

Regular

Council meets in formal session this day at 6:00 o'clock p.m., in the Council Chambers.

Members Present:

Mayor Francis
Councillor Dilkens
Councillor Gignac
Councillor Hatfield
Councillor Jones
Councillor Maghnieh
Councillor Marra
Councillor Payne
Councillor Valentinis

Members Absent:

Councillor Halberstadt
Councillor Sleiman

Call to Order

Following the playing of the Canadian National Anthem, Pastor Ernie Harris from New Beginnings Christian Church, offers the Opening Prayer.

Disclosures of Pecuniary Interest and the General Nature Thereof

Councillor Maghnieh discloses an interest and abstains from voting on Item No. 2, being the report of the Integrity Commissioner dated September 4, 2012 entitled "Report to City Council: Complaint Under The Code of Conduct – Councillor Al Maghnieh", as he is the subject of the report.

Minutes

Moved by Councillor Gignac, seconded by Councillor Valentinis,
That the Minutes of the regular meeting of Council held October 1, 2012, **BE ADOPTED**
as presented.
Carried.

Notice of Proclamations

Conflict Resolution Day – October 18, 2012
Foster Family Week – October 21-27, 2012
Bookfest Windsor Week – October 21-27, 2012

Committee of the Whole

Moved by Councillor Dilkens, seconded by Councillor Gignac,
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) consent agenda;
- (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 Committee reports;

- (i) **Report of Special In-Camera Meeting or other Committee as may be held prior to Council** (if scheduled); and
 - (g) consideration of by-laws 145-2012 through 158-2012 (inclusive).
- Carried.

Communications

Moved by Councillor Hatfield, seconded by Councillor Jones,
M450-2012 That the following Communication Items 1 to 5, 7, 9 to 12 and 14 to 16 inclusive, as set forth in the Council Agenda **BE REFERRED** as noted except Communication No. 6, 8 and 13 which are dealt with as follows:

Communication No. 6:

Moved by Councillor Hatfield, seconded by Councillor Dilkens,
M451-2012 **WHEREAS**, the City of Windsor is pleased that both the Liberal government and the PC party have kept the issue of interest arbitration reform at the forefront of major policy discussions; and

WHEREAS, the City of Windsor **SUPPORTS** the overall intention of interest arbitration reform; and

WHEREAS, a preliminary review indicates that there appears to be room for improvement in both pieces of draft legislation before the legislature; and

WHEREAS, the City of Windsor trusts that through further consultation these issues can be resolved; and

WHEREAS, the City of Windsor is aware that AMO and the Emergency Services Steering Committee are reviewing these issues and look forward to further discussion and input;

NOW THEREFORE, BE IT RESOLVED that the City of Windsor requests that the legislature will work collectively in the best interest of Ontario municipalities and Ontario taxpayers on this important issue of interest arbitration reform.

Carried.

Councillor Jones voting nay.

MMA2012

Communication No. 8:

Moved by Councillor Marra, seconded by Councillor Jones,
M452-2012 That the correspondence from Chris Schnurr, Taxpayers for Accountability in Municipal Affairs **BE CONSIDERED** during the “Request for deferrals, referrals and/or withdrawals” stage of the Council meeting.
Carried.

Communication No. 13:

Moved by Councillor Gignac, seconded by Councillor Marra,
M453-2012 That Windsor, the sole shareholder of WDTC **APPROVE** the attached shareholder’s resolutions and authorize the Chief Administrative Officer and City Clerk to execute the said resolution on behalf of Windsor.
Carried.

MB2012

Item	From	Description
1	Great Lakes Environmental Office	The Amended Great Lakes Water Quality Agreement Has Been Signed. Environmental Coordinator City Engineer Note & File EI2012
2	Foreign Affairs and International Trade Canada	Harper Government Helps Communities Attract Global Investors, which Creates Good Jobs and Economic Growth. Chief Financial Officer & City Treasurer Windsor-Essex Economic Development Corporation Note & File GF2012
3	Ministry of the Environment	Certificate of Approval – Municipal and Private Sewage Works – Construct Storm and Sanitary Sewers on Provincial Road/Cabana Road East. City Engineer Executive Director of Operations Manager, Lou Romano Note & File SW2012
4	<ul style="list-style-type: none"> • City Engineer • Ministry of Transportation 	Lauzon Parkway Improvements Class Environmental Assessment, Notice of Public Information Centre #2. Note & File SW/11028
5	Association of Municipalities of Ontario (AMO)	AMO Report to Members – Highlights of the September 2012 Board Meeting. Executive Director of Human Resources City Engineer City Solicitor Community Development & Health Commissioner Diversity & Accessibility Officer General Manager, Transit Windsor Note & File MMA2012
6	Association of Municipalities of Ontario (AMO)	Municipalities are Counting on the Legislature to Get Arbitration Reform Right. City Solicitor Executive Director of Human Resources COUNCIL DIRECTION REQUESTED MMA2012
7	Federation of Canadian Municipalities (FCM)	Nominations for Jubilee Medal Program. Note & File MMF2012
8	Taxpayers for Accountability in Municipal Affairs (TAMA)	Request that Council authorize and conduct a value-for-money audit of EnWin Utilities Limited, EnWin Energy Limited and Windsor Canada Utilities Limited. COUNCIL DIRECTION REQUESTED MU2012

9	Ontario Municipal Social Services Association (OMSSA)	OMSSA and Local Leadership in a Time of Transformation. Community Development & Health Commissioner Chief Financial Officer & City Treasurer Note & File GM2012
10	Manager of Urban Design	Application of City of Windsor – Parks & Facilities for Site Plan Approval to permit an additional parking lot located at 4270 Alice Road. Note & File ZS/10522
11	Manager of Urban Design	Application of City of Windsor – Parks & Facilities for Site Plan Approval to permit two parking lots located at 3950 Ducharme Road. Note & File ZS/11583
12	Manager of Urban Design	Application of City of Windsor – Parks & Facilities for Site Plan Approval to permit a parking lot located at 8575 Little River Road. Note & File ZS/11584
13	Windsor-Detroit Tunnel Corporation	Windsor-Detroit Tunnel Corporation (WDTC) Annual Meeting of Shareholder. General Manager, Windsor-Detroit Tunnel Corporation COUNCIL DIRECTION REQUESTED MB2012
14	Family Aquatic Complex Steering Committee	Minutes of the Family Aquatic Complex Steering Committee of its meeting held September 4, 2012. Note & File SR/11026
15	Secretary/Treasurer Committee of Adjustment	Consent Authority Agenda Record Hearing to be held on Wednesday, October 17, 2012, Room 409, 400 City Hall Square East, Windsor Note & File ZC2012
16	City Planner	Ontario Power Authority Updates. Note & File MU/8327

Carried.

Consent Agenda

Moved by Councillor Maghnieh, seconded by Councillor Marra,

That the following Consent Agenda and the recommendations contained in the administrative reports **BE APPROVED** as amended:

- Item 1 CAO Participation on the United Way Board
- Item 4 Repeal By-Law number 1641 – Cleary Committee of Trustees
- Item 5 Lease Agreement between The Corporation of the City of Windsor and Centre for Seniors Windsor for a portion of 8787 McHugh Street (WFCU Centre)
- Item 6 Nursing and Incontinent Supplies for Huron Lodge RFP #45-12
- Item 7 Windsor Public Library (“WPL”) – Request to Participate in Purchasing Card Programme
- Item 8 Award of RFT 79-12: Exterior Siding at the Capitol Theatre
- Item 9 Integrity Commissioner Contract
- Item 10 Capital Project Variance Report as at June 30, 2012
- Item 11 The Corporation of the City of Windsor - 2011 Consolidated Financial Statements
- Item 12 Award of RFT 78-12: Roof Repairs for selected areas at the Capitol Theatre

Consent Committee Reports

None presented.

Carried.

Deferrals and/or Referrals and Withdrawals**Communication No. 8:**

Councillor Marra requests that Communication No. 8, being correspondence from the Taxpayers for Accountability in Municipal Affairs (TAMA) dated September 19, 2012 be deferred to a future meeting of Council as a regular agenda item and to allow for delegations, but the proposed motion did not receive a seconder.

Moved by Councillor Dilkens, seconded by Councillor Gignac,

M454-2012 That the correspondence from Chris Schnurr, Taxpayers for Accountability in Municipal Affairs (TAMA) dated September 19, 2012 **BE RECEIVED** for information.

Carried.

Councillor Marra voting nay.

Presentations & Delegations:**PRESENTATIONS:****Office of the Integrity Commissioner – Annual Report 2011-12 – Covering the 14 Month Period from 1 August 2011 – 30 September 2012****Bruce P. Elman, Integrity Commissioner**

Bruce P. Elman, Integrity Commissioner, appears before Council to present Mayor Francis and Members of Council with his Annual Report 2011-12, which covers the 14 Month Period from 1 August 2011 – 30 September 2012 and includes an overview of the education function, the advisory function, inquiries and complaints, policy development, and the issue of confidentiality.

Moved by Councillor Marra, seconded by Councillor Dilkens,

M456-2012 That the report of the Office of the Integrity Commissioner entitled “Annual Report 2011-12 covering the fourteen month period from August 1, 2011 – September 30, 2012” **BE RECEIVED** for information.

Carried.

DELEGATIONS**Report to City Council: Complaint Under the Code of Conduct – Councillor Al Maghnieh****Les Chaif, resident of Ward 2**

Les Chaif, resident of Ward 2, appears before Council to express disappointment with the report of the Integrity Commissioner regarding the Complaint Under the Code of Conduct pertaining to Councillor Al Maghnieh, suggesting that the Councillor broke his oath of office as well as the law and should be charged with theft, and concludes by stating that reinstating him completely to Council committees is totally unacceptable, and that he should instead be required to resign.

Robert Mittag, resident of Ward 3

Robert Mittag, resident of Ward 3, appears before Council as a participant of the “Occupy Windsor” movement, and states that he has circulated a petition of Ward 10 residents in which 80% ask for Councillor Maghnieh to resign as a result of the Complaint Under the Code of Conduct, as he has violated the virtue of the office.

Alex Foley, resident of Ward 10

Mayor Francis leaves the meeting at 6:32 o'clock p.m. and Councillor Dilkens assume the Chair.

Alex Foley, resident of Ward 10, appears before Council to express fear that the Complaint Under the Code of Conduct pertaining to Councillor Al Maghnieh has been dealt with and decided upon outside the walls of Council Chambers, and states the importance of adhering to the Code of Conduct as an elected official and concludes by stating that the recommendations of the Integrity Commissioner do not go far enough.

Mayor Francis returns to the meeting at 6:34 o'clock p.m. and Councillor Dilkens returns to his seat at the Council table.

Merv dePendleton, resident of Ward 6

Merv dePendleton, resident of Ward 6, appears before Council to provide comments regarding the Complaint Under the Code of Conduct pertaining to Councillor Al Maghnieh, stating that the recommendations of the Integrity Commissioner do not go far enough, and that forgiving and forgetting without any decisive action only makes all the future misfires more probable and sets a standard of accepting failure, and concludes by reading a letter to Council from Mr. Al Nelman, resident of Ward 8 who feels that the diversion of public funds by Councillor Maghnieh for his personal use is a complete abdication of his responsibilities as an elected representative and that the recommended punishment is preposterous and should be referred to a public prosecutor.

David Hanna, resident of Ward 1

David Hanna, resident of Ward 1, appears before Council to provide his insights regarding the report of the Integrity Commissioner which deals with the Complaint Under the Code of Conduct pertaining to Councillor Al Maghnieh, suggesting it is a good report that outlines various cover-ups, lies, complicity, non-confidence and avoidance.

Nick Thomas, KPMG

Nick Thomas, KPMG, appears before Council and is available for questions regarding the report of the Integrity Commissioner which deals with the Complaint Under the Code of Conduct pertaining to Councillor Al Maghnieh.

Bruce Elman, Integrity Commissioner

Bruce Elman, Integrity Commissioner, appears before Council and is available for questions with regards to his report which deals with the Complaint Under the Code of Conduct pertaining to Councillor Al Maghnieh.

Mayor Francis leaves the meeting at 7:05 o'clock p.m. and Councillor Dilkens assume the Chair.

Mayor Francis returns to the meeting at 7:10 o'clock p.m. and Councillor Dilkens returns to his seat at the Council table.

Chris Woodrow, Acting CEO, Windsor Public Library

Chris Woodrow, Acting CEO, Windsor Public Library, appears before Council and is available for questions regarding the report of the Integrity Commissioner which deals with the Complaint Under the Code of Conduct pertaining to Councillor Al Maghnieh.

Al Maghnieh, Councillor – Ward 10

Al Maghnieh, Councillor – Ward 10, appears before Council as requested by some members of Council, to answer questions regarding the report of the Integrity Commissioner in which he is the subject of a Complaint Under the Code of Conduct.

AS2012 2

(For final disposition of this matter, see Clause **CR235/2012** in Schedule "A" attached hereto.)

Regular Business Items (for final disposition of these matters see Schedule "A" attached)

Item 3 KPMG Audit – The Corporation of the City of Windsor Public Library Board –Audit Findings Report for the year ending December 31, 2011.

Consideration of Committee Reports

M457-2012 Moved by Councillor Marra, seconded by Councillor Gignac,
as presented. That the **Report of the special In-camera** meeting held October 15, 2012, **BE ADOPTED**

Carried.

ACO2012

By-laws

Moved by Councillor Gignac, seconded by Councillor Hatfield,
That the following By-laws No. 145-2012 through 158-2012 (inclusive), be introduced and read a first and second time:

145-2012 "A BY-LAW TO AUTHORIZE THE CORPORATION OF THE CITY OF WINDSOR TO ENTER INTO EXTENSION AGREEMENTS AND FOR THE CHIEF ADMINISTRATIVE OFFICER AND CLERK TO EXECUTE SUCH AGREEMENTS", authorized by M41-2012, adopted January 23, 2012.

146-2012 "A BY-LAW TO AMEND BY-LAW 173-2007, A BY-LAW TO DESIGNATE THE LANDS AND PREMISES SITUATED WITHIN THE CITY OF WINDSOR, MUNICIPALLY KNOWN AS 712 DEVONSHIRE ROAD, TO BE OF CULTURAL HERITAGE VALUE OR INTEREST UNDER THE PROVISIONS OF THE ONTARIO HERITAGE ACT, R.S.O. 1990, CHAPTER O.18, AS AMENDED", authorized by M338-2012, adopted on July 23, 2012.

- 147-2012 “A BY-LAW TO AMEND BY-LAW 11-2007, A BY-LAW TO DESIGNATE THE LANDS AND PREMISES SITUATED WITHIN THE CITY OF WINDSOR, KNOWN AS 3340 SANDWICH STREET (ALSO KNOWN AS THE BEDRFORD UNITED CHURCH), TO BE OF CULTURAL HERITAGE VALUE OR INTERST UNDER THE PROVISIONS OF THE ONTARIO HERITAGE ACT, R.S.O. 1990, CHAPTER 0.18, AS AMENDED”, authorized by M339-2012, adopted on July 23, 2012.
- 148-2012 “A BY-LAW TO AMEND BY-LAW 58-2008, A BY-LAW TO DESIGNATE THE LANDS AND PREMISES SITUATED WITHIN THE CITY OF WINDSOR, MUNICIPALLY KNOWN AS 2021 ONTARIO STREET, TO BE OF CULTURAL HERITAGE VALUE OR INTEREST UNDER THE PROVISIONS OF THE ONTARIO HERITAGE ACT, R.S.O. 1990, CHAPTER O.18, AS AMENDED”, authorized by M335-2012, adopted on July 23, 2012.
- 149-2012 “A BY-LAW TO AMEND BY-LAW 5334, A BY-LAW TO DESIGNATE THE LANDS AND PREMISES SITUATED WITHIN THE CITY OF WINDSOR, KNOWN AS “WILLISTEAD”, TO BE OF HISTORIC OR ARCHITECTURAL VALUE OR INTEREST, TO FURTHER DESIGNATE THE LANDS AND PREMISES SITUATED WITHIN THE CITY OF WINDSOR, MUNICIPALLY KNOWN AS 1899 NIAGARA STREET WEST, TO BE OF CULTURAL HERITAGE VALUE OR INTEREST UNDER THE PROVISIONS OF THE ONTARIO HERITAGE ACT, R.S.O. 1990, CHAPTER O.18, AS AMENDED”, authorized by M337-2012, adopted on July 23, 2012
- 150-2012 “A BY-LAW TO AUTHORIZE THE TEMPORARY BORROWING OF MONEY FOR CURRENT EXPENDITURES FOR 2012”, authorized by CR5/2012, adopted on January 9, 2012
- 151-2012 “A BY-LAW TO FURTHER AMEND BY-LAW NUMBER 8600 CITED AS THE "CITY OF WINDSOR ZONING BY-LAW"”, authorized by M408-2012, adopted on September 4, 2012
- 152-2012 “A BY-LAW TO FURTHER AMEND BY-LAW NUMBER 9148 BEING A BY-LAW TO REGULATE TRAFFIC WITHIN THE LIMITS OF THE CITY OF WINDSOR”, authorized by CAO2108, approved September 11, 2012
- 153-2012 “A BY-LAW TO ASSUME FOR PUBLIC USE AS A PUBLIC HIGHWAY PART OF THE 4.27 METRE (14.0 FEET) WIDE NORTH/SOUTH ALLEY SYSTEM BETWEEN ROSSINI BOULEVARD AND BERNARD ROAD, NORTH OF SEMINOLE STREET, CITY OF WINDSOR”, authorized by M49-2012, adopted August 7, 2012
- 154-2012 “A BY-LAW TO CLOSE, STOP UP AND CONVEY PART OF THE 4.27 METRE (14.0 FEET) WIDE NORTH/SOUTH ALLEY SYSTEM BETWEEN ROSSINI BOULEVARD AND BERNARD ROAD, NORTH OF SEMINOLE STREET, CITY OF WINDSOR”, authorized by M49-2012, adopted August 7, 2012
- 155-2012 “A BY-LAW TO ASSUME FOR PUBLIC USE AS A PUBLIC HIGHWAY THE 4.27 METRE (14 FEET) WIDE NORTH/SOUTH ALLEY BETWEEN GLENDALE AVENUE AND BALFOUR BOULEVARD FROM CORONATION SOUTHERLY TO EMPRESS STREET, CITY OF WINDSOR”, authorized by M308-2011, adopted November 7, 2011
- 156-2012 “A BY-LAW TO CLOSE, STOP UP AND CONVEY THE 4.27 METRE (14 FEET) WIDE NORTH/SOUTH ALLEY BETWEEN GLENDALE AVENUE AND BALFOUR BOULEVARD FROM CORONATION SOUTHERLY TO EMPRESS STREET, CITY OF WINDSOR”, authorized by M308-2011, adopted November 7, 2011

- 157-2012 “A BY-LAW TO AUTHORIZE THE ENTERING INTO OF AN AGREEMENT WITH PREMIER AVIATION WINDSOR INC. FOR THE PROVISION OF A MUNICIPAL CAPITAL FACILITY OF THE MRO AT WINDSOR AIRPORT”, authorized by CR205/2012, adopted August 27, 2012
- 158-2012 “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 OCTOBER, 2012”

Carried.

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

- 1) **Communication Items (as amended)**
 - 2) **Consent Agenda (as presented)**
 - 3) **Items Deferred**
Items Referred
 - 4) **Consideration of the Balance of Business Items (see Schedule “A”)**
 - 5) **Committee Reports (as presented)**
 - 6) **By-laws given first and second readings (as presented)**
- Carried.

Notices of Motion

None presented.

Third Reading of By-laws

Moved by Councillor Marra, seconded by Councillor Payne,
That the following By-laws No. 145-2012 through 158-2012 (inclusive), 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.

Petitions

Moved by Councillor Gignac, seconded by Councillor Valentinis,
M455-2012 That the petition presented by Councillor Marra from Dianne Aziz on behalf of the Residents of 2500 and 2600 blocks of Westminster Boulevard regarding a request for a Stop Sign at the corner of Rose Avenue and Westminster Boulevard **BE RECEIVED** by the Clerk and the Clerk **BE DIRECTED** to forward the petition to the City Engineer for the purpose of an examination of the requested works or undertakings; and further that a report **BE PROVIDED** consistent with the direction provided.
Carried.

Council Questions

None registered.

Adjournment

Moved by Councillor Hatfield, seconded by Councillor Jones,
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 8:29 o'clock p.m.

MAYOR

CITY CLERK

THIS IS A DRAFT COPY

DEPUTY CITY CLERK/SENIOR MANAGER OF COUNCIL SERVICES

Maghnieh
Marra

CR234/2012

THAT City Council **APPROVE** the Chief Administrative Officer's voluntary participation as a member of the Board of Directors for United Way/Centraide Windsor-Essex County.

Carried.

Report Number **16166 AS2012 C1**

Dilkens
Jones

CR235/2012

- A. THAT Council **IMPOSE** a suspension of the remuneration paid to Councillor Maghnieh for a period of 90 days as a result of violating the Code of Conduct, in particular, Article XVII of the Code.
- B. THAT Councillor Maghnieh **NOT BE ELIGIBLE** for appointment to Agencies, Boards, and Committees – and, consequently, **NOT BE ABLE** to share in the pooled remuneration for those Agencies, Boards and Committees for the duration of the current term of Council (November 30, 2014).

Carried.

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

RESULTS OF RECORDED VOTE:

In Favour	Councillors Dilkens, Jones, Gignac, Valentinis, Hatfield and Mayor Francis
Opposed	Councillors Marra and Payne
Abstain	Councillor Maghnieh
Absent	Councillors Halberstadt and Sleiman

AS2012 2

Dilkens
Gignac

CR236/2012

That the KPMG Audit Findings for the Corporation of the City of Windsor Public Library Board for the year ending December 31, 2011 **BE RECEIVED** for information.

Carried.

ML/10013 3

Maghnieh
Marra

CR237/2012

THAT City Council **REPEAL** By-law Number 1641 concerning the appointment of a Committee of Trustees for the Management of the Cleary International Centre.

Carried.

Report Number **16151 AB2012 C4**

Maghnieh
Marra

CR238/2012

THAT the report of Asset/Lease Administrator with respect to a Lease Agreement between The Corporation of the City of Windsor and Centre for Seniors Windsor **BE RECEIVED** for Information;

AND THAT **APPROVAL BE GIVEN** to Lease a portion of 8787 McHugh which is part of the WFCU Centre to Centre for Seniors Windsor in accordance with the following terms:

BASIC TERMS:

- | | | |
|----|-----------------------------------|---|
| a) | Tenant | Centre for Seniors Windsor |
| b) | Tenant's Address | 8787 McHugh Street, Windsor, Ontario N8S 0A1 |
| c) | Commencement Date | January 1, 2013 |
| d) | Term | 3 years |
| e) | Termination Date | December 31, 2016 |
| f) | Leased Premises | Portion of 8787 McHugh Street, Windsor, Ontario (the Erie, St. Clair and pre-school room) |
| g) | Area of Leased Premises | 3,650 square feet (approximately) |
| h) | Base Rent | 2013 - \$31,791.60/year (\$2,649.30/month) plus HST
2014 - \$32,109.60/year (\$2,675.80/month) plus HST
2015 - \$32,430.72/year (\$2,702.56/month) plus HST |
| i) | Additional Rent | None |
| j) | Security Deposit | None |
| k) | Property Taxes | Exempt (Municipal Capital Facility) |
| l) | Utilities | Landlord responsible |
| m) | Permitted Use | Office, meetings, workshops, drop in centre |
| n) | Insurance | General Liability Insurance
Minimum Limit \$2,000,000.00
Tenant's Legal Liability Insurance
Minimum Limit \$300,000.00
No changes in policy without thirty (30) days prior written notice to the City of Windsor and the City shall be named as an additional insured |
| o) | Overholding Monthly Rental | \$5,298.60 per month (plus HST) |

- p) **Renewal** 3 options for 3 years each
- q) **Guarantor** None
- r) **Special Provisions:** None

THAT the Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign a Lease Agreement, to be satisfactory in form to the City Solicitor, in content to the Asset/Lease Administrator and the Executive Director of Recreation and Culture, and in financial content to the City Treasurer.

Carried.

Report Number **16161 SR/8880 C5**

Maghnieh
Marra

CR239/2012 AMENDED BY CR266/2012 ADOPTED BY COUNCIL DECEMBER 3, 2012

CR239/2012

That Council **APPROVE** the selection of Cardinal Health Canada/Futuremed as the successful proponent for the provision of nursing and incontinent supplies, in accordance with their submission in response to RFP #45-12, and that the City Solicitor **BE AUTHORIZED** to prepare a contract for those services, and that the Chief Administrative Officer and the City Clerk **BE AUTHORIZED** to sign the contract, satisfactory in form to the City Solicitor, in technical content to the Executive Director/Administrator Huron Lodge and in financial content to the Chief Financial Officer and City Treasurer.

TOTAL PRICE: \$327,203 (excluding HST).

Carried.

Report Number **16144 AH/11580 C6**

Maghnieh
Marra

CR240/2012

- I. That Administration work with Windsor Public Library (WPL) staff to **REVIEW** the new WPL Purchasing Card Policy in consideration of WPL participation in the City's Purchasing Card Programme; and,
- II. That the Chief Administrative Officer and City Clerk **BE AUTHORIZED** to execute an agreement and indemnification with WPL in respect of its participation in the City's Purchasing Card Programme, satisfactory in form and content to the City Solicitor; and,
- III. Following the review and the completion of the agreement, that administration **BE AUTHORIZED** to add WPL to its Purchasing Card Programme by issuing cards to WPL staff as requested and providing necessary training and administration.

Carried.

Report Number **16162 ML/10013 C7**

Maghnieh
Marra

CR241/2012

That Council **ACCEPT** the submission by Gillett Sheet Metal Inc. to supply and install exterior siding on the exposed facebrick veneers at the Capitol Theatre, in accordance with the tender requirements at a total cost of \$232,151.00 plus HST to **BE CHARGED** to 007 5410 1887 03704 7129000; and

THAT the Chief Administrative Officer and the City Clerk **BE AUTHORIZED** to sign a contract with Gillett Sheet Metal Inc. satisfactory in form to the City Solicitor, in technical content to the Executive Director of Parks & Facilities and in financial content to the City Treasurer and Chief Financial Officer in accordance with Bylaw 93-2012.

Carried.

Report Number **16159 APM/9485 C8**

Maghnieh
Marra

CR242/2012

THAT Council direct that Dr. Bruce Elman **BE APPOINTED** as the Integrity Commissioner for the City of Windsor for a one year term commencing October 15, 2012, on the terms and conditions stated herein and that the Chief Administrative Officer and City Clerk **BE AUTHORIZED** to execute a contract with Dr. Elman on the said terms and conditions, provided that such contract is approved as to form and technical content by the City Solicitor and as to financial content by the Chief Financial Officer & City Treasurer.

Carried.

Report Number **GM/10017 C9**

Maghnieh
Marra

CR243/2012

1. THAT Council **RECEIVE FOR INFORMATION** the 2012 Life-to-Date Capital Project Variance Report as at June 30, 2012 from the Chief Financial Officer and City Treasurer (refer to Appendix A); and

2. THAT Council **APPROVE** the transfer of \$1.5 million from the Pay-As-You-Go capital reserve to fund the following specific capital project placeholders previously approved in the 2012 Capital Budget (M267-2012) when detailed reports from Administration are submitted:

1. Bus Bays	\$100,000
2. Riverside Drive Vista from Lauzon to Solidarity	\$275,000
3. Mitchell Park Security Upgrades	\$ 10,000
4. Former Sandwich Fire Hall #6 Pay & Display Lot	\$120,000
5. Ganatchio Trail Extension (McHugh to McNorton)	\$ 63,000
6. Firgrove Pathway/Sidewalk Extension	\$ 12,500
7. Splash Pad in Ward 9	\$275,000
8. Wigle Park Upgrades	\$100,000
9. Alleyways	\$100,000
10. Events – Bid Preparation	\$300,000

11. Contingency \$144,500

3. THAT Council **APPROVE** the balancing/closing and transfers of capital projects, as detailed in Appendix A.

Carried.

Report Number **16127 AFB/11050 C10**

Maghnieh
Marra

CR244/2012

That City Council **APPROVE** the Audited Consolidated Financial Statements for the year ended December 31, 2011 including the City of Windsor Trust Fund Statements and Sinking Fund Statements.

Carried.

Report Number **16129 AF2012 C11**

Maghnieh
Marra

CR245/2012

That Council **ACCEPT** the submission by Kingsville Roofing (2011) to complete the roof repairs at the Capitol Theatre, in accordance with the tender requirements at a total cost of \$216,627.00 plus HST to **BE CHARGED** to 007 5410 1887 03704 7129000; and

THAT the Chief Administrative Officer and the City Clerk **BE AUTHORIZED** to sign a contract with Kingsville Roofing (2011) satisfactory in form to the City Solicitor, in technical content to the Executive Director of Parks & Facilities and in financial content to the City Treasurer and Chief Financial Officer in accordance with Bylaw 93-2012.

Carried.

Report Number **16157 APM/9485 C12**

ADOPTED by Council at its meeting held October 15, 2012 [M457-2012]
VC/bm

**SPECIAL MEETING OF COUNCIL – IN CAMERA
October 15, 2012**

Meeting called to order at: 4:32 p.m.

Members in Attendance:

Mayor E. Francis
Councillor D. Dilkens (arrives at 4:34 p.m.)
Councillor R. Jones
Councillor F. Valentinis
Councillor B. Marra (arrives at 4:34 p.m.)
Councillor P. Hatfield
Councillor J. Gignac
Councillor A. Maghnieh
Councillor H. Payne

Members Absent:

Councillor A.
Halberstadt
Councillor E. Sleiman

Also in attendance:

H. Reidel, Chief Administrative Officer
M. Sonego, City Engineer and Corporate Leader Environmental Protection and
Transportation
G. Wilkki, City Solicitor and Corporate Leader Economic Development and
Public Safety
V. Critchley, City Clerk/Licence Commissioner and Corporate Leader Public
Engagement and Human Resources
O. Colucci, Chief Financial Officer/City Treasurer and Corporate Leader Finance
and Technology
S. Askin Hager, Deputy City Solicitor/Manager of Purchasing and
Risk Management (Items 2 and 3)
P. Williams, General Manager, Transit Windsor (Item 2)
V. Mihalo, Executive Director of Human Resources (Item 3)

**Verbal Motion is presented by Councillor Gignac, seconded by Councillor Jones,
that Rule 3.3 (c) of the *Procedure By-law, 98-2011*, BE WAIVED to add the following
Agenda items:**

5. Property matter – in-camera question from Councillor Gignac

Motion Carried.

Verbal Motion is presented by Councillor Gignac, seconded by Councillor Jones, to move in Camera for discussion of the following item(s), adding an in-camera Council question from Councillor Gignac:

<u>Item No.</u>	<u>Subject</u>	<u>Section – Pursuant to Municipal Act, 2001, as amended</u>
1.	Property matter – exchange of land	239(2)(c)
2.	Legal matter – contract <u>NOTE:</u> This matter was listed as a Communication on August 27, 2012 and referred by Council to an in-camera meeting.	239(2)(f)
3.	Personal/Legal matter – about an identifiable individual/pending litigation	239(2)(b)(e)
4.	Legal matter – litigation/solicitor-client privilege	239(2)(e)(f)
5.	Property matter – in-camera Council question from Councillor Gignac - ADDED	239(2)(a)

Motion Carried.

Declarations of Pecuniary Interest:

Councillor Payne discloses an interest and abstains from voting on Item 4, legal matter – litigation/solicitor-client privilege, as it is related to litigation which he is a party to.

Councillor Dilkens discloses an interest and abstains from voting on Item 3 as it involves work with his employer.

Discussion on the items of business. (Items 1, 2, 3, 4 and 5)

Verbal Motion is presented by Councillor Gignac, seconded by Councillor Valentinis, to move back into public session.

Motion Carried.

**Moved by Councillor Payne, seconded by Councillor Hatfield,
THAT the Clerk BE DIRECTED to transmit the recommendation(s) contained in the report(s) discussed at the In-Camera Council Meeting held October 15, 2012 directly to Council for consideration at the next Regular Meeting.**

1. That the recommendation contained in the in-camera report from the Property Supervisor and City Solicitor and Corporate Leader Economic Development and Public Safety respecting a property matter – exchange of land **BE APPROVED.**

2. That the in-camera report from the Deputy City Solicitor/Manager of Purchasing and Risk Management and General Manager of Transit Windsor respecting a legal matter – contract, which was referred by City Council on August 27, 2012 to an in-camera meeting **BE RECEIVED FOR INFORMATION.**

3. That the recommendation contained in the in-camera report from the Deputy City Solicitor/Manager of Purchasing and Risk Management, City Solicitor and Corporate Leader Economic Development and Public Safety, Executive Director of Human Resources and Chief Financial Officer/City Treasurer and Corporate Leader Finance and Technology respecting a personal/legal matter about an identifiable individual/pending litigation **BE APPROVED.**

Councillor Dilkens discloses an interest on this item and is absent for the discussion and vote.

4. That the recommendation contained in the in-camera report from the City Solicitor and Corporate Leader Economic Development and Public Safety respecting a legal matter – litigation/solicitor-client privilege **BE APPROVED.**

Councillor Payne discloses an interest on this item and is absent for the discussion and vote.

5. That the in-camera Council question from Councillor Gignac regarding a matter relating to the security of the property of the Corporation **BE RECEIVED.**

Motion Carried.

**Moved by Councillor Jones, seconded by Councillor Marra,
That the special meeting of council held October 12, 2012 BE ADJOURNED.
(Time: 5:20 p.m.)**

Motion Carried.