Wednesday, June 26, 2019
1:00 p.m. – Special Meeting
Council Chambers – 4th Floor

Closed Session following (See Item 8)
Boardroom CH-4A – 4th Floor
(Under Section 239 of the Municipal Act, 2001)

Members:
Mayor P. Brown
Regional Councillor P. Vicente – Wards 1 and 5
Regional Councillor R. Santos – Wards 1 and 5 (Acting Mayor – August)
Regional Councillor M. Palleschi – Wards 2 and 6 (Acting Mayor – July)
Regional Councillor M. Medeiros – Wards 3 and 4 (Acting Mayor – June)
Regional Councillor P. Fortini – Wards 7 and 8
Regional Councillor G. Dhillon – Wards 9 and 10
City Councillor D. Whillans – Wards 2 and 6
City Councillor J. Bowman – Wards 3 and 4
City Councillor C. Williams – Wards 7 and 8
City Councillor H. Singh – Wards 9 and 10

For inquiries about this agenda, or to make arrangements for accessibility accommodations for persons attending (some advance notice may be required), please contact:
Terri Brenton, Legislative Coordinator, Telephone 905.874.2106, TTY 905.874.2130
cityclerksoffice@brampton.ca

Note: Meeting information is also available in alternate formats upon request.
1. Approval of Agenda

2. Declarations of Interest under the Municipal Conflict of Interest Act

3. Delegations

4. Reports

   Recommendation

5. Correspondence

6. Public Question Period
   15 Minute Limit (regarding any decision made at this meeting)

7. By-laws

8. Closed Session
   8.1. The security of the property of the municipality or local board and litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board

9. Confirming By-law
   9.1. To confirm the proceedings of the Special Council Meeting of June 26, 2019

10. Adjournment

    Next Meetings: Wednesday, July 10, 2019 – 9:30 a.m. (tentative)
        Wednesday, August 7, 2019 – 9:30 a.m. (tentative)
Date: 2019-06-10

Subject: Recommendation Report: Hurontario Light Rail Transit Project Update – Procurement Process and Agreements - Wards 3 & 4 (File IA.A (16-3130-481))

Contact: Chris Duyvestyn, Director, Transportation Special Projects, Public Works & Engineering (905-874-2544) chris.duyvestyn@brampton.ca

Recommendations:

1. That the report from Chris Duyvestyn, Director, Transportation Special Projects, Public Works & Engineering, dated June 10, 2019, to the Council Meeting of June 26, 2019, re: Recommendation Report: Hurontario Light Rail Transit Project Update – Procurement Process and Agreements - Wards 3 & 4 (File IA.A (16-3130-481)), be received; and

2. That staff be directed to continue to negotiate with Metrolinx and the City of Mississauga on agreements for the construction, and the operation and maintenance of the Hurontario Light Rail Transit Project and report back to Council; and

3. That the City Clerk be directed to forward a copy of this report and Council resolution to Metrolinx, the City of Mississauga, and the Region of Peel.

Overview:

- Metrolinx is looking to award the contract for the Hurontario Light Rail Transit (LRT) project to the successful bidder in September 2019.

- Negotiations are continuing with Metrolinx on a master agreement and an operation and maintenance Memorandum of Understanding/Letter of Understanding.

- The Cities of Brampton and Mississauga will be responsible for the operation, day-to-day maintenance, and customer experience costs while receiving any fare and non-fare revenues.

- Metrolinx will pay for the costs of capital construction and life cycle maintenance.
Council approval will be required in September 2019 for:

- Metrolinx/Municipal master agreement for construction of the Hurontario LRT.
- Metrolinx/Municipal Memorandum of Understanding/Letter of Understanding for operation and maintenance responsibilities including municipal cost share.
- Brampton/Mississauga Service Level Agreement for joint municipal responsibilities.

Background:

Staff has been working with Metrolinx, the City of Mississauga, and the Region of Peel during the implementation phase of the Hurontario Light Rail Transit (LRT) project from the Brampton Gateway Terminal to the Port Credit GO station. A project update was last presented to the Committee of Council meeting of May 23, 2018 regarding operation and maintenance responsibilities of the Hurontario LRT, pedestrian tunnel at Brampton Gateway Terminal, and Hurontario gateway into Brampton. The report authorized the negotiation of agreements with Metrolinx and the City of Mississauga for the operation and maintenance of the Hurontario LRT.

The following is a further update on the on-going implementation of the Hurontario LRT project:

- Staff participated in the procurement process on behalf of the City, including input into the completion of the project specific output specifications (PSOS) and in meetings with the proponents in the development of their designs.
- Negotiations have begun on a project master agreement with Metrolinx for construction and another agreement for operation and maintenance responsibilities, which will continue through the summer.
- Similarly, discussions continue on the relationship between the Cities of Brampton and Mississauga for sharing of the joint municipal responsibilities related to the operation and maintenance of the Hurontario LRT.
- A Corridor Committee meeting was convened by Metrolinx on February 28, 2019 to provide an update on the project including: timelines; new community office in Brampton at 17 Ray Lawson Boulevard – Unit 9 to be opened this summer; community outreach; and changing the LRT stop name “Sir Lou” to “County Court”.
- On March 21, 2019, Metrolinx announced changes to the project scope as outlined below.
At the Metrolinx Board meeting on April 10, 2019, the LRT stop names for the Hurontario LRT were approved including the three LRT stops in Brampton – Brampton Gateway (was Gateway Terminal), County Court (was Sir Lou) and Ray Lawson.

On April 18, 2019, two bid teams for the Hurontario LRT project made their technical bid submissions to Infrastructure Ontario and Metrolinx, followed by their financial bids on May 23, 2019. At the time of writing this report, the submissions were undergoing technical and financial evaluations to identify a preferred proponent.

At its meeting of May 22, 2019 (May 15 Committee of Council), Council provided direction to relocate the proposed Brampton Gateway LRT stop from the south side of Steeles Avenue to a location on the north side that provides the best possible integration with the Brampton Gateway Terminal while accommodating a northerly LRT extension.

Current Situation:

Project Scope Changes by Metrolinx

On March 21, 2019, Metrolinx announced changes to the Hurontario LRT project to alleviate potential budget pressures. The scope changes include:

- Removing the Mississauga city centre loop and creating a direct in-out access route from Hurontario Street to the Rathburn LRT stop, located next to the MiWay Transit Terminal.
- Deferring the pedestrian bridge at the Cooksville LRT stop to be included in a future Transit Oriented Development between the stop and the GO station.
- Changes to streetscaping along the corridor.

The scope changes that impact Brampton relate primarily to aesthetics including the reuse of existing City infrastructure (street light poles, traffic signal poles) and utilities, where feasible, resulting in less opportunities to plant trees in the boulevards; use of direct fixation track (tracks are raised above concrete base) along Hurontario Street except at intersections and emergency crossings which will continue to be embedded concrete (concrete flush with top of tracks); and LRT stop hierarchy was reduced from three levels of enhanced design to two levels resulting in the Ray Lawson LRT stop being a base stop (same as County Court). In addition, the LRT operations will have a level of service of 7.5 min during peak periods, 10 min during mid-day, and 15 min during evenings and weekends. There are provisions to increase the service level in the future as ridership demand increases.

The scope changes allow for a future extension of the LRT along Main Street to the Brampton GO station.
Property Acquisition

There are approximately 20-25 properties required along the Hurontario Street corridor in Brampton, comprised of private and government owned lands. The lands are required in early 2020 to accommodate LRT in the centre of the road, slightly pushing out the road and boulevards, necessitating small strips along the road right-of-way. Agreements have been reached with some affected property owners while a parallel expropriation process has been initiated for properties without an agreement to-date in order to meet the timelines for contract award and initiation of construction by the successful bidder (Project Co). Negotiations are continuing with the remaining affected property owners in an effort to reach amicable agreements.

City Infrastructure

At its meeting of July 5, 2017, Council approved funding of $3.15 million for the replacement of existing city infrastructure and new city infrastructure including storm sewers, multi-use path, and decorative pedestrian crosswalks. In addition, the City’s funds will be used to improve the aesthetics along the corridor, where feasible, with irrigation of boulevard trees in hardscaped areas, burying of Bell/Rogers pedestals, and banner arms and hanging flower baskets on new light standards. The ability to fully implement these enhancements will not be known until completion of the design phase. They will depend on whether new light standards are installed and utilities relocated in the boulevards; or, whether existing light standards and utilities will remain creating fewer opportunities for these enhancements.

Master Agreement

A master agreement is required between Metrolinx and the City of Brampton to outline the roles and responsibilities for construction of the project, which is based on the Memorandum of Understanding (MOU) between Metrolinx and the Cities of Brampton and Mississauga for the Hurontario LRT project that was approved by Council at its meeting of July 6, 2016 (executed on July 11, 2016). Staff retained external legal services from Weir Foulds LLP who assisted the City in the development of the Metrolinx/Brampton/Mississauga MOU for the Hurontario LRT in 2016 and has experience with similar agreements with Metrolinx for rapid transit projects. Weir Foulds LLP will be assisting staff with the master agreement, operation & maintenance MOU/LOU and Brampton/Mississauga SLA.

Staff received a draft master agreement in October 2018 and continues to negotiate with Metrolinx towards a final agreement to be worked out through the summer and presented to Council in early September 2019 for approval.
**Operation & Maintenance Responsibilities**

Metrolinx has outlined the (30 year) operation and maintenance responsibilities of the Hurontario LRT as follows:

- Metrolinx to pay for life cycle maintenance costs for light rail vehicles, rail infrastructure, traction power, LRT systems, LRT stops, and Operations, Maintenance and Storage Facility (OMSF).
- Municipalities to set fares and retain fare and non-fare (e.g. advertising) revenues.
- Municipalities to pay for vehicle & system operations, day-to-day maintenance, and customer experience costs (passenger safety and security, fare system operations and maintenance, fare enforcement, communications, customer service, naming/branding of the LRT system, marketing).
- Project Co (successful bidder) will be undertaking most of the operation and maintenance of the Hurontario LRT with the municipalities paying for the work outlined above as well as additional staff required for day-to-day oversight and customer experience.

An operation and maintenance agreement between Metrolinx and the City of Brampton is required and expected to be completed in two steps for the Hurontario LRT project. The first step of the agreement will be in the form of a Memorandum of Understanding (MOU) or Letter of Undertaking (LOU) outlining the principles of the city’s responsibilities for operation and maintenance including the municipal cost share, and the second step will be a complete agreement that will follow afterwards with the timing still to be determined.

Metrolinx requires Council approval of the MOU/LOU and the municipal share of the operating and maintenance costs for the Hurontario LRT by early September 2019.

**Brampton/Mississauga Service Level Agreement**

A separate agreement will also be required between the Cities of Brampton and Mississauga to address the joint municipal responsibilities related to operation and maintenance of the Hurontario LRT including the sharing of costs and revenues, roles and responsibilities, staffing, etc. The cities have been working together through working groups focused on passenger safety/security, fare enforcement, incident management, customer service, communications, lost and found, day-to-day oversight, branding, and marketing.

Many of the services related to customer experience (passenger safety/security, fare enforcement, customer service, communications, lost and found) could be delivered internally by the cities or contracted out to a third party such as Project Co or another service provider. The bidders are providing provisional pricing for these customer
experience services. The cities will need to determine if the provisional pricing meets the needs of the cities and provides value to the cities. Another option being explored is the possibility of Mississauga undertaking these services on Brampton’s behalf since a significant portion of the Hurontario LRT is located in Mississauga. An important consideration will also be the sharing of costs and revenues with Mississauga in which the cities are looking at several different cost and revenue sharing models. Further review and assessment of these joint municipal responsibilities, provisional pricing, and cost sharing models will continue through the summer with Mississauga and will be presented to Council in early September 2019 along with the framework for a service level agreement between the two cities.

Project Timelines

The project timelines to complete the procurement process are summarized in the table below.

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<thead>
<tr>
<th>No.</th>
<th>Task</th>
<th>Date</th>
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<tbody>
<tr>
<td>1.</td>
<td>Metrolinx bid evaluations (technical &amp; financial)</td>
<td>April – July</td>
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<tr>
<td>2.</td>
<td>Report to Council – Project update on procurement and agreements</td>
<td>June 26</td>
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<td>3.</td>
<td>Continue negotiation of agreements</td>
<td>Through Summer 2019</td>
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<td></td>
<td>- Metrolinx/Municipal Master Agreement</td>
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<td></td>
<td>- Metrolinx/Municipal Operation &amp; Maintenance Memorandum of Understanding (MOU)/Letter of Understanding (LOU)</td>
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<td>- Brampton/Mississauga Service Level Agreement (SLA)</td>
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<td>4.</td>
<td>Metrolinx to seek Provincial approval to proceed and announce preferred proponent</td>
<td>Summer 2019</td>
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<td>5.</td>
<td>Committee of Council</td>
<td>September 4</td>
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<td></td>
<td>- Review and approval of master agreement, Operation &amp; Maintenance MOU/LOU, SLA, cost apportionments</td>
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<td>6.</td>
<td>Financial close (Metrolinx/Project Co)</td>
<td>September 13</td>
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As outlined in the table, the bid submissions are being evaluated to select a preferred proponent. Metrolinx has aggressive timelines requiring Council approval by early September 2019 for the Metrolinx/Municipal master agreement, Metrolinx/Municipal operation and maintenance MOU/LOU, and Brampton’s share of the operation and maintenance costs for the Hurontario LRT. A Brampton/Mississauga SLA is also required. These agreements are described below. Metrolinx plans to award the contract (financial close) for the Hurontario LRT to the successful bidder (Project Co) by mid-September 2019.

Staffing Resources

Upon award of the contract, the design phase will begin followed by construction.

Metrolinx has indicated that the decision of whether they will pay for municipal staff resources during the design and construction phases will be determined after the capital
bid price of the preferred proponent is confirmed and within the capital budget of $1.4 billion.

**Brampton Gateway LRT Stop**

At its meeting of May 22, 2019, Council provided direction to staff to relocate the proposed Brampton Gateway LRT stop from the median south of Steeles Avenue to a location on the north side that provides the best possible integration with the Brampton Gateway Terminal while accommodating a northerly LRT extension.

The relocation of the Brampton Gateway LRT stop to the north side of Steeles Avenue is being examined as part of the Hurontario-Main LRT Extension EA study, in coordination with the redevelopment of the Shoppers World site by RioCan, for inclusion in the Hurontario LRT project. Options to be considered for the relocation of the Brampton Gateway LRT stop include (i) the median immediately north of Steeles Avenue with pedestrian crossings at both ends of the LRT stop connecting to the Brampton Gateway Terminal, and (ii) options to swing the LRT to the west to integrate with the Brampton Gateway Terminal, where possible. The preferred location of the Brampton Gateway LRT stop must be determined by September 2019 when the preferred proponent (Project Co) is to be awarded the contract for the Hurontario LRT project. Given the short timeframe by September and depending on negotiations with Project Co, there may be a need for an interim location (median north of Steeles) and ultimate location (integrated on west side of Main) for the Brampton Gateway LRT stop. In this scenario, the ultimate location would likely be constructed when RioCan redevelops the adjacent lands next to the Brampton Gateway Terminal.

A further update to Council on the relocation of the Brampton Gateway LRT stop is expected in Fall 2019.

**Corporate Implications:**

**Financial Implications:**

There are no financial implications resulting from this report. The Metrolinx/Municipal master agreement, Metrolinx/Municipal operation and maintenance MOU/LOU, Brampton/Mississauga SLA, and Brampton’s share of the operation and maintenance costs for the Hurontario LRT will have financial implications which will be brought forward to Council for approval once negotiations are complete in September 2019.

**Strategic Plan:**

**Term of Council Priorities:**

The Hurontario LRT project is in alignment with the 2019-2022 Term of Council Priority 3.1 – Equalize all forms of transportation. The Hurontario LRT will provide a fast,
reliable and efficient transit corridor, forming part of the regional transit network connecting Brampton to the GTHA.

**Conclusion:**

The procurement process for the Hurontario LRT is winding down with award by Metrolinx to the successful bidder expected in September 2019. Negotiations are continuing with Metrolinx on a master agreement, and an operation and maintenance Memorandum of Understanding/Letter of Understanding.

The Cities of Brampton and Mississauga will receive any fare and non-fare revenues, and will be responsible for the operation, day-to-day maintenance, and customer experience costs. Metrolinx will be responsible for the capital construction cost and life cycle maintenance costs.

The aggressive timelines from Metrolinx require Council approval in September 2019 for:

- A Metrolinx/Municipal master agreement for construction of the Hurontario LRT.
- A Metrolinx/Municipal Memorandum of Understanding/Letter of Understanding for the operation and maintenance responsibilities including the municipal cost share.
- A Brampton/Mississauga Service Level Agreement for the joint municipal operation and maintenance responsibilities.

Staff from Transit, Legal, Finance, and Public Works and Engineering are working hard to ensure that responsibilities are clear, risks are identified, and that the project is successful. Staff will make every reasonable attempt to meet the timelines imposed by Metrolinx.

Approved by: 

Chris Duyvestyn, P. Eng.,
Director, Transportation Special Projects

Bruce Zvaniga, P. Eng.,
Commissioner, Public Works & Engineering

Approved by: 

Alex Milojevic,
General Manager, Transit

Report authored by: Chris Duyvestyn