

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 Halberstadt
Councillor Jones
Councillor Maghnieh
Councillor Marra
Councillor Payne
Councillor Sleiman
Councillor Valentinis

Members Absent:

None.

Call to Order

Following the playing of the Canadian National Anthem, Reverend Greg Lutz from Peace Lutheran Church, offers the Opening Prayer.

Disclosures of Pecuniary Interest and the General Nature Thereof

Councillor Marra discloses an interest and abstains from voting on Communication No. 9, pertaining to the correspondence dated August 22, 2013 from the Henry Ford Health System regarding the Disaster Resilience in an Every-Changing World CME Conference, due to Hotel Dieu Grace Hospital being his employer.

Councillor Marra discloses an interest and abstains from voting on Communication No. 12, being the report of the Manager of Urban Design regarding the application of Hotel Dieu Grace Hospital for a site plan approval to permit an expansion of a parking lot, as the Applicant is his employer.

Councillor Marra discloses an interest and abstains from voting on Item No. 15, being the report of the Chief Administrative Officer regarding the Delegation of authority Semi-Annual Status Report specifically relating to CAO-2295, due to his employer.

Councillor Dilkens discloses an interest and abstains from voting on Item No. 2, being the report of the City Engineer regarding 1389 Parent Avenue request to pay cost of private drain connection replaced, as his firm represents the owner of 1389 Parent Avenue.

Minutes

Moved by Councillor Marra, seconded by Councillor Payne,
That the Minutes of the regular meeting of Council held August 6, 2013, **BE ADOPTED** as
presented.

Carried.

Notice of Proclamations

“Childhood Cancer Awareness Month” – September 2013

“City of Windsor Ovarian Cancer Awareness Month” – September 2013

Committee of the Whole

Moved by Councillor Sleiman, seconded by Councillor Valentinis,

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
 - (ii) **Report of Special In-Camera Meeting** held August 6, 2013
- (g) consideration of by-laws 132-2013 through 140-2013 (inclusive).

Carried.

Communications

Moved by Councillor Dilkens, seconded by Councillor Gignac,

M319–2013 That the following Communication Items 2 to 4 and 6 to 18 and 20 to 21 inclusive, as set forth in the Council Agenda **BE REFERRED** as noted except Communication No. 1, 5 and 19 which are dealt with as follows; Minutes of the Transit Windsor Board of Directors- Strategic Planning meeting held July 26, 2013, Minutes of the Transit Windsor Board of Directors and Windsor Chartabus Inc. held July 26, 2013 **BE ADOPTED** as presented:

Communication No.1:

Moved by Councillor Payne, seconded by Councillor Valentinis,

M320–2013 That the request by the Great Windsor Home Builders’ Association to address Council on the issue of Development Charges **BE APPROVED** subject to a brief being submitted to Council in advance providing reasons for their request for a lowering of the Charges as follows:

- Statistics on building permit issuances and development charges in adjoining municipalities for 2010-2012
- Statistics on tax increases in adjacent municipalities for 2010-2012

The brief should also state the amount of reduction in Development Charges and the timing of such reduction that the GWHBA is requesting and also any other reasons for a reduction in the charges; and

That administration **BE DIRECTED** to **REPORT BACK** to Council as to whether it is possible to begin the new Development Charges Study prior to 2015; to include the commercial development charges along with comparisons from the BMA studies and that the amount of the shortfall, estimated at \$30 million, resulting from keeping the development charges artificially low in the 1990’s (which caused taxpayers to pick up the shortfall to fund growth related expenditures) be included in the report for consideration.

Carried.

Communication No.5:

Moved by Councillor Dilkens, seconded by Councillor Marra,
M321-2013 That the CAO and City Clerk **BE AUTHORIZED** to sign the Contribution Agreement with the Province of Ontario for the grant of up to \$2 million for the rehabilitation of the E.C. Row Conrail Bridge, and that the Agreement be in technical form satisfactory to the City Engineer, financial content satisfactory to the Chief Financial Officer and City Treasurer, and content satisfactory to the City Solicitor.

Carried.

Communication No.19:

M318-2013 Moved by Councillor Halberstadt, seconded by Councillor Marra,

1. That the audited Financial Statements of Your Quick Gateway (Windsor) Inc. for the year ended December 31, 2012 **BE RECEIVED**, and
2. **BE IT RESOLVED** that the Chief Administrative Officer and the City Clerk are hereby authorized to execute written annual and ancillary procedural resolutions of The Corporation of the City of Windsor, in its capacity as sole shareholder of Your Quick Gateway (Windsor) Inc., in form and content satisfactory to the Chief Administrative- Officer, as permitted by Section 142 of the Canada Business Corporations Act (Canada).

Carried.

Item	From	Description
1	Greater Windsor Home Builders' Association	Requesting opportunity to address Council on high development charges Chief Building Official COUNCIL DIRECTION REQUESTED SB2013
2	Federation of Canadian Municipalities (FCM)	Views on 2014 federal budget, FCM Sustainable Communities Awards, and finding elected officials on Twitter Note & File GF2013
3	Association of Municipalities Ontario (AMO)	Consultations launched for new poverty reduction strategy Community Development & Health Commissioner Note & File MMA2013
4	Ministry of Rural Affairs	Launch of the renewed Rural Economic Development (RED) Program Note & File GP2013
5	Ministry of Rural Affairs	Local Infrastructure Improvements in store for Southwestern Ontario Note & File GP2013
6	Ministry of Rural Affairs	Supporting Jobs and Growth in Rural Ontario Note & File GP2013

7	Town of Tecumseh	Consideration of the Drainage Report for the Repair and Improvement to the Little Tenth Concession Drain City Engineer Note & File SW2013
8	Town of Tecumseh	Resolution Raising Healthy Children: A Healthy Kids Strategy for Windsor-Essex Community Development & Health Commissioner Note & File SS2013
9	Henry Ford Health System	Response Ready: Disaster Resilience In an Ever-Changing World CME Conference Chief Financial Officer & City Treasurer <u>COUNCIL DIRECTION REQUESTED</u> SF2013
10	Committee of Adjustment	Consent Authority Agenda Record for August 28, 2013 meeting of the Committee of Adjustment Note & File ZC2013
11	Manager of Urban Design	Application of Timbercreek Adar Lauzon Inc. for Site Plan Approval to permit a multi-residential with parking structure demolished and surface parking added located at 1170 Lauzon Rd & 1175 Adair Crt. Note & File ZS/11740
12	Manager of Urban Design	Application of Hotel Dieu Grace Hospital for Site Plan Approval to permit an expansion of Parking Lot D located at 1024 Goyeau Street Note & File ZS/9856
13	City Engineer	Tender 09-13: Aubin Road – Seminole Street to Franklin Street, Sewer, Watermain and Pavement Rehabilitation Note & File SW/11702
14	City Engineer	Ward 7 – Cold Milling & Asphalt Paving – Tender No. 61-13 Note & File SW/11744
15	City Engineer	2013 Impact I – Road & Watermain Reconstruction / Cold Milling & Asphalt Paving – Tender No. 65-13 Note & File SW/11743
16	Senior Manager Asset Planning	Update on MIII Grant and Asset Planning Division Note & File GFG/9967
17	Chief Financial Officer & City Treasurer	Your Quick Gateway (Windsor) Inc. – 1 st Quarter 2013 Financial Statements Note & File APM/9795

18	Chief Financial Officer & City Treasurer	Your Quick Gateway (Windsor) Inc. – 2012 Year-End Financial Statements Note & File APM/9795
19	YQG Director of Finance	Your Quick Gateway (Windsor) Inc., 2012 Audited Financial Statements COUNCIL DIRECTION REQUESTED APM/9795
20	City Clerk	Closed Meeting Investigation Reports re: Closed Meeting Investigation Reports re: Closed Meetings of March 28, 2011, January 26, 2012 and July 9, 2012 Note & File GM/10012
21	Transit Windsor	Minutes of the Transit Windsor Board of Directors meetings held July 26, 2013: <ul style="list-style-type: none"> • Strategic Planning Meeting • Board of Directors Meeting • Windsor Chartabus Inc. Meeting TO BE ADOPTED MB2013

Carried.

Councillor Marra discloses an interest and abstains from voting on Communications No. 9 and 12.

Consent Agenda

Moved by Councillor Halberstadt, seconded by Councillor Jones,

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

- Item 1 City Sale to R. St. Pierre, Vacant Land at the northeast corner of Langlois Avenue and the North Service Road
- Item 3 Lease Agreement between The Corporation of the City of Windsor and CS Wind Canada Inc., 9655 Twin Oaks Drive
- Item 4 Petition for Construction of Curbs and Gutters and Boulevard Restoration on Roselawn Drive from Woodland Avenue to Longfellow Avenue
- Item 6 Amendment to Subdivision Agreement, Sixth Concession Development Limited
- Item 7 Ministry of the Environment – Transfer of Review Fees
- Item 8 Approval to Proceed with Video Detection
- Item 9 The Windsor Classic, December 20-21, 2013
- Item 10 Entertaining Assets Inc. – Zombie Run, October 5, 2013, Malden Park
- Item 11 Additional Information regarding M199-2013 – P&EDSC Report No. 137, Repeal of By-law 5263, Forest Glade Court
- Item 13 2013 E.C. Row Expressway I – Cold Milling & Asphalt Paving, Tender No. 69-13
- Item 15 Delegation of Authority Semi-Annual Status Report for period January 1, 2013 through June 30, 2013
- Item 16 Tender 93-13: Willistead Crescent – Devonshire Road to Devonshire Road, Sewer, Watermain and Pavement Rehabilitation, and Argyle Road – Ontario Street to Ottawa Street, Mill and Pave
- Item 18 Delay in implementation of Administrative Penalty System for Parking By-law Offences

Carried.

Councillor Marra declares a conflict and abstains from voting on Item 15 specifically relating to CAO2295.

Consent Committee Reports

None presented.

Deferrals and/or Referrals and Withdrawals**1389 Parent, Request to Pay Cost of Private Drain Connection Replaced****David Sundin, Solicitor representing property owner of 1389 Parent**

At the request of the Solicitor of the property owner of 1389 Parent Avenue, this matter is being deferred to the next available Council meeting to allow further review by the property owner.

Report Number **16693 SW2013 2**

(For final disposition of this matter, see Clause **CR152/2013** in Schedule "A" attached hereto.)

M87-2013 Request for Reduction of Development Charges – Valente Development Corporation**Peter Valente, Valente Development Corporation**

Peter Valente, Valente Development Corporation, appears before Council to speak against the administrative recommendation to deny the reduction of development charges, stating that the location is an optimum location for a condominium site, and concludes by stating that no new condominium sites have been built within the last 7 years throughout the City of Windsor.

Report Number **16698 SB2013 12**

(For final disposition of this matter, see Clause **CR162/2013** in Schedule "A" attached hereto.)

PRESENTATIONS:**Marty Gervais, City of Windsor Poet Laureate**

Councillor Gignac appears before Council to present Marty Gervais, the City of Windsor's first Poet Laureate with a plaque designed by a local artist that will be displayed in the lobby of City Hall that will commemorate each Poet Laureate that City Council appoints in the future. Mr. Gervais gives a short reading as part of the War of 1812 - Tall Ships Festival commencing August 30, 2013 to September 2, 2013.

DELEGATIONS**Approval to Proceed with Central Box Environmental Assessment****David Hanna, resident of Ward 1**

David Hanna, resident of Ward 1, appears before Council to speak in support of the administrative recommendation to proceed with the Central Box Environmental Assessment, stating that the environmental assessment is long overdue, and concludes by urging Council to explore the additional funding sources (i.e. Green municipal funds or the railway)

Robert Rieveley, Chair, Bike Friendly Windsor Essex

Robert Rieveley, Chair, Bike Friendly Windsor Essex, appears before Council to speak in support of the administrative recommendation to proceed with the Central Box Environmental Assessment, stating that the initiative is a positive step for recreation and transportation, and concludes by stating that cycling is a form of active and affordable transportation.

Report Number **16660 EI/11742 5**

(For final disposition of this matter, see Clause **CR155/2013** in Schedule “A” attached hereto.)

Corporate Payroll Business Process Review**Mark Vander Voort, President, CUPE Local 543 and Joel Bentley, CUPE National Representative**

Mark Vander Voort, President, CUPE Local 543 and Joel Bentley CUPE National Representative, appear before Council to speak in support of the administrative recommendation regarding the corporate payroll business process review, stating that CUPE has reviewed the report and met with administration concerning the affect this will have on Local 543 members, and conclude by requesting that administration continue to include the Union on ongoing discussions.

Report Number **16703 AF2013 17**

(For final disposition of this matter, see Clause **CR168/2013** in Schedule “A” attached hereto.)

Ward 7 Vacancy on City Council – By-Election vs Appointment**Ernie the Bacon Man, resident of Ward 8**

Ernie the Bacon Man, resident of Ward 8, appears before Council to request that Council approve Administration’s recommendation option (b) to hold a by-election for the vacancy on City Council in Ward 7, and concludes by stating that Ward 7 residents have the right to have their concerns addressed.

Edy Haddad, resident of Ward 10

Edy Haddad, resident of Ward 10, appears before Council to request that Council approve Administration’s recommendation Option (B) to hold a by-election for the vacancy on City Council in Ward 7, and concludes by stating that citizens of Ward 7 should be afforded the opportunity to choose their representative.

David Hanna, resident of Ward 1

David Hanna, resident of Ward 1, appears before Council to request that Council approve Administration’s recommendation Option (B) to hold a by-election for the vacancy on City Council in Ward 7, and concludes by stating that a by-election would be the most democratic process.

Kieran McKenzie, resident of Ward 9

Kieran McKenzie, resident of Ward 9, appears before Council to request that Council approve Administration's recommendation Option (B) to hold a by-election for the vacancy on City Council in Ward 7, and concludes by stating that a by- election would be the most democratic process.

Moved by Councillor Marra, seconded by Councillor Maghnieh,
That the Ward 7 seat in the Office of Councillor for the 2010 to 2014 term **BE DECLARED** officially vacant; and further

That the City Clerk **BE DIRECTED** to conduct a by-election to fill the vacant Council seat in Ward 7 with a nomination date deadline of September 13, 2013 and an election date of Monday October 28, 2013.

The motion is put and is lost

At the request of Mayor Francis a recorded vote is taken:

RESULTS OF RECORDED VOTE:

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

Moved by Councillor Gignac, seconded by Councillor Sleiman,
That the vacant Council seat in Ward 7 **BE FILLED** by appointment once consultation with the community has occurred.

The motion is put and is lost

Aye votes: Councillors Dilkens, Sleiman and Gignac

Nay votes: Councillors Valentinis, Halberstadt, Jones, Payne, Maghnieh and Marra.

Moved by Councillor Payne, seconded by Councillor Valentinis,
That the first runner up of the 2010 Election **BE APPOINTED** to Council for the remainder of the Council term.

The motion is put and is lost

Aye votes: Councillors Payne, Valentinis and Halberstadt

Nay votes: Councillors Marra, Sleiman, Jones, Gignac, Dilkens and Maghnieh

Moved by Councillor Maghnieh, seconded by Councillor Marra,

That the City Clerk **BE DIRECTED** to conduct a by-election to fill the vacant Council seat in Ward 7 with a nomination date deadline of Friday October 25, 2013 and an election date of Monday December 9, 2013.

The motion is put and is lost

At the request of Councillor Maghnieh a recorded vote is taken:

RESULTS OF RECORDEDVOTE:

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

Report Number **16701 ACEE/11747 14**

(For final disposition of this matter, see Clause **CR164/2013 and CR165/2013** in Schedule “A” attached hereto.)

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

Nil.

Consideration of Committee Reports

M317-2013 Moved by Councillor Payne, seconded by Councillor Sleiman,
That the **Report of the special In-camera** meeting held August 6, 2013 **BE ADOPTED** as presented.

Carried.

ACO2013

By-laws

Moved by Councillor Valentinis, seconded by Councillor Dilkens,
That the following By-laws No. 132-2013 through 140-2013 (inclusive), be introduced and read a first and second time:

132-2013 “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 CAO2441, approved August 2, 2013

133-2013 “A BY-LAW TO AUTHORIZE THE CONSTRUCTION OF CONCRETE CURBS AND GUTTERS AND BOULEVARD RESTORATION ON ROSELAWN DRIVE FROM WOODLAND AVENUE TO LONGFELLOW AVENUE, IN THE CITY OF WINDSOR, AS A LOCAL IMPROVEMENT” (see Council Agenda Item 4)

- 134-2013 “A BY-LAW TO PROVIDE THAT PART-LOT CONTROL SHALL NOT APPLY TO CERTAIN LAND THAT IS WITHIN REGISTERED PLAN 558, IN THE CITY OF WINDSOR”, authorized by By-law 28, 2013, passed February 19, 2013
- 135-2013 “A BY-LAW TO FURTHER AMEND BY-LAW 9023 BEING A BY-LAW TO REGULATE VEHICULAR PARKING WITHIN THE LIMITS OF THE CITY OF WINDSOR ON MUNICIPAL STREETS, MUNICIPAL PARKING LOTS AND PRIVATE PROPERTIES”, authorized by CAO2450, approved August 13, 2013
- 136-2013 “A BY-LAW TO PROVIDE THAT PART-LOT CONTROL SHALL NOT APPLY TO CERTAIN LAND THAT IS WITHIN REGISTERED PLAN 358, IN THE CITY OF WINDSOR”, authorized by By-law 28, 2013, passed February 19, 2013
- 137-2013 “A BY-LAW TO AMEND BY-LAW 9023 AS AMENDED BY BY-LAW 112-2013 BEING A BY-LAW TO REGULATE VEHICULAR PARKING WITHIN THE LIMITS OF THE CITY OF WINDSOR ON MUNICIPAL STREETS, MUNICIPAL PARKING LOTS AND PRIVATE PROPERTIES AND TO ESTABLISH A SYSTEM FOR ADMINISTRATIVE PENALTIES AND FEES” (See Council Agenda Item 18)
- 138-2013 “A BY-LAW TO ASSUME CLOVER AVENUE FROM MCHUGH STREET TO TECUMSEH ROAD AND MCHUGH STREET FROM CLOVER AVENUE TO BANWELL ROAD BEING STREETS SHOWN ON PLAN 12R-16307 KNOWN AS CLOVER AVENUE AND MCHUGH STREET AND THE MUNICIPAL SERVICES LOCATED THEREIN, IN THE CITY OF WINDSOR”, authorized by M98-2012, passed February 21, 2012
- 139-2013 “A BY-LAW TO DELEGATE AUTHORITY TO THE CITY PLANNER TO APPROVE AND PROCESS CERTAIN APPLICATIONS UNDER THE PLANNING ACT AND PERMITS UNDER THE ONTARIO HERITAGE ACT”, authorized by M264-2013, passed June 17, 2013 and by M301-2013, passed August 6, 2013
- 140-2013 “A BY-LAW TO CONFIRM THE PROCEEDINGS OF THE COUNCIL OF THE CORPORATION OF THE CITY OF WINDSOR AT ITS MEETING HELD ON THE TWENTY-SIXTH DAY OF AUGUST, 2013”

Carried.

Moved by Councillor Gignac, seconded by Councillor Halberstadt,
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

Moved by Councillor Valentinis, seconded by Councillor Marra,
M322-2013 That Rule 13.9 of the Procedure By-law **BE WAIVED** to permit the introduction of a motion for consideration without prior notice regarding the regarding the bagging and waiver of parking fees for specific parking meters on Pelissier Street.

Carried.

ST2013

Moved by Councillor Valentinis, seconded by Councillor Marra,
M323-2013 That the bagging and waiver of fees for parking meters #652, 654, 656 and 658 on Pelissier Street from August 27, 2013 to September 13, 2013 **BE APPROVED..**

Carried.

ST2013

Third Reading of By-laws

Moved by Councillor Jones, seconded by Councillor Maghnieh,
That the following By-laws No. 132-2013 through 140-2013 (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

None presented.

Council Questions

Moved by Councillor Payne, seconded by Councillor Marra,
M324-2013 That the following Council Question by Councillor Payne **BE APPROVED**, and that Administration **BE DIRECTED** to proceed with the necessary actions to respond to the Council Question in the form of a written report, consistent with Council's instructions, and in accordance with Section 17.1 of the Procedure By-law 98-2011:

CQ28-2013

Asks for a report on the feasibility of constructing a pilot segregated cycle lane (also known as cycle-track) project similar to the recently completed project on Laurier Avenue in Ottawa which has resulted in increasing bicycle traffic in the downtown area, improved road safety, minimal impact to motor vehicle operations, no impacts to emergency response times and favourable feedback from cyclists and other road users.

Carried.

ST2013

Moved by Councillor Valentinis, seconded by Councillor Marra,
M325-2013 That the following Council Question by Councillor Valentinis **BE APPROVED**, and that Administration **BE DIRECTED** to proceed with the necessary actions to respond to the Council Question in the form of written report, consistent with Council's instructions, and in accordance with Section 17.1 of the Procedure By-law 98-2011:

CQ29-2013

Asks for a report back on encroachment fees for hedges and fences on public right of way, including the possibility of lowering the fee for encroachments less than 1 metre in height

SE2013

Carried.

Adjournment

Moved by Councillor Dilkens, seconded by Councillor Gignac,
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 8:48 o'clock p.m.

MAYOR

CITY CLERK

Halberstadt
Jones

CR151/2013

I. That **APPROVAL BE GIVEN** to the sale of the following City of Windsor surplus land:

1. **PURCHASER:** Richard St. Pierre
1070 North Service Rd.
Windsor ON N8W 5H3
2. **PROPERTY:**
Vacant 13.19" X 148" X 40.22" X 150.45" irregular shaped parcel of land (less the lands required by Public Works to be retained for an approximate 15" X 15" corner cutoff) situated on the east side of Langlois Avenue, legally described as Part of Lot 18, Registered Plan 1246, designated as Part of Part 10, Plan 12R-321 and to be further described on a reference plan of survey
3. **SALE PRICE:** \$2,500.00 plus HST as applicable.
4. **CONDITIONS:**
 - 1] Purchaser submits a \$1,000.00 deposit with the offer.
 - 2] This transaction shall be completed within 30 days after City Council approval.
5. **ACCOUNT CREDITED:** 160-6940-0229611

II. That the Chief Administrative Officer and Clerk **BE AUTHORIZED** to sign any required written documents satisfactory in form and content to the City Solicitor, in financial content to the Chief Financial Officer and that the transaction **BE COMPLETED** electronically, for the property where it is available, pursuant to By-Law 366-2003 and that the Chief Administrative Officer and the City Clerk **BE AUTHORIZED** to execute all documents necessary to complete the transaction, as required, and that the City Solicitor or designate **BE AUTHORIZED** to execute documents standard to a real estate transaction.

Carried.

Report Number **16661 APM2013 C1**

Mara
Valentinis

CR152/2013

THAT the report of the City Engineer dated August 15, 2013 entitled "1389 Parent – Request to Pay Cost of Private Drain Connection Replaced" **BE DEFERRED** to the next available Council meeting for further review by the property owner.

Carried.

Councillor Dilkens declares a conflict and abstains from voting on this matter.

Report Number **16693 SW2013 2**

Halberstadt
Jones

CR153/2013

THAT the report of Manager of Real Estate Services with respect to a lease agreement between The Corporation of the City of Windsor and CS Wind Canada Inc. – 9655 Twin Oaks Drive **BE RECEIVED** for information.

AND THAT the lease of 9655 Twin Oaks Drive to CS Wind Canada Inc. in accordance with the following terms **BE APPROVED**.

BASIC TERMS:

- | | |
|-----------------------------------|--|
| a) Tenant | CS Wind Canada Inc. |
| b) Tenant's Address | 9350 Twin Oaks Drive |
| c) Commencement Date | On or before August 31, 2013 |
| d) Term | 2 Years |
| e) Termination Date | July 31, 2015 |
| f) Leased Premises | 9655 Twin Oaks Drive |
| g) Area of Leased Premises | Approximately 18,600 square feet |
| h) Gross Rental | See (i), (k) and (l) below |
| i) Annual Basic Rental | \$1.00 - See Confidential memo |
| j) Security Deposit | None |
| k) Land Taxes | Paid by Tenant |
| l) Utilities | Paid by Tenant |
| m) Permitted Use | Storage and office space |
| n) Insurance | General Liability Insurance
Minimum Limit \$2,000,000.00
Tenant's Legal Liability Insurance
Minimum Limit \$300,000.00 |
| o) Over holding Monthly | \$4,000 per month (plus HST) (Rental) |
| p) Renewal | 3 one year options under same terms and conditions |
| q) Guarantor | None |
| r) Special Provisions: | The Tenant will be responsible for all repairs and maintenance to the building, parking lot and landscape areas. The City will be responsible for repairs and maintenance to the roof and structure of the building. |

- s) **Reservations** The City will be required to reserve a temporary and permanent easement to allow for water infrastructure. In addition the parking lot on the subject site will be made available to employees of Jamieson laboratories until such time as the City's "rail spur" construction project does not impact on the existing Jamieson driveway and parking lot; and

THAT the Chief Administrative Officer and the City Clerk **BE AUTHORIZED** to sign a Lease Agreement, to be in a form satisfactory to the City Solicitor, in content satisfactory to the Manager of Real Estate Services or the Asset/Lease Administrator, and in financial content to the City Treasurer.

Carried.

Report Number **16641 APM2013 C3**

Halberstadt
Jones

CR154/2013

- I. That, in view of receipt of two sufficiently signed Local Improvement Petitions in favour of construction of curbs and gutters on Roselawn Drive from Woodland Avenue to Dandurand Avenue and from Dandurand Avenue to Longfellow Avenue, as shown located on **attached** Drawing C-3103, the **attached** report of the City Engineer to address the requirements of Section 6 of Ontario Regulation 586/06, **BE APPROVED** and the requirements regarding the notices to the public and owners of the lots liable to be specially charged with respect to the work, as required by Section 6 of Ontario Regulation 586/06, **BE UNDERTAKEN**, said notices to be in content as per the report of the City Engineer.
- II. That Council **ADOPT** By-law 133-2013 for the construction of curbs and gutters and boulevard restoration on Roselawn Drive from Woodland Avenue to Longfellow Avenue as a local improvement in accordance with Section 5 of Ontario Regulation 586/06 made under Municipal Act 2001, and the City Engineer **BE AUTHORIZED** to proceed with the tendering and Award of Tender to the low bidder, subject to the tender meeting project specifications, and being within the approved estimated budget; and subject to the terms and conditions of the City of Windsor's Purchasing By-law 93-2012; and that the Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign a contract with the low tenderer, satisfactory in form to the City Solicitor, in financial content to the City Treasurer, and in technical content to the City Engineer.
- III. That the City Engineer **BE REQUIRED** to provide a Reconciliation Report to Council on the Tender Award.

Carried.

Report Number **16648 SW2013 C4**

Maghnieh
Marra

CR155/2013

THAT City Council **AUTHORIZE** Administration to move forward with the Central Box Environmental Assessment Study originally earmarked in the 2013 Enhanced Capital Budget for which there was a placeholder of \$300,000; and

THAT staff **BE AUTHORIZED** to issue a RFP to retain the consultant team; and

THAT the contract for the consultant be **PRE-APPROVED**, subject to being within the allocated budget, and that the Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign the agreements, in form satisfactory to the City Solicitor, financial content satisfactory to the City Treasurer and technical content to the City Engineer; and further

THAT the RFP **BE REFERRED** to the Rail Issues Committee for review.

Carried.

Report Number **16660 EI/11742 C5**

Halberstadt
Jones

CR156/2013

THAT the existing subdivision agreement between Sixth Concession Development Limited and the Corporation of the City of Windsor **BE AMENDED** as follows, and further, that the CAO and City Clerk **BE AUTHORIZED** to execute the agreement in form satisfactory to the City Solicitor:

Noise Barrier

1. The Owner(s) agrees to install a 2.4 metre high noise barrier on top of the existing berm as marked on the attached Schedule "A". The height of the barrier shall be measured above the centre line of Street known as Zanzibar Crescent as shown on Schedule "A".
2. The noise barrier shall be of a material having a surface density of not less than twenty (20) kilograms per square metre (20 kg./m²) at any part of the barrier. In the event the noise barrier is constructed of wood, the noise barrier shall meet the specifications described in Schedule "B" attached hereto, forming part of this agreement. The barrier shall be continuous and be free from any gaps and holes.
3. The Owner(s) further agree that the barrier is considered as a "structure". This "structure" is defined as a combination of units fabricated and interconnected in accordance with a design and intended to support vertical and horizontal loads. The noise barrier (structure) shall conform to the Ontario Building Code Design Standards.
4. The Owner(s) agree that the noise barrier shall be located on the private property and shall not be removed or altered at any time and shall be maintained by the property owner(s) in perpetuity at their entire expense. In the event, the noise barrier, including earth berm, is damaged, altered or not maintained to the original standards at the time of construction, the Corporation of the City of Windsor retains the right to enter on the premises by giving a 24 hour written notice to the owner(s) of the said property/properties. The said notice shall state the purpose and the details of the repairs and/or construction works and claim such costs incurred for repairs or other construction works from the affected property owner(s).5. No construction permit(s) for any dwelling(s) including model home(s), shall be issued for Lots 5 to 16, inclusive, as shown on Schedule "A" by the Chief Building Official until the Owner(s) has installed the noise barrier and the holding "H" zone symbol on these lots has been removed.
5. The Owner(s) further agrees to provide the City Planner with a compliance certificate from an acoustical consultant indicating that the noise barrier is built as per the approved requirements including a certificate from an Ontario Land Surveyor stating the height of the built acoustical barrier is in conformity with the said requirements.

6. Prior to the construction of the said noise barrier, the Owner shall:
- (a) Submit at least three (3) copies of construction drawings showing the design including structural calculations (conforming to Ontario Building Code, Design Standards), construction materials (including texture and colour, elevations, drainage, landscaping, etc. of the said noise barrier (structure) to the Planning Department and Building Department.
 - (b) Secure approval and construction permits from both Corporation's Chief Building Official and City Planner.
 - (c) Deposit with the Corporation, bond(s) or security equivalent to the approved noise barrier construction costs in a form satisfactory to the Corporation's City Solicitor.
 - (d) The Corporation retains the right to cash the bond(s) in case the noise barrier is not built according to the approved design and rectify the faulty construction and assign the appropriate costs accordingly.

WARNING CLAUSE:

The following warning clause shall be registered on title and be included in all offers/agreements of Purchase and Sale or Lease for Lots 5 to 16, inclusive, as shown on Schedule "A":

"Purchasers/tenants/occupants are advised that despite the inclusion of noise control mitigation measures in the development, noise levels due to rail traffic activities on the railway tracks may interfere with some activities of the dwelling's occupants."

The value for the construction bond should be \$300,000.00 dollars.

Carried.

Report Number **16695 ZB/7404 C6**

Halberstadt
Jones

CR157/2013

1. That non-refundable administration fees in the amounts noted in Appendix "A", plus the applicable fee(s) noted in Schedule 6 of the Ministry of the Environment's (MOE) schedule of fees BE CHARGED for the Environmental Compliance Approval review process for private developments, and further,
2. That, should an application package be submitted for a development and the application be deemed incomplete, the Consultant BE REQUIRED to submit all outstanding information within two weeks, otherwise the application will be considered void and a new application, with appropriate fees, will be required, and further,
3. That the Schedule of Fees By-law BE AMENDED accordingly.

Carried.

Report Number **16674 AF2013 C7**

Halberstadt
Jones

CR158/2013

- I. THAT City Council **AUTHORIZE** Administration to move forward with the video detection work allocated in the 2013 Capital Budget of which there was a placeholder of \$2 million; and
- II. THAT staff **BE AUTHORIZED** to tender the works and proceed in 2013 and 2014; and
- III. THAT all contracts for the works be **PRE-APPROVED**, subject to being within the allocated budget, and that the Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign the agreements, in form satisfactory to the City Solicitor, financial content satisfactory to the City Treasurer and technical content to the City Engineer; and further
- IV. THAT Administration **REPORT BACK** to City Council the results of all tenders that were awarded and approved.

Carried.

Report Number **16656 ST2013 C8**

Halberstadt
Jones

CR159/2013

THAT the request from Investors Group to close Riverside Drive West between Ouellette Avenue and Ferry Street to host their second annual street hockey event, The Windsor Classic on December 20, 2013 from 11 a.m. through December 21, 2013 10 p.m. **BE APPROVED** subject to the terms and conditions of the Special Event Agreement.

Move In	Event	Move Out
December 20, 2013 9:00 a.m. December 21, 2013 9:00 a.m.	10:00 a.m. to 11:00 p.m. December 20, 2013 and 10:00 a.m. to 9:00 p.m. December 21, 2013	December 20, 2013 11:59 p.m. December 21, 2013 10:00 p.m.

Carried.

Report Number **16688 SR2013 C9**

Halberstadt
Jones

CR160/2013

That the request from ENTERTAINING ASSETS INC. to host the Zombie Run at Malden Park on October 5, 2013 **BE APPROVED** subject to the to the terms and conditions of the Special Event Agreement.

Carried.

Report Number **16672 SR2013 C10**

Halberstadt
Jones

CR161/2013

- I. THAT the report of the City Planner dated August 9, 2013 entitled “Additional Information regarding M199-2013 – Planning & Economic Development Standing Committee Report No. 137 – Repeal of By-law 5263, Forest Glade Court” **BE RECEIVED** for information.
- II THAT Report No. 137 of the Planning & Economic Development Standing Committee of its meeting held April 15, 2013 regarding „Repeal of By-law 5263 exempting lands within Registered Plan 12M-77 from Part-Lot Control“ **BE APPROVED**.

Carried.

Report Number **16696 AB2013 C11**

Marra
Sleiman

CR162/2013

That the report of the Chief Building Official dated August 13, 2013 entitled “M87-2013 Request for Reduction of Development Charges – Valente Development Corporation” **BE DEFERRED** and **BROUGHT BACK** to Council in conjunction with the Greater Windsor Home Builder Association to address Council regarding development charges.

Carried.

Councillor Jones voting nay.

Report Number **16698 SB2013 12**

Halberstadt
Jones

CR163/2013

- I. THAT the following low tender **BE ACCEPTED**:

Tenderer:	Mill-Am Corporation 2199 Blackacre Drive, Unit 700 Oldcastle, Ontario N0R 1L0
Work:	2013 E.C. Row Expressway I – Cold Milling & Asphalt Paving Tender No. 69-13
Total Tendered Price:	\$ 1,129,384.00 (excluding HST)
Accounts Charged:	007-5410-0605-02942-7101001 - \$821,774.00 007-5410-0605-02942-7111001 - \$327,489.42

AND THAT the Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign a contract, satisfactory in form to the City Solicitor, technical content to the City Engineer, and financial content to the Chief Financial Officer and City Treasurer, with Mill-Am Corporation for Tender No. 69-13.

- II. THAT **APPROVAL BE GIVEN** to undertake an expenditure of \$1,149,263.42

(\$1,129,384.00 + unrecoverable HST) for the milling and paving of the E.C. Row Expressway from the Jefferson Blvd. Interchange to a point easterly approximately 2 kilometers (vicinity of CS Wind building), to be funded from the approved 2010 and 2011 Capital Budgets for Road Rehabilitation (Project ID's 7101001 and 7111001).

Carried.

Report Number **16692 SW/11745 C13**

Gignac
Marra

CR164/2013

That the Ward 7 seat in the Office of Councillor for the 2010 to 2014 term **BE DECLARED** officially vacant.

Carried.

Report Number **16701 ACEE/11747 14**

Gignac
Dilkens

CR165 /2013

That the vacant Council seat in Ward 7 be filled by appointment and that the matter **BE REFERRED** back to Administration to develop a process.

Carried.

Councillors Halberstadt, Marra and Maghnieh voting nay.

Report Number **16701 ACEE/11747 14**

Halberstadt
Jones

CR166/2013

THAT City Council receive **FOR INFORMATION** the Delegation of Authority Semi-Annual Status Report for the first half of 2013 (January 1, 2013 through June 30, 2013);

And **THAT** City Council **APPROVE** an amendment of the Delegation of Authority By-law the addition of authority for the Chief Administrative Officer to waive the provisions of Schedule H1 to Business Licensing By-law 395-2004 for special events;

And **THAT** City Council **APPROVE** an amendment of the Delegation of Authority By-law to add authority for the Chief Administrative Officer and City Clerk to execute agreements resulting from conditions imposed by decisions of the Committee of Adjustment in connection with severance and/or minor variance applications, where such conditions have been recommended by administration, save and except for conditions which are related to policy or precedent issues or require the expenditure of funds by the City;

And **THAT** City Council **APPROVE** an amendment of the Delegation of Authority By-law to add authority for the Chief Administrative Officer to approve amendments to:

- By-laws closing alleys or right of ways adopted by former municipalities annexed or amalgamated to The Corporation of the City of Windsor.

- Such by-law amendments to include easements in favour of utility companies as required to enter upon the unclaimed closed alleys for installation, repairs and maintenance of their facilities therein, and to convey unclaimed parcels in accordance with applicable street and alley policy in effect from time to time.

And **THAT** City Council **APPROVE** an amendment of the Delegation of Authority By-law to add authority for the Chief Administrative Officer and City Clerk to execute service contracts agreements for Fire Fighter recruitments, satisfactory in form to the City Solicitor, in technical content to the Executive Director of Human Resources, and in financial content to the Chief Financial Officer and City Treasurer;

And **THAT** City Council **APPROVE** an amendment of the Delegation of Authority By-law to include authority for the Chief Administrative Officer and City Clerk to sign amendment acceptance pages for contract renewals or amendments with the City of Windsor employee benefit carriers/providers for all employee groups as a result of annual renewals, collective bargaining or arbitration awards, satisfactory in form to the City Solicitor, in technical content to the Executive Director of Human Resources, and financial content to the Chief Financial Officer and City Treasurer;

And **THAT** City Council **APPROVE** the deletion from the Delegation of Authority By-law, the authority to manage, make payments on, and enter into and/or authorize settlements on bodily injury, person injury, property damage, and any other type of insurance claims that fall within the Corporation's insurance deductible or self-insured retention and **TRANSFER** this authority to the City Solicitor By-law 185-2011.

Carried.

Councillor Marra declares a conflict and abstains from voting on CAO2295

Report Number **16690 AS/7748 C15**

Halberstadt
Jones

CR167/2013

I. That the following low tender **BE ACCEPTED**:

TENDERER:	D'Amore Construction (2000) Ltd.
TENDER NO.:	93-13
TOTAL TENDER PRICE:	\$2,073,818.00 (excluding HST)
ACCOUNT CHARGED:	007-5410-1790-02942-7132000

and that the Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign a contract with the low tenderer, satisfactory in technical content to the City Engineer, in financial content to the City Treasurer, and in form to the City Solicitor; and

II. That administration **BE AUTHORIZED** to transfer \$238,494.20 from the Sewer Surcharge Reserve Fund to the Willistead Crescent/Argyle Road project ID#7132000.

III. That approval **BE GIVEN** to undertake a total expenditure of \$2,211,109.20 for the construction of Tender 93-13 to be funded from project ID#7132000.

Carried.

Report Number **16694 SW/11746 C16**

Dilkens
Gignac

CR168/2013

THAT the attached consultant's report with respect to the Payroll Business Process Review **BE RECEIVED** for information; and

THAT City Council **AUTHORIZE** Administration to expand the current agreement with Leading Edge Payroll Group, Inc. (which was reviously awarded through RFP 142-11) for consulting services related to the pre-implementation phase of the Payroll Process Review Project for an upset limit of \$100,000 (exclusive of non-refundable taxes) subject to negotiating a satisfactory contract, and further 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 of Information Technology, and in financial content to the City Treasurer; and

THAT the CAO **BE AUTHORIZED** to use the \$18,000 consulting contingency (if required) to handle any consulting issues which might arise but that are out of scope of the noted contract; and

THAT Capital Funding in the amount of \$79,464 **BE TRANSFERRED** from the previously approved \$5.5 million 2013 Enhanced Capital Budget placeholder to the Payroll Business Process Capital Project #7112007 to allow the next phase of the project to proceed, **AND** that the remaining balance of the \$5.5 million placeholder also **BE TRANSFERRED** to the capital account for the Payroll Business Process Project, to be held pending further council approvals following the pre-implementation phase; and

THAT Administration **BE AUTHORIZED** to issue a Request For Proposal (RFP) for a Work Force Management (WFM) system and an enhanced Human Capital Management (HCM) system; and

THAT Administration **BE DIRECTED** to report back to Council the results of the RFP and to obtain approval of the award of the noted RFP's; and

THAT Administration **BE AUTHORIZED** to retain the services of an audit firm, at an estimated cost of \$20,000 to review the impact on financial controls inherent in the consultant's recommendation that the Employee Service Centre reside within the Human Resources Department; and

THAT Administration **REPORT BACK** to Council at the conclusion of the pre-implementation phase with a detailed Business Case that provides budgeted costs, budgeted savings, internal and external resource requirements, recommended staffing levels and reporting relationships, and implementation timelines in order **TO OBTAIN COUNCIL APPROVAL** prior to undertaking the Implementation Phase of the project.

Carried.

Report Number 16703 AF2013 C17

Halberstadt
Jones

CR169/2013

That Parking By-law 9023, as amended by By-law 112-2013 **BE FURTHER AMENDED** to indicate that the effective date of implementation of the administrative penalty system will be November 1, 2013, and that By-law 137-2013 **BE CONSIDERED** at this meeting of Council.

Carried.

Report Number 16712 ST2013 C18

**Adopted by Council at its meeting held August 26, 2013 [M317-2013]
VC/bm**

**SPECIAL MEETING OF COUNCIL – IN CAMERA
August 6, 2013**

Meeting called to order at: 7:34 p.m.

Members in Attendance:

- Mayor E. Francis
- Councillor D. Dilkens
- Councillor R. Jones
- Councillor A. Halberstadt
- Councillor F. Valentinis
- Councillor B. Marra (arrives at 7:35 p.m.)
- Councillor P. Hatfield
- Councillor J. Gignac (arrives at 7:35 p.m.)
- Councillor A. Maghnieh
- Councillor H. Payne
- Councillor E. Sleiman

Also in attendance:

- H. Reidel, Chief Administrative Officer
- J. Payne, Community Development and Health Commissioner and Corporate Leader Social Development, Health, Recreation and Culture
- 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
- N. Coleman, Mayor’s Chief of Staff
- S. Askin Hager, Deputy City Solicitor/Manager of Purchasing and Risk Management (Item 2)

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

<u>Item No.</u>	<u>Subject</u>	<u>Section – Pursuant to Municipal Act, 2001, as amended</u>
1	Legal/Property matter – settlement of expropriation claim	239(2)(e)(f)

2 .	Legal matter – advice subject to solicitor-client privilege – naming rights	239(2)(f)
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Motion Carried.

Declarations of Pecuniary Interest:

Mayor Francis declares a conflict and abstains from voting on Item 2 as his sister-in-law is employed by the Naming Rights sponsor.

Councillor Marra declares a conflict and abstains from voting on Item 2 as his son is employed by the Naming Rights sponsor.

Discussion on the items of business. (Items 1 and 2)

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

Motion Carried.

Moved by Councillor Gignac, 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 August 6, 2013 directly to Council for consideration at the next Regular Meeting.

1. That the recommendation contained in the in-camera report from Senior Legal Counsel, City Solicitor and Corporate Leader Economic Development and Public Safety and Chief Financial Officer/City Treasurer and Corporate Leader Finance and Technology respecting a legal/property matter – settlement of expropriation claim **BE APPROVED.**

2. That the recommendation contained in the in-camera report from the Deputy City Solicitor/Manager of Purchasing and Risk Management, Chief Financial Officer/City Treasurer and Corporate Leader Finance and Technology and Community Development and Health Commissioner and Corporate Leader Social Development, Health, Recreation and Culture respecting a legal matter – advice subject to solicitor-client privilege – naming rights **BE APPROVED.**

Mayor Francis and Councillor Marra declare a conflict on this item and abstain from voting

Motion Carried.

Moved by Councillor Jones, seconded by Councillor Valentinis, That the special meeting of council held August 6, 2013 BE ADJOURNED. (Time: 8:01 p.m.)

Motion Carried.