Council Chambers – Town Hall

May 29, 2023 at 6:00 p.m.

Open Session to Follow at 7:00 p.m. in Council Chambers - Town Hall

150 Mary Street, Milton, ON L9T 6Z5

This meeting will be held as a hybrid meeting with Members of Council having the opportunity to participate in-person at Town Hall or electronically. At this time, members of the public are encouraged to continue to view the meeting by watching the live stream.

Should you wish to delegate to a Council meeting please complete the online delegation form at <https://forms.milton.ca/Community/Delegate-Request-Application> by 12:00 p.m. (noon) two business days before the meeting is to be held.

Pages

***1. CONFIDENTIAL SESSION**

Milton Council will convene into confidential session to discuss:

- 1) advice that is subject to solicitor-client privilege, including communications necessary for that purpose with respect to a contractor claim;
- 2) personal matters about an identifiable individual, including municipal or local board employees with respect to a discussion with the Town Auditor;
- 3) trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the Town, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization with respect to digital access commercial modelling; and
- 4) a proposed or pending acquisition or disposition of land by the municipality or local board with respect to the 2023 Town property update.

10. ITEMS FOR CONSIDERATION

***10.4 Purchasing Various – May 29, 2023**

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14. BY-LAWS

*14.8	039-2023 Amend By-law 035-2020 Road Occupancy, Fouling and Entrance Permit	25
	BEING A BY-LAW TO AMEND THE TOWN OF MILTON BY-LAW 035-2020 TO REGULATE THE CONSTRUCTION, INSTALLATION, WIDENING, ALTERING OF ENTRANCES TO AND THE OCCUPATION OR FOULING OF ROAD ALLOWANCES UNDER THE JURISDICTION OF THE TOWN	
*14.13	044-2023 General Signing By-law May 29, 2023	27
	BEING A BY-LAW TO AUTHORIZE THE EXECUTION OF DOCUMENTS	



The Corporation of the Town of Milton

Report To: Council

From: Glen Cowan, Chief Financial Officer / Treasurer

Date: May 29, 2023

Report No: CORS-031-23

Subject: Purchasing Various - May 29, 2023

Recommendation: **THAT Council approve the budget amendments and related funding sources as outlined on Schedule A;**

THAT the award of the proposal for the Town (the lessor) to enter into a 21-year less one day lease agreement with Razor Management Inc. (the lessee) for a Seasonal Air Supported Structure and Dome Operator Services be approved as outlined in Schedule B.

THAT the Mayor and Clerk be authorized to execute the lease agreement outlined with Razor Management Inc., as well as an amended lease agreement with the Halton Catholic District School Board, as outlined in Appendix B and subject to the satisfaction of the Commissioner of Community Services and the Town's legal counsel.

THAT the award of the proposal for the services of an Integrity Commissioner to SC Consulting in the estimated amount of \$57,372 (exclusive of HST) for the period July 1, 2023 to December 31, 2027 be approved as outlined in Schedule C.

THAT staff be delegated the authority to extend the contract with SC Consulting for up to four (4) additional one-year periods as outlined in Schedule C.

THAT the award of the tender for the construction of Walker Neighbourhood Park to Melfer Construction Inc. in the total amount of \$1,928,000 (exclusive of HST) be approved as outlined on Schedule D.

THAT the single source award to WSP for third party consulting review related to Site Alteration files in the estimated amount of \$150,000 (exclusive of HST) for a contract term ending December 31, 2024 be approved as outlined in Schedule E.

THAT the award made under delegated authority for Contract Administration related to the 2023 Asphalt Overlay Program to WSP E&I Canada in the amount of \$406,960 (exclusive of HST) be received for information as outlined in Schedule F.

THAT the award made under delegated authority for Contract Administration related to the 2023 Expanded Asphalt Program to CIMA Canada in the amount of \$191,830 (exclusive of HST) be received for information as outlined in Schedule G.

THAT the new capital budget C33015122 - Main Street (Drew Centre to Thompson Road) with an approved budget of \$140,650 and the emergency contract award to WSP E&I Canada Ltd. for design of \$113,590 and contract administration of \$48,720 (excluding HST) be received for information as outlined on Schedule H.

THAT the new capital Budget C45015322 - Tractor Attachment with an approved budget of \$16,770 and the emergency contract award to Green Tractors Halton for a spreader in the amount of \$16,000 (excluding HST) be received for information as outlined in Schedule I.

THAT the emergency contract increase for work required on Woodward Avenue to Halton Region in the total amount of \$88,106 (exclusive of HST) be being received for information as outlined on Schedule J.

THAT the Manager, Purchasing and Supply Chain Management be authorized to execute the contract(s), as outlined by the purchasing by-law, and the Mayor and the Town Clerk be authorized to sign any required paperwork.

EXECUTIVE SUMMARY

This report is being submitted to obtain Council's authorization on the various items on the attached schedules. Requests are being made as per the guidelines outlined in the Purchasing By-law No. 061-2018 and the Budget Management Policy (Policy No.113).

This report includes a recommendation to enter into a long-term lease agreement to allow a third party provider to install and operate an air-supported structure for indoor sports at St. Francis Xavier Secondary School. This recommendation follows the direction that was previously provided through COMS-004-23 and the resulting request for proposal process.



REPORT

Background

Procurement of goods and services is governed by By-law No. 061-2018. Purchasing activity is undertaken in a manner that is intended to support the Town's mandate to provide effective, responsible government and efficiently deliver services to the residents of Milton.

Discussion

Information pertaining to the recommended purchasing awards is included on the corresponding Schedules (A to J) attached.

Included within this report is award for the installation and operation of an air supported structure for the turf field located at St. Francis Xavier Secondary School. A new operating model for this location was approved by Council through report COMS-004-23 subject to a successful request for proposal process. Staff have since undertaken that process and the highest scoring proponent, Razor Management Inc., has been identified. Unlike the prior operating model for this location, the responsibility for installation and operation of the structure will transfer to the third party provider under the terms of the agreement. Should the recommendations herein be approved, staff will work to execute an agreement with the vendor. The Town's legal counsel will be engaged as part of that review, and will also be asked to consider the potential application of Section 110 of the Municipal Act, 2001 for the purposes of designating the structure as a municipal capital facility. If necessary a related by-law will be presented to Council for consideration at a future Council meeting.

Financial Impact

Financial impacts are outlined in detail on the attached Schedules A through J, and result in a net decrease in funding to the capital program of \$72,940.

As outlined in Schedule B, there will be implications to the Town's operating budget in relation to the award of the air-supported structure for the turf field. The Town's operating budget will see a budget pressure of up to \$276,976 in relation to the direct variable revenues and costs that were budgeted on the basis of the Town managing the facility. At the same time, the Town will avoid the requirement to invest an estimated \$2 million in the installation of a new facility, and will also benefit from the transfer of financial risk and the reduction in demands on staff resources. These impacts will be reflected in the budget beginning in the 2024 process.

Respectfully submitted,

Glen Cowan
Chief Financial Officer / Treasurer



The Corporation of the Town of Milton

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CORS-031-23
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For questions, please contact: Sharon Telfer, Manager, Ext. 2138
Purchasing and Supply Chain
Management

Attachments

Schedule A – Summary of Changes in Capital Project Budgets and Funding
Schedule B – Proposal Award for an Air Supported Structure for Indoor Sports
Schedule C – Proposal Award for Integrity Commissioner
Schedule D – Tender Award for Walker Neighbourhood Park
Schedule E – Single Source Award for Site Alteration Consulting
Schedule F – Contract Administration for 2023 Asphalt Overlay Program
Schedule G – Contract Administration for 2023 Expanded Asphalt Program
Schedule H - Main Street Emergency Award and Budget
Schedule I - Spreader Emergency Award and Budget
Schedule J - Woodward Avenue Emergency Award

Approved by CAO
Andrew M. Siltala
Chief Administrative Officer

Recognition of Traditional Lands

The Town of Milton resides on the Treaty Lands and Territory of the Mississaugas of the Credit First Nation. We also recognize the traditional territory of the Huron-Wendat and Haudenosaunee people. The Town of Milton shares this land and the responsibility for the water, food and resources. We stand as allies with the First Nations as stewards of these lands.

Summary of Changes in Capital Project Budgets and Funding

Schedule	B	Total Change in Funding Sources Increase / (Decrease)
Project Number	C52400123	
Project Description	Walker Neighbourhood Park - Boyne	
Total Approved Project Budget	\$ 2,488,809	
Recommended Budget Change		
Development Charges:		
Roads DC		-
Parks and Recreation DC	(72,940)	(72,940)
Total Increase/(Decrease) in Funding	(72,940)	\$ (72,940)
Total Revised Project Budget	\$ 2,415,869	

COUNCIL AUTHORITY FOR CONTRACT AWARDS PROPOSAL AWARD

Project Award	Proposal Award No. 23 – 562 – Seasonal Air Supported Structure / Dome Operator
Recommendation	Staff are recommending the award of the proposal for the Town (the lessor) to enter into a 21-year less one day lease agreement with Razor Management Inc. (the lessee) for a Seasonal Air Supported Structure and Dome Operator Services.
Purpose of Report	To present Council with a recommended 21 year less a day lease agreement
Background information	<p>Through COMS-004-23, Council approved the issuance of a Request for Proposal for the supply and installation of an air supported structure (dome) for indoor sports at the site of the existing Milton Indoor Turf Centre as well as the operation/finance of the dome. The Town's objective was to engage the services of a third-party to deliver indoor sports for the use of the community, without capital or operating costs to the Town. The Town will be providing the grade beam and field house for the facility at the Milton Indoor Turf Facility located at St. Francis Xavier Secondary School, through a lease agreement with the Contractor.</p> <p>This site is property of Halton Catholic District School Board (HCDSB) and this arrangement will be a subletting from the Town's agreement with the Board. The Board retains ownership and access to the field and facility during school hours and dates subject to the school calendar.</p> <p>Potential elements of the agreement include (but are not limited to):</p> <ul style="list-style-type: none"> • The vendor will supply, install, operate and maintain an air supported structure to provide rental opportunities primarily for Milton youth at this location • The lease agreement may extend over a period of greater than 20 years • A focus on the period from October 1st to April 30th on an annual basis • Access for the HCDSB during school hours and dates subject to the school calendar • All naming rights and branding are subject to the approval of the Town and HCDSB • The Town is not expected to incur capital or operating costs • The vendor will obtain all necessary permits and approvals at their sole expense • The vendor shall provide opportunity for public access and community programs, maintain operating hours and fees that are to the satisfaction of the Town, and comply with the current agreement between the Town and the HCDSB <p>The vendor shall maintain insurance to the satisfaction of</p>

	<p>the Town and comply with all applicable laws and regulations</p> <p>As the terms above may require some amendment through the negotiation process, the authority requested from Council to execute the contract has been made contingent on the review and satisfaction of the Commissioner of Community Services.</p> <p>The execution is also contingent on the review and satisfaction of the Town's legal counsel, who will also be engaged in this process. The legal review will also include assessment of the potential use of Section 110 of the Municipal Act, 2001 in order to designate this as a municipal capital facility as described in the Act, and as such may require approval of a related by-law by Council at a future date.</p> <p>Finally, amendments to the Town's current lease agreement with the HCDSB will also be required in order to ensure alignment with the results of the RFP process and resulting agreement. As such authority has also been requested in relation to that amendment/extension.</p>
Purchasing Section: Bid Award Information	
Date bid issued	April 19, 2023
Advertisements	Town of Milton website and Bids & Tenders website
Closing Date	May 10, 2023
# of Plan takers	Six (6)
Proposal Submissions received	<p>Proposals were received from the following companies:</p> <ul style="list-style-type: none"> • 1991855 Ontario Inc. o/a Colab Sport Management • Field Recreation Inc. • Milton Youth Soccer Club Inc. • Razor Management Inc.
Evaluation Criteria	<p>The proposals were evaluated based on the following criteria:</p> <ul style="list-style-type: none"> • Understanding of the project scope of work (15 points) • Experience indicating overall ability to implement projects with similar project scope, size and complexity (25 points) • Capital works plan (20 points) • Operational plan (20 points) • Project references (10 points) • Value Added Services (10 points) <p>An evaluation team with representation from Community Services evaluated the proposals against the established criteria and one (1) proponent was invited to an interview. Based on the evaluation criteria, Razor Management Inc. (RMI) has been identified as the</p>

highest scoring proponent.

RMI has developed a number of similar recreational facilities with various school boards and other organizations within Ontario. Pending Council's approval of the RFP award, Staff will proceed to enter into negotiations with RMI to finalize the terms of the lease agreement. Upon mutual acceptance of the terms, and subject to the satisfaction of the Commissioner of Community Services and the Town's legal Counsel, a contract can then be fully executed.

Financial Planning Section: Budget Impact

The Town's 2023 operating budget had included net annual revenue of \$199,678 for the variable costs and revenues that were directly associated with the operation of the dome, including annual funding of certain capital replacement costs (example – turf).

The proposal submitted would result in all net operating and capital costs being absorbed by RMI over the term of the lease. There may be an option for the Town to share in a percentage of the annual profits/losses that are associated with the facility, however it will be further discussed during the lease negotiations and weighed against the potential financial risk that it may introduce.

Should the Town not participate in the sharing of profits/losses it would result in a one-time financial pressure in the 2024 operating budget of up to \$276,976, which represents the removal of the net revenues while maintaining the existing infrastructure renewal funding for costs that remain with the Town (example – potential future turf replacement).

The Town will benefit from the cost avoidance of the initial investment for a new air supported structure, which was previously estimated at approximately \$2.0 million in COMS-004-23. The Town will also benefit from the transfer of certain financial and operational risks to the third party provider, as well as from the reduction of staff time requirements directed to the operations of the facility.

The financial impacts will be finalized through the lease agreement negotiations and will be reflected in the budget beginning in the 2024 process.

COUNCIL AUTHORITY FOR CONTRACT AWARDS PROPOSAL AWARD

Project Award	Proposal Award No. HCPG-962-58-23 – Integrity Commissioner Services
Recommendation	<p>Staff is recommending the award of the proposal for the services of an Integrity Commissioner to SC Consulting in the estimated amount of \$57,372 (exclusive of HST) for the period July 1, 2023 to December 31, 2027.</p> <p>And that staff be delegated the authority to extend the contract for up to four (4) additional one-year periods.</p>
Purpose of Report	Council approval is being sought in consideration of Section 10.1 of Purchasing By-law No. 061-2018, as the total value of the RFP has the potential to exceed \$100,000.
Background information	<p>The Regional Municipality of Halton issued a Request for Proposal on behalf of the Halton Cooperative Purchasing Group (HCPG) for the services of an Integrity Commissioner for the period July 1, 2023 to December 31, 2027. With the option to renew the agreement for four (4) additional one-year periods.</p> <p>The Integrity Commissioner shall be responsible for providing Integrity Commissioner services on an as required basis in accordance with sections 223.3 to 223.8 of the Municipal Act, 2001, as amended.</p> <p>The services include, but are not limited to, the following duties and responsibilities to be carried out:</p> <ul style="list-style-type: none"> • act as an advisor to Council • provide assistance on potential amendments to the Council Code of Conduct • guidance on the application of and obligations of Members under the Council Code of Conduct • conducting investigations of alleged breaches of the Council Code of Conduct • provide advice to individual Members on the Council Code of Conduct and policies and legislation governing ethical behavior • provide education and training regarding these policies • provide guidance on the applicability of the Municipal Conflict of Interest Act <p>The extent of services to be provided will be formalized as part of the agreement with SC Consulting. Upon successful completion of an agreement with SC Consulting, a by-law formally appointing them as the Integrity Commissioner for Halton will be brought forward as part of a subsequent agenda for Council approval.</p> <p>A staff committee consisting of the Regional Clerk, Deputy Regional Clerk and the Clerks from the three Local Municipalities</p>

	<p>evaluated the submission.</p> <p>The technical proposal from the sole proponent, SC Consulting, passed the minimum technical score of 70% and had the related cost proposal opened and evaluated. The score for the cost proposal was then added to the technical proposal score in order to obtain the total score.</p> <p>SC Consulting has served as an Integrity Commissioner since 2009 and is at present the Integrity Commissioner for the following municipalities in Ontario: City of Barrie, City of Vaughan, District of Muskoka, Town of Muskoka Lakes, Town of Bracebridge, Town of Huntsville, Town of Lake of Bays, Town of Gravenhurst, Town of Georgian Bay and Town of Seguin, along with the Ottawa-Carleton District School Board, York Region District School Board and Waterfront Toronto.</p> <p>The following HCPG agencies will be participating in this contract:</p> <ul style="list-style-type: none"> • Regional Municipality of Halton • Town of Milton • Town of Halton Hills • Town of Oakville <p>It should be noted that the hourly rates contained in the proposal represent an increase of 9% to 74% relative to the existing rates that have been utilized since 2018, with the range dependent on the type of service being provided. Those rate changes are considered in the financial section below.</p>
Purchasing Section: Bid Award Information	
Date bid issued	March 20, 2023
Advertisements	Bids and Tenders website
Closing Date	April 6, 2023
# of Plan takers	Three
Proposal Submissions received	Proposals were received from the following companies: SC Consulting
Evaluation Criteria	<p>The proposals were evaluated based on the following criteria:</p> <ul style="list-style-type: none"> • Qualifications & Experience – Investigative Experience (25%) • Qualifications & Experience – Knowledge of Ontario Municipal Law and General Municipal Experience (25%) • Community/Media Relations and Education (5%) • Interview (15%) • Cost Effectiveness (30%)
Financial Planning Section: Budget Impact (Note 1)	
Account Number(s) Account Description Project Total Budget	1010-3740
	Mayor and Council-Contracts
	N/A

Contract Budget	\$20,000
Actual (Net of HST Rebate) (Note 2)	\$12,749
Variance (Note 2)	\$7,251 (F)
Funding Source	2023 Operating Budget

Note 1: Financial impact includes any non-refundable portion of HST

Note 2: Actual annual amount is an estimate only and has been based on the historical spend along with the change in the hourly rates. The actual cost realized will be dependent on volume of services required. Any variances to budget will be assessed throughout the year and reported through the Town’s variance reporting.

COUNCIL AUTHORITY FOR CONTRACT AWARDS TENDER AWARD

Project Award	Tender Award No. 23-01-00514 for the Construction of Walker Neighbourhood Park												
Recommendation	Staff is recommending the award of the tender for the construction of Walker Neighbourhood Park to Melfer Construction Inc. in the total amount of \$1,928,000 (exclusive of HST) being the lowest compliant bid received.												
Purpose of Report	As per Section 10.1 of Purchasing By-law No. 061-2018, Council approval is required for tender awards over \$1,000,000.												
Background information	<p>The Walker Neighbourhood Park project is the construction of a new neighbourhood-level park including: grading and drainage, water, electrical and mechanical systems, soccer fields, asphalt parking lot, pathways and multi-use sports courts, concrete works, shade shelter, playground and splash/spray pad, fencing, site furniture, signage, sodding, tree and landscape planting.</p> <p>A Request for Prequalification was issued for Landscape General Contractors for Park Construction Projects in 2023. Six (6) COR™ certified companies were eligible to bid on the Walker Neighbourhood Park tender. The tender was issued to the six (6) pre-qualified Landscape General Contractors on April 12, 2023 and closed on May 5, 2023.</p>												
Purchasing Section: Bid Award Information													
Date bid issued	April 12, 2023												
Advertisements	Biddingo and Town of Milton website												
Closing Date	May 5, 2023												
# of Plan takers	Six (6) Prequalified Landscape General Contractors												
List of bid submissions inclusive of HST	<table> <tr> <td>Melfer Construction Inc.</td><td>\$2,178,640.00</td></tr> <tr> <td>Hawkins Contracting Services Limited</td><td>\$2,191,573.82</td></tr> <tr> <td>Latitude 67 Ltd</td><td>\$2,369,920.18</td></tr> <tr> <td>Pine Valley Corporation</td><td>\$2,401,136.32</td></tr> <tr> <td>Loc-Pave Construction Limited</td><td>\$2,464,732.49</td></tr> <tr> <td>Rutherford Contracting Ltd.</td><td>\$3,038,245.74</td></tr> </table>	Melfer Construction Inc.	\$2,178,640.00	Hawkins Contracting Services Limited	\$2,191,573.82	Latitude 67 Ltd	\$2,369,920.18	Pine Valley Corporation	\$2,401,136.32	Loc-Pave Construction Limited	\$2,464,732.49	Rutherford Contracting Ltd.	\$3,038,245.74
Melfer Construction Inc.	\$2,178,640.00												
Hawkins Contracting Services Limited	\$2,191,573.82												
Latitude 67 Ltd	\$2,369,920.18												
Pine Valley Corporation	\$2,401,136.32												
Loc-Pave Construction Limited	\$2,464,732.49												
Rutherford Contracting Ltd.	\$3,038,245.74												
Median bid value	The average bid received was \$2,440,708.09. The bid submitted by Melfer Construction Inc. is approximately 12% less than the average bid.												
COR™ Requirement	<p>On Council Report CORS-013-18, the Town adopted the Certificate of Recognition (COR™) program as a requirement for projects valued over \$500,000. As such, only bid submissions from bidders that were COR™ Certified were accepted for this tender request.</p> <p>All six (6) bid submissions received were from COR™ Certified companies.</p>												

Financial Planning Section: Budget Impact (Note 1)	
Account Number(s)	C52400123 - A1610 - Various
Account Description	Walker Neighbourhood Park – Boyne
Project Total Budget	\$2,488,809
Contract Budget	\$2,314,873
Actual (Net of HST Rebate)	\$1,961,933
Variance (Note 2)	\$352,940 (F)
Funding Source	Development Charges

Note 1: Financial impact includes any non-refundable portion of HST

Note 2: It is recommended that \$280,000 of the favourable variance remain in the capital project for contingency and miscellaneous work to be completed outside of the contract.

COUNCIL AUTHORITY FOR CONTRACT AWARDS SINGLE SOURCE AWARD

Project Award	Single Source award to WSP Canada Inc. for third party review and consulting services related to Site Alteration files.
Recommendation	Staff is recommending the single source award to WSP for third party consulting review related to Site Alteration files in the estimated amount of \$150,000 (exclusive of HST), with a contract term ending December 31, 2024.
Purpose of Report	As per Section 10.1 of Purchasing By-law No. 061-2018, Council approval is required.
Background information	<p>In September, 2022 Council approved an updated Site Alteration by-law that came into effect January 1, 2023 (by-law 094-2022). Section 5.1 of the by-law enables staff to engage third party consultants to assist with the review of documents provided in support of an application under the by-law. All fees associated with a third party consultant review would be, in accordance with the by-law, recovered from the applicant.</p> <p>The third party review and consulting is generally anticipated to be required for the review of soil characterization reports, documents related to excess soil management, and overall environmental impact. However, it is important to note that the anticipated amount is an estimate only, and that actual costs will be driven by the number of Site Alteration files requiring third party consulting and review support, and the scope of that work (depending on the file, the scope could range from a review of a geotechnical report, to oversight on site for soils testing programs, to a legislative compliance review, to performing confirmatory soil sampling and writing technical reports).</p> <p>WSP is a current civil engineering roster consultant with the Town of Milton, currently in year 2 of a 3 year term which expires the end of December 2024. WSP has the in house capability and expertise to provide this third party consulting and review service, has knowledge of the Town of Milton by virtue of their historical and current presence on the roster, and will provide this service to the Town utilizing the hourly rates approved under the civil engineering roster.</p> <p>The intent of this single source award is to enable staff to quickly engage WSP for adhoc third party consulting review and support services, when the need arises, related to Site Alteration files. It is important to note that all fees would be recoverable from the applicant on the Site Alteration file.</p>

Financial Planning Section: Budget Impact (Note 1)	
Account Number(s)	3020-3738
Account Description	Environmental Consulting Fee - Recoverable
Contract Budget	\$ 0
Actual (Net of HST Rebate) (Note 2)	\$ 76,320
Variance	\$ 76,320 (U)
Funding Source (Note 3)	User Fees

Note 1: Financial impact includes any non-refundable portion of HST.

Note 2: Contract actuals are an estimate only and are based on half of the total estimated work to December 2024. This work is variable pending the number of Site Alteration applications.

Note 3: Costs associated with this work are fully recoverable from applicants in accordance with the Town's Site Alteration By-law 094-2022 and User Fee By-law 082-2022.

COUNCIL AUTHORITY FOR CONTRACT AWARDS DELEGATED AUTHORITY

Project Award	Reporting back to Council on the Delegated Authority to award the Contract Administration of the 2023 Asphalt Overlay Program.
Recommendation	That the award made under delegated authority for Contract Administration related to the 2023 Asphalt Overlay Program to WSP E&I Canada in the amount of \$406,960 (exclusive of HST) be received for information.
Purpose of Report	As per Schedule E of report CORS-034-22, a report to Council for information is required in relation to the results of the delegated authority that was provided.
Background information	<p>Through CORS-034-22, Council approved the award for the Design of the 2023 Asphalt Overlay Program to WSP E&I Canada (formerly Wood Canada Limited) in the amount of \$315,812 (exclusive of HST). Staff also requested the delegated authority to proceed with the award of the Contract Administration of the 2023 Asphalt Overlay Program in 2023, in an estimated amount of \$398,360 (exclusive of HST), pending Council approval of the 2023 budget. Once the Design was 95% complete, there was a better understanding of the requirements and scope of work. WSP E&I Canada provided a revised estimate for the total amount of \$406,960 (exclusive of HST). The increase was mainly related to additional effort required for the delivery of construction notices.</p> <p>Staff processed internal report PDA-CRAN-23-051-02 to award the Contract Administration for the 2023 Asphalt Overlay Program to WSP E&I Canada in the total amount of \$406,960 (exclusive of HST).</p>
Financial Planning Section: Budget Impact (includes non-refundable HST)	
Account Number(s)	C33900123
Account Description	Asphalt Overlay Program - Construction
Project Total Budget	\$7,972,965
Contract Budget	\$425,723
Actual (Net of HST)	\$414,122
Variance (Note 1)	\$11,601 (F)
Funding Source	Project Variance Account/Development Charges

Note 1 – The favourable variance was previously addressed through PDA-CRAN-23-051-02 and is therefore not included as part of Schedule A to this purchasing various report.

COUNCIL AUTHORITY FOR CONTRACT AWARDS DELEGATED AUTHORITY

Project Award	Reporting back to Council on the Delegated Authority to award the Contract Administration of the 2023 Expanded Asphalt Program.
Recommendation	That the award made under delegated authority for Contract Administration related to the 2023 Expanded Asphalt Program to CIMA Canada in the amount of \$191,830 (exclusive of HST) be received for information.
Purpose of Report	As per Schedule E of report CORS-040-22, a report to Council for information is required in relation to the results of the delegated authority that was provided.
Background information	<p>On CORS-040-22, Council approved the award for the Design of the 2023 Expanded Asphalt Program to CIMA Canada in the amount of \$308,169 (exclusive of HST). Staff also requested the delegated authority to proceed with the award of the Contract Administration of the 2023 Expanded Asphalt Program in 2023, in an estimated amount of \$191,830 (exclusive of HST), pending Council approval of the 2023 budget. Once the Design was 90% complete, there was a better understanding of the requirements and scope of work. CIMA Canada confirmed that the estimated fee is appropriate and sufficient for this project.</p> <p>Staff processed internal report PDA-CRAN-23-051-05 to award the Contract Administration for the 2023 Expanded Asphalt Program to CIMA Canada in the total amount of \$191,830 (exclusive of HST).</p>
Financial Planning Section: Budget Impact (includes non-refundable HST)	
Account Number(s)	C35012823
Account Description	Expanded Asphalt Program-Construction
Project Total Budget	\$ 4,839,330
Contract Budget	\$ 195,206
Actual (Net of HST)	\$ 195,206
Variance	\$ 0
Funding Source	Reserve Funds/Project Variance Account

EMERGENCY PURCHASE AND BUDGET AMENDMENT

Project Award	Emergency Purchase and Budget Amendment for Main Street (Drew Centre to Thompson Road) – Detailed Design of Storm Sewer Repairs
Recommendation	Staff proceeded with establishing a new capital budget C33015122 - Main Street (Drew Centre to Thompson Road) in the amount of \$140,650, funded from the Project Variance Account, related to emergency repairs. Staff also awarded the design to WSP E&I Canada Ltd. For \$113,590 and the contract administration in an estimated amount of \$48,720 (pending 2023 budget approval). These items are being received for information.
Purpose of Report	<p>As per Section 11.1 of Purchasing By-law No. 061-2018, emergency expenditures shall be reported to Council for information.</p> <p>As per Budget Amendment Policy No. 113 Section 4.7.2 iii.b all new Capital Projects require the approval of Council unless the cost is a result of an emergency as defined in the Purchasing By-law.</p>
Background information	<p>A section of Main Street (Drew Centre to Thompson Road) was included as part of the 2022 Asphalt Overlay program (AOL). Prior to completion, a sink hole was identified on Main Street. Subsequent CCTV inspection of the storm sewers identified issues with some catch basin leads.</p> <p>The emergency work for items that posed an immediate risk to the public were addressed through the 2022 AOL program, but additional issues remained. A new capital project was required to be set up for the detailed design of the storm sewer repairs in advance of the construction planned for and included in the 2023 budget. The capital project included design fees, contingency and internal project management and was funded from the Project Variance Account.</p> <p>Staff proceeded with the establishment of the capital budget and subsequent design work using staff delegated authorities and approvals as documented on internal reports BA-011-22 and PDA-CRAN-22-051-21, and are now reporting back to Council for information purposes. The contract award was made to WSP E&I Canada Ltd. It included the design at an amount of \$113,590 (excluding HST) and contract administration at an estimated amount of \$48,720. The contract administration award was subject to approval of funding through the 2023 Budget, as well as confirmation of the award amount following finalization of the design.</p>

Financial Planning Section: Budget Impact	
Account Number(s)	C33015122
Account Description	Main St (Drew Centre to Thompson Rd)
Project Budget Amendment (Note 1)	\$140,650
Funding Source	Project Variance Account

Note 1: The establishment of this new capital project and funding was previously addressed through BA-011-22 and PDA-CRAN-22-051-21 so is not reflected on Schedule A of this report.

EMERGENCY PURCHASE AND BUDGET AMENDMENT

Project Award	Emergency Purchase and Budget Amendment for Tractor Attachment Replacements
Recommendation	<p>Staff proceeded with establishing a new capital budget C45015322 – Tractor Attachments in the amount of \$16,770, funded from the Project Variance Account, related to an emergency replacement of equipment.</p> <p>Staff also issued a purchase order on an emergency basis to Green Tractors Halton for the spreader in an amount of \$16,000 (excluding taxes).</p> <p>This budget amendment and emergency purchasing award are being received for information.</p>
Purpose of Report	<p>As per Section 11.1 of Purchasing By-law No. 061-2018, emergency expenditures shall be reported to Council for information.</p> <p>As per Budget Amendment Policy No. 113 Section 4.7.2 iii.b all new Capital Projects require the approval of Council unless the cost is a result of an emergency as defined in the Purchasing By-law.</p>
Background information	<p>In early November 2022 it was identified that one of the Town's tailgate spreaders (unit #2141), which had been scheduled for replacement in 2026, required framework that was beyond repair. As this equipment is used for winter maintenance it was required to be replaced immediately in order to be available for use at the start of the 2022/23 winter season.</p> <p>The funding originally included in the capital forecast for the replacement of this equipment in 2026 will be removed during 2024 budget development.</p> <p>The amount of the capital project included the cost of the equipment and overhead and was funded from the Project Variance Account.</p> <p>The emergency purchasing award was made to Green Tractors Halton, who are an authorized dealer for the required spreader, in an amount of \$16,000 plus applicable taxes.</p> <p>Staff proceeded with the establishment of the capital budget and subsequent purchase using staff delegated authorities and approvals as documented on internal report BA-013-22 and purchase order 22-00703 and are now reporting back to Council for information purposes.</p>

Financial Planning Section: Budget Impact	
Account Number(s)	C45015322
Account Description	Tractor Attachments
Project Budget Amendment (Note 1)	\$16,770
Funding Source	Project Variance Account

Note 1: The establishment of this new capital project and funding was previously addressed through BA-013-22 so is not reflected on Schedule A of this report.

EMERGENCY CONTRACT INCREASE

Project Award	Emergency Contract Award to Halton Region
Recommendation	Staff proceeded with the emergency contract increase for work required on Woodward Avenue to Halton Region in the total amount of \$88,106 (exclusive of HST). This award is being received for information.
Purpose of Report	As per Section 11.1 of Purchasing By-law No. 061-2018, emergency expenditures shall be reported to Council for information.
Background information	<p>The Region is currently undertaking water and waste water replacement on Woodward Avenue (Ontario Street to Martin Street). Through that project, the Town had previously agreed to have the Region complete base asphalt and associated work through purchase order 22-00236 in an amount of \$124,385 (excluding HST). The original intent was for the Town to then complete the top works as part of a future asphalt overlay program (likely the 2024 program).</p> <p>A proposal was submitted to the Town indicating that the Region could carry out the placement of the top asphalt under the Regional project with their contractor. The Town evaluated the proposal and had several communications with the Halton Region to determine the best approach to conduct the work and have the required documentation in place on time. In order to meet the timelines associated with the project, confirmation of the Town's intent was required in advance of the May 29th Council meeting. On that basis, Town staff proceeded with the issuance of a change order under delegated authority in the amount of \$88,106 (excluding HST) and are reporting the results back to Council for information.</p>
Financial Planning Section: Budget Impact (Note 1)	
Account Number(s)	C33900021
Account Description	Asphalt Overlay Program - Construction
Project Total Budget	\$9,322,537
Contract Budget (Note 2)	\$89,657
Actual (Net of HST Rebate)	\$89,657
Variance	\$0
Funding Source	Federal Gas Tax/Development Charges/Project Variance Account

Note 1: Financial impact includes any non-refundable portion of HST.

Note 2: The budget for this work was created through a reallocation of spending within the project.

THE CORPORATION OF THE TOWN OF MILTON

BY-LAW NO. 039-2023

BEING A BY-LAW TO AMEND THE TOWN OF MILTON BY-LAW 035-2020 TO REGULATE THE CONSTRUCTION, INSTALLATION, WIDENING, ALTERING OF ENTRANCES TO AND THE OCCUPATION OR FOULING OF ROAD ALLOWANCES UNDER THE JURISDICTION OF THE TOWN

WHEREAS Section 9 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, (the “Municipal Act, 2001”) provides that a municipality has the capacity, rights, powers and privileges of a natural person;

AND WHEREAS, the Council of The Corporation of the Town of Milton is desirous of amending By-law 035-2020 as amended;

NOW THEREFORE, the Council for the Corporation of the Town of Milton enacts as follows:

1. **THAT** Part I – Definitions, paragraph 1(12) “Material” be repealed and replaced with the following;
 - (12) “Material” includes, but is not limited to, earth, gravel, sand, ashes, snow, rocks, ice, signs, fences, hedges, trees, bushes, leaves, organic matter of any kind, waste, refuse, litter and rubbish;
2. **THAT** Part I – Definitions, paragraph 1(22)(iv) “Road Occupancy” be repealed and replaced with the following;
 - (iv) the discharging, releasing, depositing, dumping or storage of any Material or substance within a Town Road Allowance, including without restriction, containers (bins or otherwise), Derelict Vehicles, equipment, or any other item or thing; or
3. **THAT** Part II – Prohibitions, paragraph 3(e) be repealed and replaced with the following;
 - (e) deposit, store, park or plant any Material, Derelict Vehicle, equipment, item or thing, within a Town Road Allowance;
4. **THAT** Part II – Prohibitions, paragraphs 3(k) & 3(l) be repealed and replaced with the following;
 - (k) enter an area within a Town Road Allowance that has been closed to the public for construction, maintenance, emergency or other

similar purposes;

- (l) move or remove a barricade, street sign, traffic sign or traffic control devices, within a Town Road Allowance;

- 5. **THAT** Part II – Prohibitions, paragraph 4 be repealed and replaced with the following;

- 4. Any Person employing or using trucks, graders, loaders, construction vehicles or other vehicles in any operation which involves the passage of such vehicles to or from any property, whether for building purposes or otherwise, shall at once remove from the Town Road Allowance or from any other Public Property, all material which may fall from such trucks, graders, loaders or other vehicles or may otherwise be tracked onto a Town Road Allowance or Public Property.

- 6. **THAT** Part VI – Permit Approval, paragraph 19(c) be repealed and replaced with the following;

- (c) provide any additional documents or information requested by the Director;

- 7. **THAT** Part VIII – Orders and Powers, paragraph 31 be repealed and replaced with the following;

- 31. Where the Town has reason to believe that any Person is in contravention of this By-law, or any term or condition of a Permit, the Town, may issue a Work Order directing the Person or Persons to take such actions as are necessary to comply with this By-law or the Permit as the case may be, by the date set out in the Order.

- 8. **THAT** all other provisions of By-law No. 035-2020 as amended, remain in force and effect.

- 9. **THAT** this by-law comes into effect on the day it is passed.

PASSED IN OPEN COUNCIL ON May 29, 2023.

Gordon A. Krantz

Mayor

Meaghen Reid

Town Clerk

THE CORPORATION OF THE TOWN OF MILTON

BY-LAW NO. 044-2023

BEING A BY-LAW TO AUTHORIZE THE EXECUTION OF DOCUMENTS

WHEREAS pursuant to section 2(5) subsection (3) of the *Municipal Act*, S.O. 2001, c. 25, as amended, the power of the Council of the Corporation of the Town of Milton shall be exercised by By-law;

NOW THEREFORE the Council of the Corporation of the Town of Milton hereby enacts as follows:

1. **THAT** the Mayor and Clerk of the Corporation of the Town of Milton are hereby authorized to execute and affix the corporate seal of the Town of Milton with respect to the documents as described in Schedule "A" to this By-law.
2. **THAT** the Commissioner, Development Services or designate of the Corporation of the Town of Milton are hereby authorized to execute and affix the corporate seal of the Town of Milton with respect to the documents as described in Schedule "B" to this By-law.
3. **THAT** notwithstanding the above, where any approvals are required such as Ontario Municipal Board approval or approval from Federal or Provincial Ministries as set out in Schedule "A" and Schedule "B", then the document concerned shall not be executed until such required approval has been received.
4. **THAT** this By-law comes into force on the day it is passed.

PASSED IN OPEN COUNCIL ON MAY 29, 2023.

Gordon A. Krantz Mayor

Meaghen Reid Town Clerk

THE CORPORATION OF THE TOWN OF MILTON

BY-LAW NO. 044-2023 SCHEDULE "A"

ITEM	DOCUMENT	APPROVALS	PARTY	OTHER APPROVALS
1.	Agreement as outlined in Staff Report ES-003-23 and any and all ancillary documents that may be required.	ES-003-23 Town Council May 29, 2023	Pursuant to Staff Report ES-003-23	N/A
2.	Agreements with respect to the Housing Accelerator Fund (HAF) for funding and any and all ancillary documents that may be required.	ES-008-23 Town Council May 29, 2023	Canadian Mortgage and Housing Corp. (CMHC)	N/A
3.	Agreements associated with approved recommendations contained within the Staff Report and any and all ancillary documents that may be required.	CORS-031-23 Town Council May 29, 2023	Various	N/A

THE CORPORATION OF THE TOWN OF MILTON

BY-LAW NO. 044-2023 SCHEDULE "B"

ITEM	DOCUMENT	APPROVALS	PARTY	OTHER APPROVALS
1.	Agreement as outlined in Staff Report DS-031-23 and any and all ancillary documents that may be required.	DS-031-23 Town Council May 29, 2023	Pursuant to Staff Report DS-031-23	N/A