

Council meets in formal session this day at 5:00 o'clock p.m., in the Council Chambers.

Members Present: Mayor Francis
Councillor Dilkens
Councillor Gignac
Councillor Halberstadt
Councillor Hatfield
Councillor Jones
Councillor Maghnieh
Councillor Marra
Councillor Payne
Councillor Sleiman
Councillor Valentinis

Members Absent: None

Disclosures of Pecuniary Interest and the General Nature Thereof

None disclosed

Committee of the Whole

Moved by Councillor Gignac, seconded by Councillor Halberstadt,
That Council do now rise and move into Committee of the Whole with the Mayor presiding for the purpose of dealing with:

- (a) hearing requests for deferrals or referrals of any items of business;
- (b) hearing presentations and delegations;
- (c) consideration of business items;
- (d) consideration of by-law 224-2011.

Carried.

Councillor Marra was absent from the meeting when the vote was taken on this matter.

Requests for deferrals/referrals/withdrawals

None requested.

Presentations & Delegations:

Family Aquatic Complex - Capital Budget, Draft Operating Forecast and Award of Contract

Matthew Kwasnicki, representing the Carpenters Union Local 494

Matthew Kwasnicki, representing the Carpenters Union Local 494, appears before Council to speak in support of the award of contract for the Family Aquatic Complex to the selected proponent, stating that this would be beneficial to his membership in terms of employment, as capital projects provide jobs, as well as recreational opportunities for families.

Sol Furer, Business Manager Local 773 and President of Essex Kent Building Trades

Sol Furer, Business Manager Local 773 and President of Essex Kent Building Trades, appears before Council to speak in support of the award of contract for the Family Aquatic Complex to the selected proponent, stating that this would be beneficial to the entire community in terms of both employment and recreational opportunities, and concludes by expressing confidence that this project will be completed on time and within budget.

Mayor Francis leaves the meeting at 6:00 o'clock p.m., and Councillor Dilkens assumes the Chair.

Mayor Francis returns to the meeting at 6:17 o'clock p.m., and Councillor Dilkens returns to his seat at the Council table.

Moved by Councillor Dilkens, seconded by Councillor Sleiman,
CR302/2011

1. **THAT** Council **ACCEPT** the proposal from EllisDon Corporation/DeAngelis Construction Inc. Joint Venture (the Selected Proponent), including all amendments agreed to in the negotiation as generally outlined in the Discussion section, at a fixed cost price of \$60,512,300 and that Administration **BE AUTHORIZED** to issue a notice of acceptance; AND
2. **THAT** Council **AUTHORIZE** Administration to cancel the existing contract with Nationwide Commercial Aquatics Inc which called for a purchase price of \$7,340,000 for the Myrtha Pools for the facility; AND
3. **THAT** Council **AUTHORIZE** Administration to enter into a revised contract with Nationwide Commercial Aquatics Inc. for \$6,010,000 (\$150,000 of which has already been paid by way of a deposit by the City and which is to be applied to the new contract); AND
4. **THAT**, in order to facilitate the construction process, Council **APPROVE** the assignment of the Myrtha pools contract to EllisDon Corporation/DeAngelis Construction Inc. Joint Venture; AND
5. **THAT** the City Clerk and Chief Administrative Officer **BE AUTHORIZED** to execute the Contract as approved by Council with the Selected Proponent for an amount of \$60,512,300 base bid (amended subsequently by change order to \$66,372,300 being the base bid plus \$5,860,000 balance to be paid on the assigned Myrtha pool contract), satisfactory in technical content to the Project Manager and Executive Director Recreation and Culture, in financial content to the City Treasurer and CFO, and in legal content to the City Solicitor; AND
6. **THAT** the overall gross project budget of \$77,622,300 and the total net project costs of \$62,622,300 prior to corporate recoveries (net City of Windsor cost of \$62,102,300 after corporate recoveries) as outlined in the Financial Matters section **BE APPROVED**; AND
7. **THAT** Council **DIRECT** that the District Energy Alternative contained within the RFP not be implemented and that Administration shall disregard the District Energy Alternative Form submitted by the Selected Proponent; AND

8. **THAT** the City Clerk and Chief Administrative Officer **BE AUTHORIZED** to execute the Contracts with District Energy to supply the heating and cooling for this facility as outlined in the Financial Matters section, and for District Energy's use of City land for the required plant, satisfactory in technical content to the Project Manager and Executive Director Parks and Facilities, in financial content to the City Treasurer and CFO, and in legal content to the City Solicitor; AND
9. **THAT** Council **RECEIVE** the Draft Operating Forecast and that, prior to, or as part of, the 2013 Budget Process, Administration be **DIRECTED** to
- i. Bring back to Council a final Recommended Operating Budget and recommended schedule of fees
 - ii. Report back to Council with a recommendation as to the potential partnership/alternative service delivery options
 - iii. Report back to Council with a recommendation as to the potential subsidy options for Low Income Individuals/Families
 - iv. Report back to Council on the options for repurposing/consolidation of existing facilities including capital costs (maximum budget allocation of \$3.677,000) and related projected operating budget savings
10. That the draft operating forecast contained in this report **BE ADOPTED** as a worst case scenario relative to the operating expenses of the aquatics centre.

Carried.

At the request of Councillor Halberstadt a **recorded vote** is taken:

RESULTS OF RECORDED VOTE:

| | |
|-----------|---|
| In Favour | Councillors Gignac, Sleiman, Payne, Maghnieh, Hatfield, Marra, Valentinis, Jones, Dilkens and Mayor Francis |
| Opposed | Councillor Halberstadt |
| Abstain | None |
| Absent | None |

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By-laws

Moved by Councillor Gignac, seconded by Councillor Halberstadt,
That the following By-law No. 224-2011 be introduced and read a first and second time:

By-law 224-2011 "A By-law to confirm the proceedings of the Council of the Corporation of the City of Windsor at its meeting held on the fifteenth day of December, 2011"

Carried.

Moved by Councillor Hatfield, seconded by Councillor Jones,
That the Committee of the Whole does now rise and report to Council respecting
the business items considered by the Committee:

- 1) business items listed on the Agenda (as amended)
- 2) by-law given first and second readings (as presented)

Carried.

Third Reading of By-law

Moved by Councillor Maghnieh, seconded by Councillor Marra,
That By-Law 224-2011, having been read a first and second time be now read a
third time and finally passed and that the Mayor and Clerk **BE AUTHORIZED** to sign and seal
the same notwithstanding any contrary provision of the Council.

Carried.

Adjournment

Moved by Councillor Gignac, seconded by Councillor Halberstadt,
That this Council meeting stand adjourned until the next regular meeting of
Council or at the call of the Mayor.

Carried.

Accordingly, the meeting is adjourned at 8:10 o'clock p.m.

MAYOR

CITY CLERK

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DEPUTY CITY CLERK/SENIOR MANAGER OF COUNCIL SERVICES