

Special Meeting Minutes

City Council

City of Windsor

Wednesday, August 09, 2017
12:01 o'clock a.m.

Members Present:

Mayor

Mayor Dilkens

Councillors

Ward 10 - Councillor Borrelli

Ward 3 - Councillor Bortolin

Ward 2 - Councillor Elliott

Ward 1 - Councillor Francis

Ward 6 - Councillor Gignac

Ward 4 - Councillor Holt

Ward 7 - Councillor Kusmierczyk

Ward 8 - Councillor Marra

Ward 9 - Councillor Payne

Ward 5 - Councillor Sleiman

CALL TO ORDER

Mayor Dilkens calls the special meeting to order at 12:01 o'clock a.m.

Moved by: Councillor Francis

Seconded by: Councillor Bortolin

That Rule 3.3 (c) of the Procedure By-Law 98-2011 **BE WAIVED** to allow for the Mayor to call a special meeting without 24 hours notice.

Carried.

8.5 Award of Tender #95-17 - Pelissier Parking Garage Ground Level Conversion - Ward 3

R. J. Potomski, resident of Windsor

R. J. Potomski, resident of Windsor, appears before Council and expresses concern with the administrative recommendation in the report regarding the administrative report Award of Tender #95-17 – Pelissier Parking Garage Ground Level Conversion – Ward 3; and concludes by

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indicating that there is ample amount of parking, and an increase in the number of spots is not necessary.

Al Teshuba, resident of Ward 10

Al Teshuba, resident of Ward 10, appears before Council and expresses concern with the administrative recommendation in the report regarding the administrative report Award of Tender #95-17 – Pelissier Parking Garage Ground Level Conversion – Ward 3; and concludes by suggesting that the garage should be sold to the private sector.

Kate Isley, resident of Ward 3

Kate Isley, resident of Ward 3, appears before Council and expresses concern with the administrative recommendation in the report regarding the administrative report regarding Award of Tender #95-17 – Pelissier Parking Garage Ground Level Conversion – Ward 3; and concludes by suggesting that charges for parking currently in place are not viable for students and that the garage should be sold to the private sector.

Jackie Lassaline, land use planner

Jackie Lassaline, land use planner, appears before Council and expresses concern with the administrative recommendation in the report regarding the administrative report regarding Award of Tender #95-17 – Pelissier Parking Garage Ground Level Conversion – Ward 3; and concludes by suggesting that Council reconsider removing the commercial space and converting it to parking spots.

T. J. Bondy, resident of Ward 1

T. J. Bondy, resident of Ward 1, appears before Council and expresses concern with the administrative recommendation in the report regarding the administrative report regarding Award of Tender #95-17 – Pelissier Parking Garage Ground Level Conversion – Ward 3; and concludes by suggesting that the overage in the tender is not justifiable and maintaining the commercial space increases the walkability of the downtown causing it to be revitalized.

David Hanna, resident of Ward 1

David Hanna, resident of Ward 1, appears before Council and expresses concern with the administrative recommendation in the report regarding the administrative report regarding Award of Tender #95-17 – Pelissier Parking Garage Ground Level Conversion – Ward 3; and concludes by suggesting that the tender is too expensive and that additional parking in the area is not required.

Allison Mistakidis, resident of Ward 5

Allison Mistakidis, resident of Ward 5, appears before Council and expresses concern with the administrative recommendation in the report regarding the administrative report regarding Award of Tender #95-17 – Pelissier Parking Garage Ground Level Conversion – Ward 3; and concludes by

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suggesting that removing the commercial space from the garage and accepting the tender is a mistake.

Murad Erzinclioglu, resident of Ward 3

Murad Erzinclioglu, resident of Ward 3, appears before Council and expresses concern with the administrative recommendation in the report regarding Award of Tender #95-17 – Pelissier Parking Garage Ground Level Conversion – Ward 3; and concludes by suggesting that there is an over abundance of parking in the area and more spots are not required and to reject the tender that has been presented.

Larry Horwitz, representing the Downtown Windsor BIA

Larry Horwitz, representing the Downtown Windsor BIA, appears before Council and expresses concern with the administrative recommendation in the report regarding the report regarding Award of Tender #95-17 – Pelissier Parking Garage Ground Level Conversion – Ward 3; and concludes by providing a brief description about the Detroit Z parking garage and encourages Council to revert the parking spaces back to commercial space.

Stephen Golden, resident of Ward 3

Stephen Golden, resident of Ward 3, appears before Council expressing concern with the administrative recommendation in the report regarding Award of Tender #95-17 – Pelissier Parking Garage Ground Level Conversion – Ward 3; and concludes by suggesting that the parking lot is underutilized and there is no need to add more parking spaces.

Cecile Paquette Crouchman, resident of Ward 9

Cecile Paquette Crouchman, resident of Ward 9, appears before Council expressing concern with the administrative recommendation in the report regarding Award of Tender #95-17 – Pelissier Parking Garage Ground Level Conversion – Ward 3; and concludes by suggesting that the cost to add parking outweighs the benefits and suggests that residents are at risk by removing the commercial portion.

Moved by: Councillor Bortolin

Seconded by: Councillor Kusmierczyk

That the report of the City Engineer dated July 26, 2017 regarding the Award of Tender #95-17 Pelissier Parking Garage Ground Level Conversion BE NOTED AND FILED; and,

That administration BE DIRECTED to investigate leasing out the main floor units in the Parking Garage.

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

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Aye votes: Councillors Kusmierczyk, Marra, Holt and Bortolin.

Nay votes: Councillors Borrelli, Gignac, Elliott, Sleiman, Payne and Francis.

Moved by: Councillor Sleiman

Seconded by: Councillor Francis

Decision Number: CR471/2017

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

TENDERER:	Elmara Construction Co. Limited
TENDER NO.:	95-17
NEGOTIATED TENDER PRICE:	\$723,500 (excluding HST)
ACCOUNT CHARGED:	007 5410-7P01-02942-7161058

And that the Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign a contract with Elmara Construction Co. Limited, satisfactory in form to the City Solicitor, in financial content to the City Treasurer and in technical content to the City Engineer; and

II. That \$315,980 **BE APPROVED** to fund the construction cost increase and that such amount **BE FUNDED** from the 2014 Enhanced Capital Budget Placeholder Allocation for a new Multi Story Parking Facility on Lot 11.

Carried.

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

Aye votes: Councillors Borrelli, Gignac, Elliott, Sleiman, Payne, Francis and Mayor Dilkens.

Nay votes: Councillors Kusmierczyk, Marra, Holt and Bortolin.

Abstain: None.

Absent: None.

Moved by: Councillor Gignac

Seconded by: Councillor Francis

Decision Number: CR472/2017

That Administration **REPORT BACK** with respect to conducting an EOI for the rental of the commercial space in the Goyeau Street Parking garage.

Carried.

At the request of Mayor Dilkens, a recorded vote is taken.

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Aye votes: Councillors Borrelli, Gignac, Elliott, Sleiman, Payne, Francis, Kusmierczyk, Marra, Holt, Bortolin and Mayor Dilkens.

Nay votes: None.

Moved by: Councillor Borrelli

Seconded by: Councillor Francis

Decision Number: CR473/2017

That Administration **REPORT BACK** to City Council on the capital and operating improvements required at both the Goyeau and Pelissier Street garages that would improve lighting, cleanliness, and appearance of these garages, including the cost of implementing these upgrades and appropriate operating method. In addition, Administration should look at the appropriate monthly and hourly rates needed across the entire City owned parking system to make these capital and operating improvements and make rate recommendations to City Council by December 2017.

Carried.

Report Number: C 123/2017
Clerk's File: APM/12685

11. REGULAR BUSINESS ITEMS (Non-Consent Items)

11.2 2018 Proposed Budget Process & Timeline

Moved by: Councillor Kusmierczyk

Seconded by: Councillor Marra

Decision Number: CR474/2017

That the report of the Chief Financial Officer & City Treasurer dated June 29, 2017 regarding the 2018 Proposed Budget Process & Timeline **BE RECEIVED** for information; and,

That City Council **APPROVE** the proposed budget process and budget development timelines; and,

That City Council **COMMUNICATE** to Administration any key council priorities relative to the development of the 2018 budget, including fiscal goals and any desired increases or decreases to specific service levels and/or changes to the methodology of how the services are currently delivered; and,

That through the 2018 budget process, a 6-year Capital Budget Plan **BE UPDATED** to include projects for the year 2023 and balanced to projected available funding; and,

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That an updated 5-Year Debt Reduction / Reserve Enhancement Model **BE PREPARED** and included in the 2018 Budget Documents; and,

That an updated 5-year Sewer Surcharge model **BE DEVELOPED** and included in the 2018 Budget Documents; and,

That administration **REPORT BACK** on options and best practices for the budget deliberation process including conducting the meeting over 2 days.

Carried.

Report Number: C 106/2017

Clerk's File: AFB/12410

8.3 Award of Tender 12-17 - Kamloops Street Trunk Sewer and Marentette Avenue Reconstruction - Ward 9

Moved by: Councillor Payne

Seconded by: Councillor Francis

Decision Number: CR475/2017

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

TENDERER:	Coco Paving Inc.
TENDER NO:	12-17
TOTAL TENDER PRICE:	\$2,918,000.00 (excluding HST)
ACCOUNT TO BE CHARGED:	007-5410-9998-02942-7161050

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,

2. That \$369,189 **BE TRANSFERRED** from the Sewer Surcharge Reserve (Fund 153) to the Kamloops Extension and Marentette Trunk Storm Sewer Project (Project ID# 7161050), in order to fund gross expenditures estimated at \$3,361,138.

Carried.

Report Number: C 114/2017

Clerk's File: SW/12893

12. CONSIDERATION OF COMMITTEE REPORTS

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12.1 Report of the Special In-Camera meeting held on August 8, 2017

Moved by: Councillor Holt

Seconded by: Councillor Kusmierczyk

Decision Number: CR476/2017

That the **Report of the Special in-camera** meeting held August 8, 2017 **BE ADOPTED** as presented. Carried.

Clerk's File: ACO2017

12.2 Report of the Special In-Camera meeting held on July 28, 2017

Moved by: Councillor Holt

Seconded by: Councillor Kusmierczyk

Decision Number: CR477/2017

That the **Report of the Special in-camera** meeting held July 28, 2017 **BE ADOPTED** as presented. Carried.

Report Number: SCM 144/2017

Clerk's File: ACO2017

13. BY-LAWS (First and Second Reading)

Moved by: Councillor Marra

Seconded by: Councillor Payne

That the following By-laws No. 115-2017 through 121-2017 (inclusive) be introduced and read a first and second time:

115-2017 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 CR358/2017, adopted June 19, 2017

116-2017 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 CR358-2017, adopted June 19, 2017

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117-2017 A BY-LAW TO FURTHER AMEND BY-LAW NUMBER 8600 CITED AS THE "CITY OF WINDSOR ZONING BY-LAW", authorized by By-law 8600, Section 21(13)(b), adopted March 31, 1986

118-2017 A BY-LAW TO PROVIDE THAT PART-LOT CONTROL SHALL NOT APPLY TO CERTAIN LAND THAT IS WITHIN REGISTERED PLAN 12M-631 IN THE CITY OF WINDSOR, authorized by By-Law 139-2013, adopted August 26, 2013

119-2017 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 CAO4128, approved July 26, 2017

120-2017 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 CR381-2017, adopted on July 17, 2017

121-2017 A BY-LAW TO CONFIRM PROCEEDINGS OF THE COUNCIL OF THE CORPORATION OF THE CITY OF WINDSOR AT ITS MEETING HELD ON THE EIGHTH DAY OF AUGUST, 2017

122-2017 A BY-LAW TO CONFIRM PROCEEDINGS OF THE COUNCIL OF THE CORPORATION OF THE CITY OF WINDSOR AT ITS SPECIAL MEETING HELD ON THE NINTH DAY OF AUGUST, 2017
Carried.

14. MOVE BACK INTO FORMAL SESSION

Moved by: Councillor Sleiman

Seconded by: Councillor Borrelli

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 amended)
- 3) Items Deferred
Items Referred
- 4) Consideration of the Balance of Business Items (as amended)
- 5) Committee Reports (as presented)
- 6) By-laws given first and second readings (as presented)

Carried.

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15. NOTICES OF MOTION

None presented.

16. THIRD AND FINAL READING OF THE BY-LAWS

Moved by: Councillor Bortolin

Seconded by: Councillor Elliott

That the following By-laws No. 115-2017 through 121-2017 (inclusive), having been read a first and second time be now read a third time and finally passed and that the Mayor and City Clerk **BE AUTHORIZED** to sign and seal the same notwithstanding any contrary provision of the Council.

Carried.

That By-law 122-2017 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.

17. PETITIONS

√CLERK'S CORRECTION**

Moved by: Councillor Francis

Seconded by: Councillor Gignac

Decision Number: CR478/2017

~~That the petition presented by Councillor Holt petition regarding the condition of the property at 755 Louis Avenue **BE RECEIVED** as part of the public record.~~

√That the petition presented by Councillor Holt regarding the condition of the property at 755 Louis Avenue **BE RECEIVED** by the Clerk and that the Clerk **BE DIRECTED** to forward the petition to the City Solicitor 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.√

Decision Number: CR479/2017

~~That the petition presented by Councillor Kusmierczyk petition to request action for storm sewer upgrades **BE RECEIVED** as part of the public record.~~

√That the petition presented by Councillor Kusmierczyk to request action for storm sewer upgrades **BE RECEIVED** by the Clerk and that 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.√

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Decision Number: CR480/2017

~~That the petition presented by Councillor Bortolin petition regarding the WBIA opposing the conversion of commercial lease spaces at the Pelissier Street parking garage **BE RECEIVED** as part of the public record.~~

~~Carried.~~

√That the petition presented by Councillor Bortolin regarding the WBIA opposing the conversion of commercial lease spaces at the Pelissier Street parking garage **BE RECEIVED** by the Clerk and that 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.√

Clerk's File: ACO/12746

18. QUESTION PERIOD

18.2 CQ25-2017

Moved by: Councillor Marra

Seconded by: Councillor Kusmierczyk

Decision Number: CR481/2017

That the following Council Question by Councillor Kusmierczyk **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:

CQ 25-2017:

Assigned to City Engineer

Asks Administration that as residents of the north side of Riverside Drive are concerned about the state of the breakwall and ownership of the breakwall is in question, I ask administration to determine and report back on the ownership of the breakwall on properties along Riverside Drive - in Ward 7.

Carried.

Clerk's File: APM2017

18.3 CQ26-2017

Moved by: Councillor Marra

Seconded by: Councillor Kusmierczyk

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Decision Number: CR482/2017

That the following Council Question by Councillor Kusmierczyk **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:

CQ 26-2017:

Assigned to City Engineer

Asks that as residents of Sandpoint/Vanderbilt are concerned about thick dust coming from nearby gravel piles on commercial property, I ask Administration to report on options to address this matter.

Carried.

Clerk's File: EI2017

18.4 CQ27-2017

Moved by: Councillor Marra

Seconded by: Councillor Kusmierczyk

Decision Number: CR483/2017

That the following Council Question by Councillor Kusmierczyk **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:

CQ 27-2017:

Assigned to Corporate Leader, Parks, Recreation, Culture & Facilities

Asks that Administration report back on signage and location options for first responders responding to emergencies in parks to help identify location of emergency, or location of person in distress.

Carried.

Clerk's File: SR2017

18.5 CQ28-2017

Moved by: Councillor Marra

Seconded by: Councillor Kusmierczyk

Decision Number: CR484/2017

That the following Council Question by Councillor Holt **BE APPROVED**, and that Administration **BE DIRECTED** to proceed with the necessary actions to respond to the Council Question in the form of

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a written report, consistent with Council's instructions, and in accordance with Section 17.1 of the Procedure By-law 98-2011:

CQ 28-2017:

Assigned to City Planner

Asks Administration to report back to the Planning, Heritage & Economic Development Standing Committee on methods of introducing "Pink Code" or "Pink Zoning" as recommended in their report to Council (CM 63/2017) of November 11, 2016.

Carried.

Clerk's File: SPL2017

18.6 CQ29-2017

Moved by: Councillor Marra

Seconded by: Councillor Kusmierczyk

Decision Number: CR485/2017

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:

CQ 29-2017:

Assigned to City Engineer

Asks for a report on the feasibility of removing the stop signs on Calderwood at Woodward which are apparently unnecessary.

Carried.

Clerk's File: ST2017

18.7 CQ30-2017

Moved by: Councillor Marra

Seconded by: Councillor Kusmierczyk

Decision Number: CR486/2017

That the following Council Question by Councillor Marra **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:

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CQ 30-2017:

Assigned to Corporate Leader, Parks, Recreation, Culture & Facilities

Asks Administration to prepare a report for the 2018 Budget process which will provide the estimated timelines and estimated costs associated with the development of the required engineering and architectural drawings for the construction of a community and recreational centre as an expansion of the Fontainebleu Library.

Carried.

Clerk's File: SR2017

21. ADJOURNMENT

Moved by: Councillor Bortolin

Seconded by: Councillor Francis

That this Council meeting stand adjourned until the next regular meeting of Council or at the call of the Mayor.

Accordingly, the meeting is adjourned at 12:57 o'clock a.m.

Carried.

Mayor

City Clerk