

HALIFAX REGIONAL MUNICIPALITY

HALIFAX REGIONAL COUNCIL
MINUTES
March 10, 2009

PRESENT:

Deputy Mayor David Hendsbee
Councillors: Steve Streach
Barry Dalrymple
Lorelei Nicoll
Gloria McCluskey
Bill Karsten
Jackie Barkhouse
Jim Smith
Mary Wile
Jerry Blumenthal
Dawn Sloane
Sue Uteck
Jennifer Watts
Russell Walker
Debbie Hum
Linda Mosher
Stephen Adams
Brad Johns
Robert Harvey
Tim Outhit
Peter Lund
Reg Rankin

REGRETS:

Mayor Peter Kelly
Councillor Andrew Younger

STAFF:

Mr. Dan English, Chief Administrative Officer
Mr. Wayne Anstey, Deputy Chief Administrative Officer
Ms. Mary Ellen Donovan, Municipal Solicitor
Ms. Julia Horncastle, Acting Municipal Clerk
Ms. Shawnee Gregory, Legislative Assistant

TABLE OF CONTENTS

1.	INVOCATION.....	3
2.	SPECIAL COMMUNITY ANNOUNCEMENTS & ACKNOWLEDGEMENTS. . . .	3
3.	APPROVAL OF MINUTES.	4
4.	APPROVAL OF THE ORDER OF BUSINESS AND APPROVAL OF ADDITIONS AND DELETIONS.	4
5.	BUSINESS ARISING OUT OF THE MINUTES.....	5
6.	MOTIONS OF RECONSIDERATION.	5
7.	MOTIONS OF RESCISSION - March 3, 2009.....	5
	7.1 Councillor Walker.	5
8.	CONSIDERATION OF DEFERRED BUSINESS.....	6
9.	CORRESPONDENCE, PETITIONS & DELEGATIONS.	6
	9.1 Correspondence.	6
	9.2 Petitions.	6
10.	REPORTS.	6
	10.1 CHIEF ADMINISTRATIVE OFFICER.	6
	10.1.1 Request for Proposal 08-360 - Design Build - Ragged Lake Transit Centre.....	7
	10.1.2 Proposed By-Law L-130, An Amendment to By-Law L-100, Respecting Charges for Local Improvements - Amendments to Herring Cove Water & Sewer Services.	8
	10.1.3 Capital Projects Evaluation Matrix.	9
	10.1.4 Funding Request - 2011 Canada Winter Games.	9
11.	MOTIONS.	9
	11.1 Councillor Wile.	9
12.	ADDED ITEMS.	11
13.	NOTICES OF MOTION.	13
	13.1 Councillor Adams.	13
14.	ADJOURNMENT.....	13

1. INVOCATION

Deputy Mayor Hendsbee called the meeting to order at 6:00 p.m. with the Invocation being led by Councillor Sloane.

2. SPECIAL COMMUNITY ANNOUNCEMENTS & ACKNOWLEDGEMENTS

Councillor Blumenthal wished everyone a Happy St. Patrick's Day. He advised that St. Steven's School would be holding a 60th anniversary dance in the school gym on March 27, 2009 from 7:30 p.m. -12:00 a.m. at a cost of \$15-\$25 per couple with music provided by Shades of Grey. He stated that school archives would also be on display. Councillor Blumenthal indicated that there had been a fire at Richmond Manner on March 6, 2009, and he congratulated the person who tried to fix the elevator and helped people get out of the building as well as the resident's of Richmond Manner for exiting the building quickly and avoiding any fatalities.

Councillor Dalrymple indicated that he was pleased to announce, on behalf of Mr. Tom Ruth, Mr. Peter Spurway, the executive and all employees at the Halifax Stanfield International Airport that it had been ranked the World's Best Airport for overall passenger satisfaction in it's class of five million passengers or less for the sixth straight year. The airport also ranked first in the Best Airport for North America category, first in the category of airport people awards, second in the best domestic airport category and fifth out of 126 airports worldwide. Councillor Dalrymple noted that it was a great achievement for the airport.

Councillor Sloane indicated that the second annual St. Patrick's Day Parade would be hosted by St. Pat's Church on March 14, 2009 at 11:30 a.m. She stated that a Public Information Meeting regarding the redevelopment of the Discovery Centre would be held on March 26, 2009, at 7:00 p.m. in Halifax Hall and that the snow date would be April 1, 2009.

Councillor Karsten indicated that a Public Information Meeting regarding the future home of the Woodlawn Library would be held on March 23, 2009 at 7:00 p.m. at the main Woodlawn Library.

Councillor Watts indicated that a fundraiser for Bryony House would be taking place on Saturday evening, March 14, 2009, at the World Trade and Convention Centre.

Councillor Walker noted that Burton Ettinger School would be hosting an adult only 80's dance on March 28, 2009, from 8:00 p.m.-12:00 a.m. at St. Lawrence Hall at a cost of \$10.00.

Councillor Lund thanked all of the volunteers who had organized two events in his District over the past weekend. One event was held on Friday, March 6, 2009, by the parents of grade 9 students at Five Bridges Junior High School to raise money to send the students to Ottawa and Montreal over the Easter Weekend. The St. Margaret's Bay Food Bank and St. Margaret's Bay Legion held a joint fundraiser on Saturday, March 7, 2009, to raise funds and obtain food for the foodbank.

Councillor McCluskey welcomed the Kings College Journalism students who were in the audience.

Councillor Hum indicated that a Public Information Meeting regarding Case 01215 would be held on March 12, 2009, at 7:00 p.m. at Halifax West High School and that the snow date would be March 25, 2009.

Councillor Nicoll indicated that she would be participating in a Read-a-Thon at Caldwell Road Elementary School on March 13, 2009.

Councillor Mosher rose to acknowledge Ms. Amy Pugsley Fraser, a reporter with the Halifax Herald, as it was her last day with Council and the newspaper. Councillor Mosher wished her well in her future endeavours.

Deputy Mayor Hendsbee indicated that an ecumenical service for the World Day of Prayer would be taking place on March 13, 2009, at the Good Sheppard's Church in Lawrencetown. He stated that an HRM youth dance would also be taking place on March 13, 2009, at the Lake Echo Community Centre at a cost of \$2. He indicated that on March 14, 2009, the Arthritis Society would be hosting a chilli potluck from 3:00-6:00 p.m. at a cost of \$10.00 and that there would be St. Patrick's Day fundraising dance from 9:00 p.m.-1:00 a.m.; with both events being held at the Lake Echo Community Centre. In closing, Deputy Mayor Hendsbee advised that a print media protest in support of the local press would be held on March 14, 2009, at 2:00 p.m. in the Grand Parade.

Deputy Mayor Hendsbee welcomed the Kings College journalism students who were in attendance on behalf of Council.

3. APPROVAL OF MINUTES - February 10 & 24, 2009

MOVED BY Councillor McCluskey, seconded by Councillor Karsten, that the minutes of February 10 & 24, 2009 be approved as presented. MOTION PUT AND PASSED.

4. APPROVAL OF THE ORDER OF BUSINESS AND APPROVAL OF ADDITIONS AND DELETIONS

Additions:

- 12.1 Contractual Matter - Purchase of Police Equipment - Sole Source
- 12.2 Contractual Matter - Purchase of Police Electronic Equipment - Sole Source
- 12.3 Personnel Matter - Amendment to the Special Events Advisory Committee Terms of Reference

Councillor Watts requested that Information Item 1: Memorandum from Director, Transportation & Public Works dated February 6, 2009 re: Crosswalk Safety Education and Public Awareness Campaign be brought forward to the Regional Council meeting scheduled for April 7, 2009

MOVED BY Councillor Blumenthal , seconded by Councillor Sloane, that the agenda be approved as amended. MOTION PUT AND PASSED.

5. BUSINESS ARISING OUT OF THE MINUTES - NONE

6. MOTIONS OF RECONSIDERATION - NONE

7. MOTIONS OF RESCISSION - March 3, 2009

7.1 Councillor Walker

- Correspondence from the Tax Reform Committee dated March 6, 2009, was before Council.
- Correspondence from the Halifax Chamber of Commerce dated March 9, 2009, was before Council.
- An extract of the Regional Council minutes dated December 16, 2008, was before Council.

MOVED BY Councillor Walker, seconded by Councillor Sloane , that Halifax Regional Council rescind the motion of Regional Council dated December 16, 2008, 12.2 Committee of the Whole Recommendation - Public Transportation and Municipal Property Taxation.

Councillor Walker requested Council's support for the motion of rescission. He also requested their support to change the tax structure from an area rate to a general rate over distance for transit as well as not having the tax structure on a per dwelling unit as some resident's taxes would double or triple. He expressed concern with the motion of December 16, 2008, being passed prior to tax reform coming forward as he felt that it would be piecemeal transit rather than looking at the full picture during budget time.

Mr. Dan English, Chief Administrative Officer, advised that, no matter what the outcome of the motion was, several taxation models could still be brought forward for Council's

information in order for them to make their final decision during the budget deliberations in April.

Ms. Cathie O'Toole, Director of Finance, advised that a report on transit service enhancements and fiscal framework would be coming forward on March 31, 2009. She indicated that if the motion of rescission was passed it would mean that staff would be working under the existing tax structure until Council told them otherwise.

Several Councillors advised of their desire to wait for further options from staff as well as the pending report from the Tax Reform Committee rather than supporting the motion of rescission.

Several Councillors stated that they would not support any measures that would increase the tax rate for their residents.

Councillor Harvey advised that he looked forward to hearing from the Tax Reform Committee and, therefore, would not be supporting the motion. He stated that principles beneath the tax structure must be fair and equitable and if Council agrees that they are fair and equitable then everyone will be a winner regardless of paying higher or lower taxes.

A recorded vote was taken on the motion.

MOTION DEFEATED. (6 in favour, 16 against)

Those voting in favour were Councillors McCluskey, Mosher, Sloane, Smith, Walker and Watts.

Those voting against were Deputy Mayor Hendsbee and Councillors Adams, Barkhouse, Blumenthal, Dalrymple, Harvey, Hum, Johns, Karsten, Lund, Nicoll, Outhit, Rankin, Streach, Uteck and Wile.

Mayor Kelly and Councillor Younger were absent for the vote.

8. CONSIDERATION OF DEFERRED BUSINESS - NONE

9. CORRESPONDENCE, PETITIONS & DELEGATIONS

9.1 Correspondence - None

9.2 Petitions - None

10. REPORTS

10.1 CHIEF ADMINISTRATIVE OFFICER

10.1.1 Request for Proposal 08-360 - Design Build - Ragged Lake Transit Centre

- A report dated March 4, 2009 was before Council.

MOVED BY Councillor Rankin, seconded by Councillor Wile, that Halifax Regional Council:

- 1. Pre-approve a 2009/10 Capital Budget increase of \$8.0M for CB200427 Satellite Garage Facility as per the Budget Implications section of the report dated March 4, 2009; and**
- 2. Award RFO No. 08-360 to the highest scoring proponent, J.W. Lindsay Enterprises Limited, at a cost of \$23,993,459 (including net HST) with funding from Capital Account No. CB200427 - Satellite Garage Facility as outlined in the Budget Implications section of the report dated March 4, 2009. Award of this project will be subject to the successful execution of the contract.**

Several Councillors expressed their concern with the fact that there was only a two point differential in Deliverables and Technical terms and no differential in Financial and Contractual Terms between the two top scoring companies. They were also concerned that the highest scoring proposal, from J.W. Lindsay Enterprises Limited, would cost approximately \$128,000 more than the second highest scoring proponent, Pomerleau Inc.

Details of the scoring process and rationale for choosing the company with the higher cost was requested.

Mr. Mike Labrecque, Director of Transportation and Public Works, Mr. Terry Gallagher, Acting Manager of Facility Development and Ms. Cathie O'Toole, Director of Finance, provided clarification as follows:

- With respect to both companies scoring the same in Financial and Contractual terms; the formula used actually placed Pomerleau Inc. at 49.84 points out of 50 which had been rounded up to an even 50 points and J.W. Lindsay Enterprises Limited at 50 out of 50 points;
- There was only a 0.6 percent differential margin in cost for the two proponents which lead to the tie score of 50;
- The team reviewing the proposals included Mr. Gallagher and Mr. Scott Smith from Capital Projects and Facility Development, two representatives from Fleet Services and two representatives from Transit to ensure a broad representation;
- Regarding the RFP portion; the team was not only evaluating and examining the size of the company and portfolio but also their experience with buildings of this type as it would be a highly specialized project;
- Site and floor plans were also submitted and taken into consideration;

- Part of the scoring for innovation and ingenuity overlapped into LEED Silver criteria and environmental and energy performance;
- Scoring criteria was made available for proponents to bid to ;
- Staff agreed that it was unusual to have two proponents score so close;
- The proponents were told that they would be evaluated on the items listed above; not dollars;
- The procurement policy that Council had approved does not mandate that the proponent with the lowest cost must be chosen yet there is an attempt to recognize value for money;
- Technical points were awarded independent of looking at the price;
- The final scores were an average of the five evaluators points;
- A procurement consultant was present to document the evaluators reasons for scoring each proponent the way they did;
- There was a variety of ways in which a company could achieve LEED Silver standards which could account for one proponent having a better LEED performance plan than another.

MOTION PUT AND PASSED.

Council recessed at 7:58 p.m.

Council reconvened at 8:07 p.m.

10.1.2 Proposed By-Law L-130, An Amendment to By-Law L-100, Respecting Charges for Local Improvements - Amendments to Herring Cove Water & Sewer Services

- A report dated February 20, 2009 was before Council.

MOVED BY Councillor Adams, seconded by Councillor Mosher, that Halifax Regional Council:

1. **Approve in principle and begin the process for the adoption of Local Improvement Charge By-Law L-130, attached hereto as Attachment 1, to:**
 - (a) **to set the amount for future connection charges for the Herring Cove Water and Sewer Servicing project, and**
 - (b) **permit the inclusion of the properties located at civic 74 and 78 Ketch Harbour Road within the servicing boundary for this project and to apply the Local Improvement Charges to these properties as provided for in By-Law L-124.**

MOTION PUT AND PASSED.

10.1.3 Capital Projects Evaluation Matrix

- A report dated March 2, 2009 was before Council.

MOVED BY Councillor Uteck, seconded by Councillor Walker, that Halifax Regional Council adopt the Capital Projects Evaluation Matrix, attached to the report as Attachment "A", as a tool to assist Council in prioritizing capability projects. MOTION PUT AND PASSED.

10.1.4 Funding Request - 2011 Canada Winter Games

- A report dated March 3, 2009 was before Council.

MOVED BY Councillor Wile, seconded by Councillor Lund, that Halifax Regional Council approve advance funding for 2009-10 to Halifax 2011 Canada Games Host Society in the amount of \$1,000,000 as per the table contained in the discussion section of the report dated March 3, 2009. MOTION PUT AND PASSED.

11. MOTIONS - February 24, 2009

11.1 Councillor Wile

MOVED BY Councillor Wile, seconded by Councillor Blumenthal, that Halifax Regional Council request that the Municipal and Provincial Traffic Authority lower speed limits in school zones in the Halifax Regional Municipality from 50 kilometres per hour to 30 kilometres per hour.

Councillor Wile requested Council's consideration in asking the province to allow a speed limit reduction in school zones through the new Charter.

Councillor Blumenthal advised that he had also seen speed reduction enforced in other cities via flashing lights during school hours.

Ms. Mary Ellen Donovan, Municipal Solicitor, advised that Council may wish to request consideration from the Province to amend section 104 of the Motor Vehicle Act. She indicated that speed limits could only be reduced with approval from the Provincial Traffic Authority and noted that previous requests had been denied.

An additional friendly amendment was requested that UNSM also be copied on the letter as other municipalities throughout the province may also want to be involved.

The motion now reads:

MOVED BY Councillor Wile, seconded by Councillor Blumenthal, that Halifax Regional Council:

1. **Write a letter to the province to request an amendment to section 104 of the Motor Vehicle Act by way of deleting the section which states: (1) *Notwithstanding the foregoing provisions of this Act, the Minister or a traffic authority with the approval of the Provincial Traffic Authority may fix such maximum rates of speed as he may see fit to approve for motor vehicles traversing any part or portion of a highway and may erect and maintain signs containing notification of such rate of speed so fixed and approved by him, and thereafter while such signs remain so erected and displayed the operator or driver of any vehicle exceeding the rate of speed so fixed and approved shall be guilty of an offence, and;***

2. **That the Union of Nova Scotia Municipalities be copied on the letter.**

Mr. Ken Reashor, Manager of Traffic Authority, advised that while he would consider a request by Council to lower the speed limit in school zones in the HRM core he would still require permission from the province. He indicated that a previous request of this nature had been refused.

Councillor Uteck left the meeting at 8:20 p.m..

Councillors advised that education and enforcement would be necessary for the speed reduction to occur. It was noted that a previous pilot study had been done by lowering the speed limit to 40 kilometres on Bayview Drive and Flamingo Drive and statistics had shown that the average speed actually increased rather than decreased by five kilometres/hr.

Councillor Harvey stated that it may be prudent to request a staff report on the implications of lowering the speed limits in school zones as he was concerned that HRM did not have the resources to enforce such a change. He was also concerned that money may not be available for the suggested flashing lights and that having the reduction for specific hours may be confusing.

MOVED BY Councillor Streach, seconded by Councillor Sloane, that Halifax Regional Council request a staff report on the implications of lowering the speed limit to 30 kilometres in school zones in the HRM core area.

Council debated whether it would be a misuse of staff resources to request a report prior to knowing whether or not the province would give permission to lower speed limits. Some felt that it would be best to approach the province with as much information as possible; via a report.

Councillor Streach agreed to change his original motion to a motion of deferral.

The motion now reads:

MOVED BY Councillor Streach, seconded by Councillor Sloane, that Halifax Regional Council defer the main motion until staff report back with a response from

the Province with respect to Councillor Wile's motion to write the province asking for an amendment to section 104 of the Motor Vehicle Act by deleting the requirement that the Municipal Traffic Authority receive authority from the Provincial Traffic Authority.

Councillor Karsten stated, for the record, that he would not vote for the motion of deferral and would ask Councillors Wile and Blumenthal to come back with their original motion.

Councillors McCluskey, Smith and Johns left the meeting at 9:10 p.m.

A vote on the deferral was taken: **MOTION DEFEATED.**

A vote on the main motion was taken. The motion reads:

MOVED BY Councillor Wile, seconded by Councillor Blumenthal, that Halifax Regional Council:

1. **Write a letter to the province to request an amendment to section 104 of the Motor Vehicle Act by way of deleting the section which states: (1) *Notwithstanding the foregoing provisions of this Act, the Minister or a traffic authority with the approval of the Provincial Traffic Authority may fix such maximum rates of speed as he may see fit to approve for motor vehicles traversing any part or portion of a highway and may erect and maintain signs containing notification of such rate of speed so fixed and approved by him, and thereafter while such signs remain so erected and displayed the operator or driver of any vehicle exceeding the rate of speed so fixed and approved shall be guilty of an offence, and;***
2. **That the Union of Nova Scotia Municipalities be copied on the letter.**

MOTION PUT AND PASSED.

Councillor Sloane left the meeting at 9:16 p.m.

12. ADDED ITEMS

12.1 CONTRACTUAL MATTER - Purchase of Police Equipment - Sole Source

The following item was dealt with at the In Camera session held earlier in the day and was now before Council for ratification:

MOVED BY Councillor Walker , seconded by Councillor Karsten, that Halifax Regional Council:

1. In accordance with the Sole Source Policy (Administrative Order 35, Section 7(8)), award the Sole Source Purchase of an analyser for Police Electronic Equipment in the amount of \$73,279.45 (Net HST included) to Smiths Detection Montreal Inc. for materials and services specified with funding from Capital Account #CEK00338-6204.
2. Increase capital project CEK00338-6204, by \$10,274.91 with funding from Operating Account P105-6204, Chief's Office, as outlined in the Budget Implications section of the Private and Confidential report dated February 17, 2009.
3. Not release the Private and Confidential report dated February 17, 2009 to the public.

MOTION PUT AND PASSED.

12.2 CONTRACTUAL MATTER - Purchase of Police Electronic Equipment - Sole Source

The following item was dealt with at the In Camera session held earlier in the day and was now before Council for ratification:

MOVED BY Councillor Barkhouse, seconded by Councillor Nicoll , that Halifax Regional Council:

1. Approve a reduction in Capital Account CIP00763 - Computer Aided Dispatch in the amount of \$121,125.70 be transferred to CRESPOOL;
2. Approve an increase to Capital Account CIK01175 - in the amount of \$121,125.70 from CRESPOOL;
3. In accordance with the Sole Source Policy (Administrative Order 35, Section 7(8)), award the Sole Source Purchase of electronic equipment in the amount of \$121,125.70 (net HST included) to JSI Telecom for materials and services specified with funding from Capital Account CIK01175 as detailed in the budget implications section of the Private and Confidential report dated February 25, 2009.
4. Not release the Private and Confidential report dated February 25, 2009 to the public.

MOTION PUT AND PASSED.

12.3 PERSONNEL MATTER - Amendment to the Special Events Advisory Committee Terms of Reference

The following item was dealt with at the In Camera session held earlier in the day and was now before Council for ratification:

MOVED BY Councillor Barkhouse , seconded by Councillor karsten, that Halifax Regional Council extend the terms of the two currently serving representatives of the Cultural Advisory Committee on the Special Events Advisory Committee to July 31, 2009. MOTION PUT AND PASSED.

13. NOTICES OF MOTION

13.1 Councillor Adams

Take notice that at the next regular Regional Council meeting, to be held on Tuesday, March 24, 2009, I propose to move First Reading of By-Law L-130, the purpose of which is to amend Schedule "A" of By-Law L-100 under the heading Herring Cove Water and Sewer.

14. ADJOURNMENT

The meeting was adjourned at 9:19 p.m.

Julia Horncastle
Acting Municipal Clerk

The following items were added as information:

1. Memorandum from Director, Transportation & Public Works dated February 6, 2009
re: Crosswalk Safety Education and Public Awareness Campaign
2. Memorandum from Director, Transportation & Public Works dated February 6, 2009
re: Request for Speed Limit Reduction and Traffic Lights at Highland Park
3. Memorandum from Acting Director, Infrastructure & Asset Management dated February 27, 2009 re: Petition - Fast Ferry Construction
4. Memorandum from Co-Chairs, Investment Policy Advisory Committee dated February 20, 2009 re: Quarter Ending December 31, 2008
5. Memorandum from Director, Finance dated March 6, 2009
re: Investment Activities - Quarter Ending December 31, 2008
6. Memorandum from the Acting Municipal Clerk dated March 6, 2009
re: Requests for Presentation to Council - Heritage Trust of NS