

Council meets in formal session this day at 7:00 o'clock p.m., in the Council Chambers.

**Members Present:**

Mayor Francis  
Councillor Brister  
Councillor Dilkens  
Councillor Gignac  
Councillor Halberstadt  
Councillor Hatfield  
Councillor Jones  
Councillor Lewenza  
Councillor Marra  
Councillor Postma  
Councillor Valentinis

**Members Absent:**

None.

**Disclosures of Pecuniary Interest and the General Nature Thereof**

None disclosed.

**Committee of the Whole**

Moved by Councillor Dilkens, seconded by Councillor Marra, that Council do now rise and move into Committee of the Whole with the Mayor presiding for the purpose of dealing with:

- a) communication items;
- b) Report of Special In-Camera Meeting or other Committee as may be held prior to Council (if scheduled);
- c) hearing requests for deferrals or referrals of any items of business;
- d) hearing presentations and delegations;
- e) consideration of business items;
- f) consideration of by-law no. 114-2010

Carried.

**Communications**

Moved by Councillor Lewenza, seconded by Councillor Jones, That the report of the Manager of Purchasing & Risk Management dated July 16, 2010 entitled "Waste Collection/Recycling Collection RFT: Additional Information" BE DEFERRED to the July 26, 2010 meeting of Council to allow for all interested parties to review the information.

The motion is **put** and is **lost**.

Aye votes: Councillors Lewenza, Jones and Hatfield.

Nay votes: Councillors Brister, Postma, Halberstadt, Gignac, Marra, Valentinis and Dilkens.

Moved by Councillor Gignac, seconded by Councillor Brister,  
**M219-2010** That the following Communication Item 1, as set forth in the Council Agenda  
**BE REFERRED** as noted:

| Item | From                                    | Description   |
|------|---|---|
| 1    | Manager of Purchasing & Risk Management | Waste Collection/Recycling Collection RFT : Additional Information<br><br><b>RECEIVE FOR INFORMATION</b><br><b>EI/10515</b> |

Carried.

Councillors Lewenza and Jones voting nay.

### **Deferrals and/or Referrals and Withdrawals**

#### **Item 1 Results of Parking Enforcement Services Tender #97-10**

##### **Jean Fox, President, CUPE Local 543**

Jean Fox, President, CUPE Local 543, appears before Council requesting that the report of administration dated July 9, 2010 entitled "Results of Parking Enforcement Services Tender #97-10" be deferred, as administration has not followed through on Council direction via CR409/2009 which directed an updating and streamlining of By-law 9023 and updating and improving the way the city collects revenue by way of parking meters.

**CLERK'S NOTE:** No motion is presented to defer Item No. 1.

### **Presentations & Delegations:**

#### **Results of Parking Enforcement Services Tender #97-10**

##### **Jean Fox, President, CUPE Local 543**

Jean Fox, President, CUPE Local 543, appears before Council to speak in opposition to the tendering out of Parking Enforcement Services, as contracting out does not necessarily maximize efficiencies, and suggests that some of the figures contained in the administrative report are inflated and in other instances does not incorporate re-training costs, and concludes by suggesting that tendering out this service will result in bumping, displacements and retraining of the entire municipal workforce for many years to come, with a savings to the taxpayer of only 27 cents a month.

##### **Lisa Sajatovich, CUPE Local 543 member**

Lisa Sajatovich, CUPE Local 543 member, appears before Council to speak in opposition to the tendering out of Parking Enforcement Services, stating that she and the other 12 employees in that service field provide top notch service and that the proponent would not demonstrate any compassion and issue more tickets at the expense of the community.

**Mark Vander Voort, 1<sup>st</sup> Vice President, CUPE Local 543**

Mark Vander Voort, 1<sup>st</sup> Vice President, CUPE Local 543, appears before Council to speak in opposition to the tendering out of Parking Enforcement Services, stating that this could put the corporation in jeopardy as it would lose direct control over health and safety matters, and fines and/or criminal charges could be levied, and concludes by suggesting that management work with CUPE for in-house opportunities for service improvements.

**Jessie Simonetti, Recording Secretary, CUPE Local 543**

Jessie Simonetti, Recording Secretary, CUPE Local 543, appears before Council to speak in opposition to the tendering out of Parking Enforcement Services, stating that administration has not followed through on Council direction via CR409/2009 which directed an updating and streamlining of By-law 9023 and updating and improving the way the city collects revenue by way of parking meters, and that this should be undertaken before even considering options such as tendering out the service.

**Teresa Fracas, Chief Steward, CUPE Local 543**

Teresa Fracas, Chief Steward, CUPE Local 543, appears before Council to speak in opposition to the tendering out of Parking Enforcement Services, stating that some of the costs in the administrative report are inflated and that Council should keep in mind that there are enormous training costs associated with new hires, not to mention the negative effects of bumping that would affect the entire corporation for at least 5 years, and concludes by recommending that Council reject tendering out, and work with CUPE and improve efficiencies by enhancing the meter system and signage.

**Dawn Schneider, Member-at-Large, CUPE Local 543**

Mayor Francis leaves the meeting at 8:27 o'clock p.m., and Councillor Halberstadt assumes the Chair.

Dawn Schneider, Member-at-Large, CUPE Local 543, appears before Council to speak in opposition to the tendering out of Parking Enforcement Services, stating that it will result in bumping and displacement of other workers within the corporation, and that this has long term ramifications that need to be taken into account, as well as added training and administrative costs, and suggests that Council reject the tender option, and pursue efficiencies such as cost saving measures and revenue generator solutions on a go-forward basis.

**Ed Charette, 2<sup>nd</sup> Vice President, CUPE Local 543**

Ed Charette, 2<sup>nd</sup> Vice President, CUPE Local 543, appears before Council to speak in opposition to the tendering out of Parking Enforcement Services, stating that the current staff go above and beyond the call of duty, and any new staff will require extensive by-law training, and concludes by directing Council's attention to the City of Hamilton and their experiences with the Canadian Corps of Commissionaires.

**Jason Parent, Member-at-Large, CUPE Local 543**

Jason Parent, Member-at-Large, CUPE Local 543, appears before Council to speak in opposition to the tendering out of Parking Enforcement Services, stating that the current staff serve as ambassadors for the city of Windsor, and remain committed to working with the employer in terms of realizing further efficiencies, and Council should in turn take advantage of this wealth of knowledge and experience.

**Dino Chiodo, President, Windsor & District Labour Council**

Dino Chiodo, President, Windsor & District Labour Council, appears before Council to speak in opposition to the tendering out of Parking Enforcement Services, stating that Council needs to stop outsourcing as there needs to be consideration of the “big picture” and the need to preserve good paying jobs, and concludes by suggesting that management sit down with CUPE leadership to review possibilities for efficiencies in-house, as this division has a proven track record of bringing in revenue.

**Ernie Lamont, Ward 4 resident**

Ernie Lamont, Ward 4 resident, appears before Council to speak in opposition to the tendering out of Parking Enforcement Services, stating that there other opportunities available to generate additional revenue, such as advertising on meters.

**David Hanna, Ward 1 resident**

David Hanna, Ward 1 resident, appears before Council to speak in opposition to the tendering out of Parking Enforcement Services, suggesting that privatization is not inherently better, and questions whether savings will in fact be realized.

Mayor Francis returns to the meeting at 8:55 o'clock p.m., and Councillor Halberstadt returns to his seat at the Council table.

**Patrick Hannon, Ward 4 resident**

Patrick Hannon, Ward 4 resident, appears before Council to speak in opposition to the tendering out of Parking Enforcement Services, stating that privatization removes a layer of oversight and adds a level of bureaucracy, and concludes by requesting that Council keep public scrutiny of this service in the forefront.

**Lt. Col. Morris Brause, CEO and Lt. Col. Rick Luden, Manager of Operations, Commissionaires Windsor**

Lt. Col. Morris Brause, CEO and Lt. Col. Rick Luden, Manager of Operations, Commissionaires Windsor, appear before Council and are available for questions with regards to the recommendation that Council accept the Canadian Corps of Commissionaires Windsor Division's bid for Municipal Parking Enforcement Services.

**Mike Longmoore, Ward 4 resident**

Mike Longmoore, Ward 4 resident, appears before Council to speak in opposition to the tendering out of Parking Enforcement Services, suggesting that there are many unknowns in terms of potential savings, such as what the wages and benefits would be for those that are part of the tender, and concludes by requesting that privatization of services not be further considered.

Moved by Councillor Lewenza, seconded by Councillor Jones,  
That the report of administration dated July 9, 2010 entitled "Results of Parking Enforcement Services Tender #97-10" BE NOTED AND FILED.

The motion is **put** and is **lost**.

Aye votes: Councillors Lewenza, Jones, Hatfield and Postma.

Nay votes: Councillors Marra, Valentinis, Halberstadt, Brister, Gignac and Dilkens.

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(For final disposition of this matter, see Clause **CR292/2010** in Schedule "A" attached hereto.)

**Consideration of Committee Reports**

Moved by Councillor Marra, seconded by Councillor Postma,  
**M220-2010** That the **Report of the special In-camera** meeting held July 19, 2010,  
**BE ADOPTED** as presented.  
Carried.

AC2010

**By-laws**

Moved by Councillor Valentinis, seconded by Councillor Brister,  
That the following By-law No. 114-2010 be introduced and read a first and second time:

BY-LAW 114-2010 "A BY-LAW TO CONFIRM THE PROCEEDINGS OF THE COUNCIL OF THE CORPORATION OF THE CITY OF WINDSOR AT ITS MEETING HELD ON THE NINETEENTH DAY OF JULY, 2010"

Carried.

Moved by Councillor Dilkens, seconded by Councillor Gignac,  
That the Committee of the Whole does now rise and report to Council respecting the business items considered by the Committee.

- 1) **Communication Item (as presented)**
- 2) **Items Deferred**  
**Items Referred**
- 3) **Consideration of the Balance of Business Items (see Schedule "A")**
- 4) **By-laws given first and second readings (as presented).**

Carried.

**Third Reading of By-law**

Moved by Councillor Halberstadt, seconded by Councillor Hatfield,  
That By-Law 114-2010, 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 Valentinis, seconded by Councillor Brister,  
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 11:42 o'clock p.m.

**MAYOR**

**CITY CLERK**

**THIS IS A DRAFT COPY**

**DEPUTY CITY CLERK/SENIOR MANAGER OF COUNCIL SERVICES**

Brister  
Gignac

CR292/2010

- I. THAT City Council **ACCEPT** the Canadian Corps of Commissionaires Windsor Division's ("Commissionaires") bid for Municipal Parking Enforcement Services at the rate of \$26.36 per hour, plus HST, for a total annual cost of \$632,640 (based on an estimated 24,000 hours), to begin no later than January 1, 2011; and further,
- II. THAT the Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign an agreement with the Commissionaires for the provision of Municipal Parking Enforcement Service, which agreement shall be approved as to technical content by the City Engineer, satisfactory in form to the City Solicitor and satisfactory in financial content to the City Treasurer; and further,
- III. THAT the City Treasurer **BE AUTHORIZED** to make the necessary adjustments to the 2011 operating budget consistent with contracting out parking enforcement services; and further,
- IV. THAT Council **APPROVE** the establishment of a Capital Project to track all one-time, transitional revenues and expenditures related to the contracting out of Municipal Parking Enforcement Services; and further,
- V. THAT four (4) additional counseling and trauma debriefing sessions through our Employee Family Assistance Program **BE PROVIDED** to our employees in 2010 at an additional cost for an upset limit of \$4,000; and further,
- VI. THAT additional funding of \$15,000 for accommodation reviews and site suitability assessments for employees affected by the bumping process **BE AUTHORIZED**; and further,
- VII. THAT Administration **BE AUTHORIZED** to dispose of the surplus fleet in accordance with the purchasing by-law and THAT the proceeds **BE TRANSFERRED** to the noted Capital Project to fund one-time, transitional costs related to contracting out; and further,
- VIII. THAT Council **APPROVE** the transfer of funds totaling \$136,116 that have been accumulated in the Equipment Replacement Reserve Fund for future replacement of related fleet equipment to the noted Capital Project to fund one-time, transitional costs related to contracting out; and further,
- IX. Given the significant assumptions, estimates, and variables contained within the business case analysis, THAT Council **APPROVE** a contingency within the noted Capital Project in the amount of \$250,000 over the life of the contract. Such contingency to be drawn upon based on a Delegation of Authority report approved by the Chief Administrative Officer; and
- X. THAT Council **AUTHORIZE** Administration to take all other necessary steps to implement the recommendations made hereunder.

Carried.

At the request of Councillor Gignac, a recorded vote is taken.

## RESULTS OF RECORDED VOTE:

|           |  |
|-----------|--|
| In Favour | Councillors Brister, Gignac, Dilkens, Halberstadt, Marra, Valentinis and Mayor Francis |
| Opposed   | Councillors Lewenza, Jones, Postma and Hatfield  |
| Abstain   | None   |
| Absent    | None   |

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Internal Distribution

Chief Administrative Officer

Community Development &amp; Health Commissioner

City Engineer

City Solicitor

Executive Director of Operations

Executive Director of Human Resources

Chief Financial Officer/City Treasurer



ADOPTED by Council at its special meeting held July 19, 2010 [M220-2010]  
VC/bm

**SPECIAL MEETING OF COUNCIL – IN CAMERA**  
**July 19, 2010**

**Meeting called to order at: 5:36 p.m.**

**Members in Attendance:**

Mayor E. Francis  
Councillor D. Brister (arrives at 5:44 p.m.)  
Councillor D. Dilkens  
Councillor C. Postma  
Councillor R. Jones  
Councillor A. Halberstadt  
Councillor K. Lewenza  
Councillor B. Marra  
Councillor P. Hatfield  
Councillor J. Gignac

**Members Absent:**

Councillor F. Valentinis

**Also in attendance:**

H. Reidel, Chief Administrative Officer  
R. Warsh, Community Development and Health Commissioner  
M. Sonogo, City Engineer  
G. Wilkki, City Solicitor  
V. Critchley, City Clerk  
T. Ardovini, Acting City Treasurer  
S. Askin-Hager, Manager of Purchasing and Risk Management (Items 3 and 5)  
L. Lombardo, Administrator Huron Lodge (Item 4)  
J. Lechicky, Manager of Employee Relations (Item 4)

**Verbal Motion is presented by Councillor Postma, seconded by  
Councillor Gignac,  
to move in Camera for discussion of the following item(s):**

| <u>o.</u> | <u>Subject</u>   | <u>1 – Pursuant to Municipal Act, 2001, as amended</u> |
|-----------|--|--|
| 1.        | matter – <u>verbal</u> update – Solicitor-client privilege | 239(2)(f)  |

|    |   |           |
|----|---|-----------|
| 2. | matter – <u>verbal</u> update – contract - Solicitor-client privilege | 239(2)(f) |
|    | matter – <u>verbal</u> update – contract – Solicitor-client privilege | 239(2)(f) |
|    | al matter – <u>verbal</u> update - contract negotiations              | 239(2)(d) |

**Motion Carried.**

**Declarations of Pecuniary Interest:**

None declared.

**Discussion on the items of business. (Items 4 and 3)**

Verbal Motion is presented by Councillor Dilkens, seconded by Councillor Postma, that Rule 3.3 (a) of the *Procedure By-law, 420-2001 as amended*, be waived to add the following Agenda item:

5. Legal matter – confidential memo re Communication #1 on the open agenda.

**Motion Carried.**

**Councillor Lewenza voting nay**

**Councillor Lewenza leaves the meeting at 6:02 p.m.**

**Discussion on the items of business (Item 5)**

**Councillor Lewenza returns at 6:09 p.m.**

**The meeting recesses at 6:09 p.m. and resumes at 6:14 p.m.**

**Discussion on the items of business (Item 1)**

**Councillor Jones leaves the meeting at 6:42 p.m.**

**Verbal Motion is presented by Councillor Brister, seconded by Councillor Dilkens, to move back into public session.  
Motion Carried.**

**Moved by Councillor Postma, seconded by Councillor Valentinis, THAT the Clerk BE DIRECTED to transmit the recommendation(s) contained in the report(s) discussed at the In-Camera Council Meeting held July 19, 2010 directly to Council for consideration at the next Regular Meeting.**

1. That the verbal update from Mayor Francis respecting a legal matter – solicitor-client privilege **BE RECEIVED FOR INFORMATION** and the Mayor **BE AUTHORIZED** to proceed in accordance with the verbal direction of Council.

**Councillor Jones absent for vote.**

2. That the verbal update from Mayor Francis respecting a legal contract matter – solicitor-client privilege **BE DEFERRED**.

3. That the verbal update from the City Solicitor respecting a legal contract matter – solicitor-client privilege **BE RECEIVED FOR INFORMATION** and that Administration **BE AUTHORIZED** to proceed in accordance with the verbal direction of Council.

4. That the verbal update from the City Clerk and Administrator Huron Lodge respecting contract negotiations **BE RECEIVED FOR INFORMATION** and that Administration **BE AUTHORIZED** to proceed with the verbal direction of Council.

5. That the verbal report from the City Solicitor regarding confidential legal matters pertaining to Communication Item 1 on the open agenda **BE RECEIVED**.

**Motion Carried.**

**Moved by Councillor Marra, seconded by Councillor Gignac, That the special meeting of council held July 19, 2010 BE ADJOURNED.  
(Time: 6:50 p.m.)**

**Motion Carried.**