

**CITY OF VAUGHAN**

**EXTRACT FROM COUNCIL MEETING MINUTES OF JUNE 25, 2013**

Item 15, Report No. 32, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on June 25, 2013.

**15                    ADDITIONAL PROFESSIONAL ENGINEERING FEES (RFP 12-058)  
VMC BLACK CREEK RENEWAL-CLASS ENVIRONMENTAL ASSESSMENT STUDY  
WARD 4**

**The Committee of the Whole recommends approval of the recommendation contained in the following report of the Commissioner of Engineering and Public Works and the Director of Development / Transportation Engineering, dated June 18, 2013:**

**Recommendation**

The Commissioner of Engineering and Public Works and the Director of Development / Transportation Engineering, in consultation with the Commissioner of Planning, Director of Purchasing Services, Director of Budgeting & Financial Planning, and the Director of Development Finance & Investments, recommend:

1. THAT additional funding in the amount of \$185,000 excluding HST be approved for professional consulting services to be coordinated by The Municipal Infrastructure Group in connection with the completion of the VMC Black Creek Renewal Class Environmental Assessment Study assignment (Capital Project No. DT-7058-11);
2. THAT the budget for Capital Project DT-7058-11 be increased from \$257,500 to \$451,500 to cover the estimated cost of a collaborated process involving all property owners and stakeholders, which has become necessary to identify a financially and technically feasible channel concept and to ensure the successful completion of the VMC Black Creek Renewal Class Environmental Assessment Study, with funding from Development Charges; and
3. THAT the inclusion of this matter on a Public Committee or Council agenda with respect to increasing the capital budget identified as VMC Black Creek Renewal Class Environmental Assessment Study is deemed sufficient notice pursuant to Section 2(1)(c) of Bylaw 394-2002.

**Contribution to Sustainability**

The City's Community Sustainability and Environmental Master Plan (Green Directions Vaughan, April 2009) objectives will assist in guiding the completion of the VMC Black Creek Renewal Class Environmental Assessment Study. The conclusions and recommendations of this study will have regard for:

- Supporting enhanced standards of stormwater management and working with others to care for Vaughan's watersheds;
- Achieving sustainable growth and development;
- The creation of a City with sustainable built form; and
- Sharing sustainable best practices and ideas between and among municipal staff and the community.

**Economic Impact**

The cost of the VMC Black Creek Renewal Class Environmental Assessment Study is being expensed to the approved Capital Budget Project No. DT-7058-11, with funding from City-Wide Development Charges. The additional professional consulting services required to undertake a series of facilitated workshops to produce a channel concept that is generated iteratively and

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collaboratively by all stakeholders is estimated to cost \$185,000 plus applicable Tax and City administration. Should Council concur with staff's recommendation to undertake this additional work, Capital Budget Project No. DT-7058-11 will need to be increased from \$257,500 to \$451,500, with funding from City-wide Development Charges.

#### **Communications Plan**

The VMC Black Creek Renewal Class Environmental Assessment Study includes a comprehensive public consultation program comprising of public information meetings at key stages throughout the study. In addition, a stakeholder consultation group and technical advisory committee was established to receive input from the various stakeholders throughout the duration of this study. To date, the Notice of Study Commencement advertisement was mailed out directly on July 2, 2012 to all landowners/residents located within the approximate VMC Black Creek Renewal Study area where restoration or rehabilitation works may be appropriate and to all relevant public agencies, authorities and utilities. The first stakeholder meeting was held on November 05, 2012 to discuss on the Black Creek channel concepts. Additional opportunities for stakeholder consultation and input will be provided at key milestones in the project. This report is recommending that the scope of the study be increased to include a series of facilitated workshops to produce a channel concept that is generated iteratively and collaboratively by all property owners and stakeholders.

#### **Purpose**

The purpose of this report is to seek Council approval to increase the budget VMC Black Creek Renewal Class Environmental Assessment Study (Capital Project No. DT-7058-11) to identify and secure approval for additional work identified by staff as being necessary to produce a financially and technically feasible channel concept, generated iteratively and collaboratively by all stakeholders, to ensure successful completion of the VMC Black Creek Renewal Class Environmental Assessment Study.

#### **Background - Analysis and Options**

The Black Creek Optimization Study recommended flood control improvements to allow redevelopment to proceed as planned within the Vaughan Metropolitan Centre by reducing floodplain limits within the area, and increasing public safety by providing flood protection up to and including the regional storm event.

Building on the Optimization Study, the City initiated the VMC Black Creek Renewal Class Environmental Assessment Study for the existing channel that extends from just north of Highway 7 to Highway 407. The City retained the firm of The Municipal Infrastructure Group (TMIG) to undertake the study. The Class EA study was initiated in July 2012 and the first stakeholder meeting was held on November 05, 2012 to discuss on the preliminary Black Creek channel concepts.

The primary scope of this assignment is to reconfigure the Black Creek channel to reduce flood potential and increase redevelopment potential. The regulatory floodplain through the area is wide, and presently poses a constraint to the redevelopment potential of parcels on both sides of Jane Street, from just north of Highway 7 to Highway 407. The regulatory floodplain is also indicative of a flood hazard through the study area, with potential risks to persons and property. Reconfiguring the channel requires widening of the channel block, and although this relieves the development constraint imposed by the current floodplain, it does impact existing land uses. For those landowners that do not appreciate the real redevelopment limitations imposed on their parcels by the existing floodplain, the widening of the channel block is also perceived as an encumbrance.

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The channel is also recognized as the primary natural feature and greenway within the overall VMC area. As such the City's Secondary Plan and the TRCA's objectives envision the channel as a signature feature of the growth area that can be leveraged to incorporate stormwater management, ecological and environmental performance objectives, and increase property values and provide open space to improve the quality of life in the VMC. These desires essentially may require an even wider channel block (associated park areas, amenities, natural elements), and further imposition on the existing parcels. These objections, however, appear to differ from those of the abutting property owners.

The Class EA study builds upon the recommendations of that study to yield a preliminary design for the channel that includes consideration for all stakeholder interests. The primary stakeholders include the affected landowners along the corridor, the Toronto and Region Conservation Authority, and various departments at the City.

The TMIG work plan to-date has involved technical analyses to confirm the channel and crossing dimensions required to convey the Regional storm, preparation of alternative channel concepts that illustrate the range of urban versus natural configurations that could be implemented, and extensive consultation with the City's engineering, planning, and urban design groups, the Toronto and Region Conservation Authority, and the affected landowners.

#### **Additional consultation is required to produce a channel concept that is generated iteratively and collaboratively by all stakeholders**

Feedback to-date from all interested parties has revealed a number of significantly differing objectives and desired approaches to the channel reconfiguration. In particular, a number of the landowners have prepared development concepts for their parcels that constrain the possible channel work in a manner that will conflict with either the regulatory requirements for the channel, TRCA's policies, or the City's planning objectives. Resolving these conflicting objectives to identify a channel configuration that can be agreed upon by all parties will require an expanded consultation strategy that was not envisioned as part of the initial scope of work.

The strategy will need to resolve the recommendations of the Black Creek Optimization Study, the VMC Secondary Plan, the ongoing VMC Streetscape and Open Space Master Plan, TRCA's policies, the City's current standards, and the development concepts put forward by a number of the landowners, to yield a preferred channel corridor configuration that demonstrably benefits all parties. Accordingly, staff is recommending that the work plan for the Class EA be expanded to include additional facilitated consultation with the stakeholders with the following elements:

- A series of facilitated workshops structured to engage and systematically elicit constructive input from all the stakeholders. The first step will be small sessions to acquaint the study team with the individual stakeholders, followed by a series of half-day sessions with all stakeholders, intended to produce a channel concept that is generated iteratively and collaboratively by all attendees.
- An economic analyses for various channel scenarios to reduce the subjectivity of the discussions, by identifying:
  - a. The economic implications from the perspective of the City (capital costs, long term operational costs, land acquisition or expropriation costs, and if possible to quantify, the anticipated return on their investment);
  - b. The economic implications from the perspective of the individual landowners (value of existing operations, redevelopment land value under existing conditions, redevelopment land value under proposed scenarios, development charge or related costs associated with implementation of the works, and the quantification of possible incentives)

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- As part of the expanded consultation strategy, more detailed concepts will be required to comprehensively evaluate the merits and challenges of the various channel configurations, for a greater number of options than were originally anticipated. These detailed concepts will aid in identifying more accurate capital and long term operational costs, and will also address the various positions regarding the feasibility of the channel design alternatives.
- The addition of an urban design team member to work to synthesize the engineering, ecological, landscape architecture and development architecture elements of the project in the development of the channel design concepts.
- The expanded consultation strategy will also require the production of graphical materials to illustrate the future appearance of the different channel scenarios, to be used in the half-day sessions with all stakeholders. Graphic renderings can often be an effective in communicating the various channel design alternatives to the stakeholders.
- Documentation associated with the expanded consultation strategy will demonstrate the City's efforts, well beyond standard EA requirements, to engage affected stakeholders and attempt to obtain consensus. This body of documentation will be used to support the final recommendations of the study in the EA study report.

The expanded consultation strategy is expected to occur over the summer months. Based on the results of the expanded consultation strategy, the first Public Information Center is anticipated to be held in the fall 2013. The VMC Black Creek Renewal EA is expected to be complete by early 2014.

The expanded consultation strategy will yield a preferred strategy for the reconfiguration of the Black Creek corridor, consensus to the extent feasible among all affected parties, and documentation needed to decisively support the final EA recommendation.

The proposal submitted by TMIG to complete the expanded / enhanced stakeholder process provides an estimated cost of \$185,000 excluding H.S.T. Staff has reviewed the proposal and is satisfied with the proposed work plan, schedule and fee.

**The Municipal Infrastructure Group**

RFP Cost (original)	\$206,160
Contingency Allowance (15%)	\$ 30,924
<b>Sub-Total</b>	<b>\$237,084</b>
Non-Rebatable Portion of HST (1.76%)	\$ 4,173
<b>Sub-Total</b>	<b>\$241,257</b>
Administration Recovery Fee (3%)	\$ 7,238
<b>Original Total Cost (Rounded) of Project</b>	<b>\$248,500</b>
Total Approved Funds in Capital Project DT-7058-11	\$257,500
Additional Fees and Disbursements	\$185,000
Non-Rebatable Portion of HST (1.76%)	\$ 3,256
<b>Sub-Total</b>	<b>\$188,256</b>
Administration Recovery (3%)	\$ 5,648
<b>Additional Required Capital Funds (Rounded)</b>	<b>\$193,904</b>
<b>Additional Budget Required (Rounded)</b>	<b>\$194,000</b>

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Funding for the additional professional consulting services associated with this study will be from City-Wide Development Charges.

Accordingly, it is recommended that additional capital budget funds for Capital Project DT-7058-11 be approved to cover the required additional professional consulting services to complete the enhanced stakeholder consultation process for the VMC Black Creek Renewal Class Environmental Assessment Study.

#### **Relationship to Vaughan Vision 2020/Strategic Plan**

In consideration of the strategic priorities related to Vaughan Vision 2020, the recommendations of this report will assist in:

- The pursuit of excellence in service delivery;
- Ensuring and enhancing community safety, health and wellness;
- Planning and managing growth and economic vitality;
- Leading and promoting environmental sustainability;
- Ensuring and enhancing community safety, health and wellness;
- Ensuring financial stability; and
- The demonstration of leadership and promotion of effective governance.

This report is therefore consistent with the priorities previously set by Council and the necessary resources have been allocated and approved.

#### **Regional Implications**

The Region of York will be identified as one of the key public agency stakeholders on all notification lists associated with this Class EA Study. As such, it is expected that Regional Staff will be involved throughout the duration of the Study and will provide input and comment as required to ensure its successful completion.

#### **Conclusion**

The VMC Black Creek Renewal Class Environmental Assessment Study for the existing channel that extends from just north of Highway 7 to Highway 407 was initiated in July 2012. Feedback to-date from all interested parties has revealed a number of significantly differing objectives and desired approaches to the channel reconfiguration. Resolving these differing objectives to identify a channel configuration that can be agreed upon by all parties will require an expanded consultation strategy that was not envisioned as part of the initial scope of work. Accordingly, staff is recommending that the work plan for the Class EA be expanded to include additional facilitated consultation with the stakeholders at a cost of \$185,000, with funding from City-wide Development Charges.

Should Council concur with the additional funding request this action would be considered as an amendment to the Capital Budget. The City must give notice of its intention to amend the budget at a Council meeting. Where a capital project has been subject to a public meeting during the adoption of the approved capital budget and where additional funding is required to complete the approved works, inclusion of the matter in a staff report requesting additional funding on a public Committee or Council agenda is deemed to be sufficient notice pursuant to Section 2(1) (c) of By-law 394-2002.

#### **Attachments**

Not applicable.

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