HALIFAX REGIONAL MUNICIPALITY

HALIFAX REGIONAL COUNCIL MINUTES FEBRUARY 4, 2003

PRESENT: Mayor Peter Kelly

Deputy Mayor Harry McInroy Councillors: Steve Streatch

Gary Hines Keith Colwell Ron Cooper Brian Warshick Condo Sarto

Bruce Hetherington

Jim Smith

John Cunningham
Jerry Blumenthal
Dawn Sloane
Sue Uteck
Sheila Fougere
Russell Walker
Diana Whalen
Linda Mosher
Brad Johns
Robert Harvey
Len Goucher
Reg Rankin

Gary Meade

ABSENT WITH

REGRETS: Councillor Stephen Adams

STAFF: Mr. George McLellan, Chief Administrative Officer

Mr. Wayne Anstey, Municipal Solicitor Ms. Jan Gibson, Deputy Municipal Clerk Ms. Sherryll Murphy, Legislative Assistant

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1. <u>INVOCATION</u>

The meeting was called to order at 6:00 p.m. with Councillor Warshick leading the invocation.

Later in the meeting, Councillor Smith recognized Mr. Clint Schofield, a past Councillor for District 9.

1A. SPECIAL PRESENTATION - Raising the Roof Campaign - Toque Tuesday

Mr. Doug Hall addressed Council on behalf of the Raising the Roof Campaign (Toque Tuesday) advising that 'Raising the Roof' is a national campaign which is trying to find solutions for homeless issues. Mr. Hall went on to note that over the last three to four weeks 10,000 toques had been sold in Atlantic Canada. Mr. Hall noted that the monies raised through these sales would be distributed to four local agencies responding to homeless issues. In closing, Mr. Hall thanked Council for their support and, in particular, thanked Mayor Kelly for having spent two hours today selling toques.

2. APPROVAL OF MINUTES - January 21 & 28, 2003

Councillor Mosher noted that the minutes recorded her as being absent for the vote on agenda item 9.5.3 of the January 21, 2003 minutes. Councillor Mosher indicated that she had been present for the vote and requested that the minutes reflect this.

MOVED by Councillor Blumenthal, seconded by Councillor, that the Regional Council minutes of January 21, 2003, as amended, and of January 28, 2003, as distributed, be approved. MOTION PUT AND PASSED UNANIMOUSLY.

3. <u>APPROVAL OF THE ORDER OF BUSINESS AND APPROVAL OF ADDITIONS</u> AND DELETIONS

The following items were added to the agenda:

- 11.1 Deputy Mayor McInroy Leave of Absence
- 11.2 Impact of Proposed New Police Act

MOVED by Councillor Hetherington, seconded by Councillor Blumenthal that the Order of Business, Additions and Deletions, be approved. MOTION PUT AND PASSED UNANIMOUSLY

- 4. BUSINESS ARISING OUT OF THE MINUTES None
- 5. MOTIONS OF RECONSIDERATION None
- 6. MOTIONS OF RESCISSION None
- 7. **CONSIDERATION OF DEFERRED BUSINESS** None
- 8. CORRESPONDENCE, PETITIONS & DELEGATIONS
- **8.1** Correspondence None
- 8.2 Petitions
- 8.2.1 <u>Councillor Mosher Petition re Crosswalk at St. Michael's Avenue and the Herring Cove Road</u>

Councillor Mosher served a petition on behalf of the residents of District 18 containing 884 signatures petitioning for the reinstatement of the crosswalk at St. Michael's Avenue and the Herring Cove Road.

MOVED by Councillor Mosher, seconded by Councillor Cunningham that this matter be referred to staff for a report. MOTION PUT AND PASSED UNANIMOUSLY.

8.2.2 <u>Councillor Johns - Petition re Curb and Repairs to Smokey Court</u>

Councillor Johns served a petition on behalf of the residents of Smokey Court requesting that the cost of repairing damage to both the curb and the roadway of Smokey Court, caused by snow plowing, be included in the 2003-2004 budget. The Councillor referred the petition to the budget process.

- 9. REPORTS
- 9.1 WESTERN REGION COMMUNITY COUNCIL
- 9.1.1 Westwood Hills Residents Association Area Rate
- A report dated January 28, 2003 prepared for Councillor Reg Rankin, Chair, Western Region Community Council was before Council for consideration.

MOVED by Councillor Rankin, seconded by Councillor Meade that Regional Council approve a flat rate of \$50.00 to be applied against the properties within the mapped area depicted on Appendix A of the staff report dated December 9, 2003, such rate to be effective with the 2003/04 fiscal year for the purpose of enabling the Westwood Hills Residents Association to develop parkland and other recreational amenities within the Westwood Hills Subdivision. MOTION PUT AND PASSED UNANIMOUSLY.

9.2 <u>DISTRICT BOUNDARIES ADVISORY COMMITTEE</u>

9.2.1 District Boundaries Draft Recommendation (presentation only)

• A memorandum dated January 29,2003 from Mr. Paul Hyland, Chair, District Boundaries Advisory Committee, was before Council for consideration.

Mr. Paul Hyland, Chair, District Boundaries Advisory Committee, made a brief presentation to Council. A copy of Mr. Hyland's comments are on file.

A brief questioning of Mr. Hyland ensued with Councillors requesting that the following information be available at the Public Meetings and to the individual Councillors:

- Larger individual District Maps clearly defining the boundaries be available at the public meetings and be distributed to members of Council as soon as possible.
- Large map of the existing 23 Districts be available at the public meetings
- Maps on the Internet and available in the Customer Service Centres be colour coded in some way to identify the boundaries of each proposed District
- Maps including the population counts by dissemination area be available
- Neighbourhoods/communities which make up the District be incorporated in the map of the District
- Identify for the public the changes to the existing Districts with these proposed Districts
- The maps be at a scale where the individual Districts are easy to recognize
- The maps be 24 X 36 rather than 11 X 17

With reference to identifying changes to the existing Districts, Mr. Anstey indicated that the Committee did not approach the exercise from the point of view of changes to existing boundaries, but from a position of creating new Districts based on the new population figures, the changes in distribution of the population and the reduction of Districts.

Councillor Goucher, noting that the public now understands 23 Districts rather than District A, B, C, etc, indicated that the public must clearly understand what will happen to the existing Districts.

The Mayor thanked Mr. Hyland for his presentation.

9.3 CHIEF ADMINISTRATIVE OFFICER

9.3.1 <u>Tender 03-315, Traffic Signal Maintenance - Various Locations</u>

 A staff report dated January 27, 2003 prepared for George McLellan, Chief Administrative Officer, was before Council for consideration.

MOVED by Councillor Smith, seconded by Councillor Warshick that Regional Council:

- 1. award Tender No. 03-315, Traffic Signal Maintenance Various Locations to Black & McDonald Limited for materials and services listed at the unit prices quoted for a Tender Price of \$23,490, plus net HST for a total of \$25,000 from Account No. HROP R827 6399, Traffic Lights Contract Services for projected expenditures for the period of February 10, 2003 to March 31, 2003, with funding authorized as per the Budget Implications section of the January 27, 2003 staff report.
- 2. approve the appointment of Black & McDonald Limited to provide Traffic Signal Maintenance Services for the remaining period of the three (3) year service contract commencing April 1, 2003, subject to funding approval in future Operating Budgets.

MOTION PUT AND PASSED UNANIMOUSLY.

9.3.2 Request for Proposal 02-097, Provision of Services for Collection and Transportation of Source Separated Solid Waste

 A staff report dated January 22, 2003 prepared for George McLellan, Chief Administrative Officer, was before Council for consideration.

Mr. Brian Smith, Acting Director, Environmental Services, gave a brief presentation reviewing with Council:

- the RFP process
- the Procurement Model
- Budget Implications of the RFP
- Table A of the January 28, 2003 staff report.

Mr. Smith advised with reference to Area 7, that staff had no recommendation other than to re-tender. Mr. Smith indicated that staff's rationale for re-tendering was that the price per household was more than double the average of all the other areas.

MOVED by Councillor Cunningham, seconded by Councillor Hines that:

- 1. Halifax Regional Council award contracts for source-separated solid waste collection and transportation services to the firms recommended for Areas 1 to 6 and Area 8 as outlined in Table A of this report for the monthly and other unit prices provided in the RFP responses, subject to satisfactory pre-award meetings with the firms, subject to receipt of all appropriate documents, and all in accordance with the requirements of the RFP No. 02-097.
- 2. Halifax Regional Council request staff to prepare the appropriate procurement documents to re-issue the Request for Proposals for collection services in Area 7.

MOVED by Councillor Mosher, seconded by Councillor Walker that the motion be amended to provide that Canadian Waste Services be awarded the contract for source-separated solid waste collection in Area 1 and further that the Municipality waive the limit of three (3) collection areas to be awarded to one proponent subject to the other terms and conditions in staff's recommendation.

Referring to the original motion, Councillor Sloane requested that the vote on the motion be split by Area.

A lengthy debate regarding the amendment ensued and it was MOVED by Councillor Goucher, seconded by Councillor Sloane that the staff recommendation on Area 1 be referred back to staff with a view to providing Council with additional information.

After a further discussion the MOTION TO REFER WAS PUT AND DEFEATED.

Members of Council voting **in favour** of the motion to refer were: Councillors Hetherington, Blumenthal, Sloane, Fougere, Goucher and Rankin.

Those voting **against** were: Mayor Kelly, Deputy Mayor McInroy and Councillors Streatch, Hines, Colwell, Cooper, Warshick, Sarto, Smith, Cunningham, Uteck, Walker, Whalen, Mosher, Johns, Harvey, and Meade.

His Worship noted that on the advice of the Solicitor, the amendment to the motion should be split with Part 2, as follows, of the motion being dealt with first.

"that the Municipality waive the limit of three (3) collection areas to be awarded to one proponent subject to the other terms and conditions in staff's recommendation."

A further brief discussion ensued and the MOTION TO AMEND WAS PUT AND DEFEATED.

Those members of Council voting **in favour** of the amendment were: Councillors Sarto, Hetherington, Uteck, Walker, Whalen, Mosher and Rankin.

Those voting **against** the amendment were: Mayor Kelly, Deputy Mayor McInroy and Councillors Streatch, Hines, Colwell, Cooper, Warshick, Smith, Cunningham, Blumenthal, Sloane, Fougere, Johns, Harvey, Goucher, and Meade.

The Mayor called for the vote on Part 1, as follows, of the amendment:

"that the motion be amended to provide that Canadian Waste Services be awarded the contract for source-separated solid waste collection in Area 1"

The MOTION TO AMEND WAS PUT AND DEFEATED.

Those members of Council voting **in favour** of the amendment were: Councillors Hetherington, Blumenthal, Walker, Whalen, Mosher and Rankin.

Those voting **against** the amendment were: Mayor Kelly, Deputy Mayor McInroy and Councillors Streatch, Hines, Colwell, Cooper, Warshick, Sarto, Smith, Cunningham, Sloane, Uteck, Fougere, Johns, Harvey, Goucher, and Meade.

Councillor Hetherington, referring to Area 2, expressed concern that the present contractor had not bid on Area 2 because the RFP requirements were too complicated. Councillor Hetherington indicated that the RFP had such exacting requirements (i.e. age of truck set out), only the larger firms could bid. Councillor Hetherington expressed concern that the local firms will be forced out of business and suggested that as long as safety requirements are met and the garbage is picked up, HRM should stay out of the contractors business.

MOVED by Councillor Hetherington, seconded by Councillor Sarto that the motion be amended to provide that source-separated solid waste collection in Area 2 be re-tendered.

After a debate the MOTION TO AMEND WAS PUT AND DEFEATED.

Those members of Council voting **in favour** of the amendment were: Mayor Kelly, and Councillors Streatch, Hines, Colwell, Warshick, Sarto, Hetherington, Smith, Cunningham, Sloane, and Goucher.

Those voting **against** were: Deputy Mayor McInroy, Councillors Cooper, Blumenthal, Uteck, Fougere, Walker, Whalen, Mosher, Johns, Harvey, Rankin, and Meade.

Noting that Councillor Sloane had requested that the original motion, as follows, be split by Area, His Worship called for the vote on each area:

Halifax Regional Council award contracts for source-separated solid waste collection and transportation services to the firms recommended for Areas 1 to 6 and Area 8 as outlined in Table A of this report for the monthly and other unit prices provided in the RFP responses, subject to satisfactory pre-award meetings with the firms, subject to receipt of all appropriate documents, and all in accordance with the requirements of the RFP No. 02-097.

MOVED by Councillor Cunningham, seconded by Councillor Hines that Area I - Halifax be awarded to HRDA (Enviro Care Services) for \$8,665,655.00

MOTION PUT AND PASSED.

Those members of Council voting **in favour** of the motion were: Mayor Kelly, Deputy Mayor McInroy, Councillors Streatch, Hines, Colwell, Cooper, Warshick, Sarto, Hetherington, Smith, Cunningham, Sloane, Fougere, Johns, Harvey, Goucher, Rankin and Meade.

Those voting **against** the motion were: Councillors Blumenthal, Uteck, Walker, Whalen and Mosher.

MOVED by Councillor Cunningham, seconded by Councillor Hines that Area 2 - Dartmouth be awarded to Canadian Waste Services for \$5,898,805.79.

MOTION PUT AND PASSED.

Those members of Council voting **in favour** of the motion were: Mayor Kelly, Deputy Mayor McInroy, Councillors Streatch, Cooper, Smith, Blumenthal, Uteck, Fougere, Walker, Whalen, Mosher, Johns, Harvey, Goucher, Rankin, and Meade.

Those voting **against** the motion were: Councillors Hines, Colwell, Warshick, Sarto, Hetherington, Cunningham and Sloane.

MOVED by Councillor Cunningham, seconded by Councillor Hines that Area 3 - Bedford, Hammond's Plains be awarded to HRDA (Enviro Care Services) for \$2,844,500.00. MOTION PUT AND PASSED UNANIMOUSLY.

MOVED by Councillor Cunningham, seconded by Councillor Hines that Area 4 - Western be awarded to Canadian Waste Services for \$4,324,931.50. MOTION PUT AND PASSED UNANIMOUSLY.

MOVED by Councillor Cunningham, seconded by Councillor Hines that Area 5 - Sackville, Fall River be awarded to Miller Waste Systems for \$6,294,578.76. MOTION PUT AND PASSED UNANIMOUSLY.

MOVED by Councillor Cunningham, seconded by Councillor Hines that Area 6 - Cole Harbour, Eastern Passage be awarded to Canadian Waste Services for \$4,311,444.46 MOTION PUT AND PASSED. (Councillors Hetherington and Smith voted against the motion)

His Worship noted that Part 2 of the main motion, as follows, addressed staff's recommendation regarding Area 7.

2. Halifax Regional Council request staff to prepare the appropriate procurement documents to re-issue the Request for Proposals for collection services in Area 7.

Referring to staff's rationale for recommending that Area 7 be re-tendered, Councillor Rankin noted that the price per household under the present contract is in the order two times the average. Councillor Rankin indicated that it was not clear to him that HRM would be able to achieve a better price. Given this he asked if staff could, in the interest of fairness, take a second look at this recommendation and come back to Council next week.

Mr. Smith, noting that the circumstance may be a little different than it was in 1998 as there appears to be greater potential for an interest in bidding in this Area.

MOVED by Councillor Rankin, seconded by Councillor Meade that the staff recommendation regarding Area 7 be referred back to staff for further review to come back to Council in one week.

Councillor Colwell addressed the referral commenting that one issue that has not been addressed is the population growth in this area (between 20 and 25% in four (4) years) and this combined with the cost of the current contract should be considered. He went on to note that this particular contractor has provided excellent service in his District, and that the contractor met the Stage 1 requirements.

In response to a question from Councillor Colwell, Mr. Smith indicated that the bid had been eliminated primarily on the basis of price and the fact that staff felt there was a better option for Council. Staff is confident that there is a very good opportunity to bring the price down.

A further discussion ensued with Mr. Peter Ross, Manager, Procurement confirming that HRM's Procurement Policy does provide for negotiation in the case of a sole source bidder.

Councillor Hetherington requested that staff investigate the possibility of negotiating with the sole source bidder.

Mr. Ross advised that staff would negotiate in the instance of a sole source suppliers, but in this case staff feels that there are alternate suppliers that could participate in a competitive bid.

The MOTION TO REFER WAS PUT AND PASSED.

Those voting **in favour** of the motion: Deputy Mayor McInroy and Councillors Streatch, Hines, Colwell, Cooper, Sarto, Hetherington, Blumenthal, Sloane, Fougere, Johns, Goucher, Rankin, and Meade.

Those voting **against** the motion: Mayor Kelly and Councillors Warshick, Smith, Cunningham, Uteck, Walker, Whalen, Mosher, and Harvey.

MOVED by Councillor Cunningham, seconded by Councillor Hines that Area 8 - Eastern (7, 111 & 2 waste depots) be awarded to Eastern Shore Cartage (1997), 30-06877 NS Ltd.) for \$3,579,213.58. MOTION PUT AND PASSED UNANIMOUSLY.

Later in the meeting, a <u>Notice of Motion of Reconsideration</u> was served by Councillor Mosher respecting the award of the portion of RFP: #02-097 Provision of Services for Collection and Transportation of Source Separated Solid Waste respecting Area 1 - Halifax to HRDA (Enviro Care Services).

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 A staff report dated January 27, 2003 prepared for George McLellan, Chief Administrative Office, was before Council for consideration.

MOVED by Councillor Meade, seconded by Councillor Sloane that It is recommended that:

- 1. Regional Council approve the amended Culture & Heritage Reserve, Q312, as attached to the January 27, 2003 report.
- 2. Regional Council increase the 2002/2003 capital budget, for project CBG00463, Tantallon Visitor Information Centre in the amount of \$100,000, with the net cost of \$50,000 being approved as a withdrawal from the Culture & Heritage Reserve, Q312. The remaining \$50,000 will be funded through external sources as outlined in the budget implication section of the January 27, 2003 report.

MOTION PUT AND PASSED UNANIMOUSLY.

9.4 MEMBERS OF COUNCIL

9.4.1 Councillor Uteck - Winter Parking Ban

Councillor Uteck withdrew this item noting that the matter is to be addressed in an Information report to be before Council on February 11, 2003

9.4.2 Councillor Adams - Leave of Absence

• A report dated January 30, 2002 from Stephen Adams, Councillor, District 18, Spryfield-Herring Cove, was before Council for consideration.

MOVED by Councillor Hetherington, seconded by Councillor Mosher that Councillor Stephen Adams be granted a leave of absence from five consecutive Council meetings: February 4, 2003, February 11, 2003, February 18, 2003, February 25, 2003 and March 4, 2003. MOTION PUT AND PASSED UNANIMOUSLY.

10. MOTIONS

- 10.1 <u>Councillor Harvey First Reading of By-Law Number S-203, Respecting</u>
 Smoke Free Places in the Halifax Regional Municipality.
- Councillor Harvey gave Notice of Motion at the January 28, 2003 meeting of Regional Council.

MOVED by Councillor Harvey, seconded by Councillor Walker that Halifax Regional Council give First Reading to By-Law S-203, Respecting Smoke Free Places in the Halifax Regional Municipality.

After a brief discussion it was MOVED by Councillor Smith, seconded by Councillor Johns that the motion now be put. MOTION WAS PUT AND PASSED.

Those members of Council voting **in favour** of the motion were: Mayor Kelly, Deputy Mayor McInroy, and Councillors Smith, Cunningham, Fougere, Walker, Whalen, Mosher, Johns, Harvey, Goucher, and Meade.

Those voting **against** the motion were: Councillors Streatch, Hines, Colwell, Cooper, Warshick, Sarto, Hetherington, Blumenthal, Sloane, Uteck, Rankin.

The Chair called for the question on First Reading and the **MOTION WAS PUT AND PASSED.**

Those members of Council voting **in favour** of the motion were: Mayor Kelly, Deputy Mayor McInroy, and Councillors Smith, Cunningham, Fougere, Walker, Whalen, Mosher, Johns, Harvey, Goucher, and Meade.

Those voting **against** the motion were: Councillors Streatch, Hines, Colwell, Cooper, Warshick, Sarto, Hetherington, Blumenthal, Sloane, Uteck, Rankin.

Later in the meeting a **Notice of Motion of Reconsideration** was served regarding this issue.

11. ADDED ITEMS

11.1 <u>Deputy Mayor McInroy - Leave of Absence</u>

• A report dated February 4, 2003 from Deputy Mayor Harry McInroy, District 5, Eastern Passage-Cole Harbour South, was before Council for consideration.

Deputy Mayor McInroy briefly presented his request and it was MOVED by Councillor Hetherington, seconded by Councillor Walker that Deputy Mayor Harry McInroy be granted a leave of absence from three consecutive Council meetings: February 11, 2003, February 18, 2003 and February 25, 2003. MOTION PUT AND PASSED UNANIMOUSLY.

11.2 <u>Impact of Proposed New Police Act</u>

This matter was considered at an In Camera meeting of Council held earlier today.

MOVED by Councillor Sarto, seconded by Councillor Hetherington that Council direct the Mayor, the CAO and staff to prepare a submission to the Department of Justice outlining the Municipality's and Board of Police Commissioners concerns with the proposed legislation. MOTION PUT AND PASSED UNANIMOUSLY

12. NOTICES OF MOTION

12.1 <u>Notice of Motion of Reconsideration re: First Reading of By-law S-203, Respecting Smoke Free Workplaces in the Halifax Regional Municipality</u>

Councillor Blumenthal **served a Notice of Motion of Reconsideration**, seconded by Councillor Sloane, regarding First Reading of By-law S-203, Respecting Smoke Free Workplaces in the Halifax Regional Municipality.

12.2 <u>Notice of Motion of Reconsideration re: RFP #02-097, Area 1 - Halifax - Provision of Services for Collection and Transportation of Source Separated Solid Waste</u>

Councillor Mosher served a **Notice of Motion of Reconsideration**, seconded by Councillor Whalen, regarding the award of the portion of RFP: #02-097 Provision of Services for Collection and Transportation of Source Separated Solid Waste respecting Area 1 - Halifax to HRDA (Enviro Care Services).

13. ADJOURNMENT

There being no further business, the meeting adjourned at 9:45 p.m.

Jan Gibson Deputy Municipal Clerk