THE CITY OF WINDSOR
ONTARIO, CANADA

ACON 2024

May 24, 2024

TO THE MAYOR AND MEMBERS OF COUNCIL:

The **regular meeting** of Council will be held on **Monday, May 27, 2024 at 10:00 o'clock a.m., in the Council Chambers, 350 City Hall Square.**

A special meeting of Council will be held on **Monday, May 27, 2024, immediately following the regular meeting of Council, in Room 139, 350 City Hall Square.** Council will at the special meeting adopt a resolution to authorize Council to meet in closed session, and the resolution shall contain the general nature of the matters to be considered in the closed session. The resolution must be adopted by a majority of Council present during the open special meeting before the meeting may be closed. An agenda for this meeting is enclosed under separate cover.

A meeting of the **Striking Committee** will be held on **Monday, May 27, 2024, immediately following the in-camera meeting of Council,** in Room 139, 350 City Hall Square. A resolution to meet in closed session must be adopted and shall contain the general nature of the matters to be considered. The resolution must be adopted by a majority of Council present during the open special meeting of the Striking Committee before the meeting may be closed. An agenda for this meeting is enclosed under separate cover.

BY ORDER OF THE MAYOR.

Yours very truly,

Steve Vlachodimos
City Clerk
/bm
c.c. Chief Administrative Officer

Consolidated City Council Meeting Agenda

Date: Monday, May 27, 2024
Time: 10:00 o'clock a.m.

Location: Council Chambers, 1st Floor, Windsor City Hall

All members will have the option of participating in person in Council Chambers or electronically and will be counted towards quorum in accordance with Procedure Bylaw 98-2011 as amended, which allows for electronic meetings. The minutes will reflect this accordingly. Any delegations have the option to participate in person or electronically.

MEMBERS:

Mayor Drew Dilkens

Ward 1 – Councillor Fred Francis

Ward 2 - Councillor Fabio Costante

Ward 3 - Councillor Renaldo Agostino

Ward 4 - Councillor Mark McKenzie

Ward 5 - Councillor Ed Sleiman

Ward 6 - Councillor Jo-Anne Gignac

Ward 7 - Councillor Angelo Marignani

Ward 8 - Councillor Gary Kaschak

Ward 9 - Councillor Kieran McKenzie

Ward 10 - Councillor Jim Morrison

ORDER OF BUSINESS

Item # Item Description

1. ORDER OF BUSINESS

2. CALL TO ORDER - Playing of the National Anthem

READING OF LAND ACKNOWLEDGEMENT

We [I] would like to begin by acknowledging that the land on which we gather is the traditional territory of the Three Fires Confederacy of First Nations, which includes the Ojibwa, the Odawa, and the Potawatomi. The City of Windsor honours all First Nations, Inuit and Métis peoples and their valuable past and present contributions to this land.

3. DISCLOSURE OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF

4. ADOPTION OF THE MINUTES *(previously distributed)*

4.1. Adoption of the Windsor City Council minutes of its meeting held May 13, 2024 **(SCM 158/2024)**

5. NOTICE OF PROCLAMATIONS

Proclamations

“Republic Day in Italy” – June 3, 2024

“Brain Injury Awareness Month” – June 2024

“Bike Month” – June 2024

“Recreation & Parks Month” – June 2024

“Seniors’ Month” – June 2024

“Dads Matter Month” – June 2024

Flag Raising Ceremony

“Seniors’ Month” – June 10-14, 2024

Illumination

"Republic Day in Italy" – June 1-2, 2024

6. COMMITTEE OF THE WHOLE

7. COMMUNICATIONS INFORMATION PACKAGE (This includes both Correspondence and Communication Reports)

7.1. Correspondence 7.1.1. through 7.1.8. **(CMC 8/2024)** ***(previously distributed)***

7.2. Housing Solutions Made for Windsor - The Expression of Interest Process - City Wide **(CM 8/2024)** ***(previously distributed)***

7.3 Petition from Residents of the Roseland Neighbourhood and Surrounding Area regarding The City of Windsor's Current Housing Proposal on the Roseland Golf Club Property – Ward 1 **(C 62/2024) (*attached)***

8. CONSENT AGENDA *(previously distributed)*

8.1. Enter into a Lease for Trash Compactor at Huron Lodge- City Wide **(C 55/2024)**

8.2. 2023 Annual Report - Building Permit Fee Reserve Fund - City Wide **(C 37/2024)**

CONSENT COMMITTEE REPORTS

8.3. Minutes of the Windsor Essex Regional Community Safety and Well-Being Plan's Regional Systems Leadership Table of its meeting held December 12, 2023. **(SCM 128/2024) & (SCM 102/2024)**

8.4. Minutes of the Meetings of the Executive Committee and Board of Directors, Willistead Manor Inc., held February 8, 2024 **(SCM 129/2024) & (SCM 82/2024)**

8.5. Minutes of the Windsor Accessibility Advisory Committee of its meeting held February 20, 2024 **(SCM 130/2024) & (SCM 61/2024)**

8.6. Minutes of the Committee of Management for Huron Lodge of its meeting held March 7, 2024 **(SCM 131/2024) & (SCM 96/2024)**

8.7. 2024 Run with Responders and Tug Across the River - City Wide **(SCM 132/2024) & (C 46/2024)**

8.8. Derwent Park – Approval of the Masterplan – Ward 8 **(SCM 133/2024) & (S 37/2024)**

8.9. South Cameron Park Trails – Approval of the Conceptual Plan – Ward 10 **(SCM 134/2024) & (S 38/2024)**

8.10. Windsor Essex Regional Community Safety & Well-Being Plan Update **(SCM 135/2024) & (S 53/2024) & (SCM 42/2024) & (SCM 365/2023)**

8.11. Asylum Claimants Transferred to Windsor Hotels by Immigration, Refugees and Citizenship Canada (IRCC) Update – City Wide **(SCM 136/2024) & (S 39/2024)**

8.12. Sandwich Town CIP Application, 3218 Baby Street; Owner: Buschante Development Group Corporation (Ward 2) **(SCM 151/2024) & (S 54/2024)**

8.13. Brownfield Redevelopment Community Improvement Plan (CIP) application submitted by St. Rhodes Development & Leasing Corporation for 1247 Riverside Drive East (Ward 4) **(SCM 150/2024) & (S 52/2024)**

8.14. Additional Information Memo to Closure of north/south alley located between Vimy Avenue and Ypres Avenue, Ward 5 **(SCM 149/2024) & (AI 7/2024) & (S 4/2024)**

8.15. Main Streets CIP Application, 1958-1998 Wyandotte Street East (Strathcona Building); Owner: 2798315 Ontario Inc. (c/o David Mady) **(SCM 148/2024) & (S 55/2024)**

8.16. Approval of a Plan of Condominium with Exemption under Section 9(3) of the Condominium Act, 705 and 755 Grand Marais Rd E.; Applicant: Seiko Homes Inc.; File No.: CDM 003-24 [CDM-7192]; Ward 10 **(SCM 147/2024) & (S 50/2024)**

8.17. Zoning By-Law Amendment Z007-24(ZNG/7181) - Cindy Prince - 3589 Victoria Boulevard, Ward 9 **(SCM 146/2024) & (S 51/2024)**

8.21. OPA & Rezoning – Bouzide Enterprise Ltd - 2144 Huron Church Rd - OPA 180 OPA/7168 Z-003/24 ZNG/7169 – Ward 10 **(SCM 142/2024) & (S 41/2024)**

8.23. 1958-1998 Wyandotte Street East, Strathcona Building – Request for Heritage Designation & Heritage Funding (Ward 4) **(SCM 140/2024) & (S 48/2024)**

8.24. Minutes of the Active Transportation Expert Panel of its meeting held March 14, 2024 **(SCM 109/2024) & (SCM 83/2024)**

8.25. Minutes of the Essex-Windsor Solid Waste Authority (EWSWA) Regular Board of its meeting held February 6, 2024 **(SCM 110/2024) & (SCM 101/2024)**

8.26. Response to CQ 24-2023 Regarding Minimum Standards, Vendor Warranties, and Construction Policies for Road Repair, Sewer Infrastructure, and Road Rehab Projects - City Wide **(SCM 111/2024) & (S 44/2024)**

8.27. Ad Hoc Administrative Alley Committee - City Wide **(SCM 112/2024) & (S 45/2024)**

8.28. Information regarding adding trees along the E.C. Row Expressway on the North and South sides between Walker Road and Howard Avenue - City Wide **(SCM 113/2024) & (S 47/2024)**

8.29. Response to CQ 9-2024 - Deficient Roads and “Like for Like” Policy - City Wide **(SCM 114/2024) & (S 43/2024)**

8.30. Traffic Signal at Tecumseh Road E and Robinet Road – Ward 7 **(SCM 115/2024) & (SCM 33/2024) & (S 7/2024) & (AI 3/2024) & (AI 6/2024)**

9. REQUEST FOR DEFERRALS, REFERRALS AND/OR WITHDRAWALS

10. PRESENTATIONS AND DELEGATIONS

8.20. Official Plan Amendment and Zoning Bylaw Amendment Site specific regulations for Multiple Dwelling – Z 004-24 [ZNG-7171] & OPA 182 [OPA-7173] 1027458 Ontario Inc. 0 Clairview Ave. - Ward 7 **(SCM 143/2024) & (S 56/2024)**
a) Theresa O'Neill and Karl Tanner, Dillon Consulting Limited, available for questions (in person)

8.19. Official Plan Amendment and Zoning Bylaw Amendment Site specific regulations for Multiple Dwelling – Z 005-24 [ZNG-7174] & OPA 183 [OPA-7175] 1027458 Ontario Inc. 0 Wyandotte St E. - Ward 7 **(SCM 144/2024) & (S 57/2024)**
a) Theresa O'Neill and Karl Tanner, Dillon Consulting Limited, available for questions (in person)
b) Joe & Laurie Lauzon, area resident (in person)

8.22. Sandwich Street Infrastructure Enhancement Heritage Permit (Ward 2) **(SCM 141/2024) & (S 20/2024)**
a) Stephanie Campeau, Associate Vice-President, Stakeholder & Community Relations, Windsor-Detroit Bridge Authority, available for questions (in person)
b) Heather Grondin, Chief Relations Officer, Windsor-Detroit Bridge Authority (in person)
c) Anthony Praill, Package Manager, Bridging North America (in person)
d) Stephen Hargreaves, Director, Sandwich Business Improvement Association (BIA) (in person)

13.2 **By-law 91-2024** A BY-LAW TO ESTABLISH A MUNICIPAL VACANT HOME TAX IN THE CITY OF WINDSOR. Authorized by CR493/2023 dated November 27, 2023. ***(previously distributed)***
a) Maggie Chen, President of Windsor-Essex County Association of Realtors (via Zoom)

8.18. Official Plan Amendment and Zoning By-law Amendment Applications for 835 Tecumseh Road East, 2148 Marentette Avenue, and 2175 Parent Avenue, Z-006/24 [ZNG-7179] & OPA 184 [OPA-7180], Ward 4 **(SCM 145/2024) & (S 49/2024)**
a) David Girard, area resident (in person)

11. REGULAR BUSINESS ITEMS (Non-Consent Items)

11.1. Recycling Collection for Non-Eligible Sources – City Wide **(C 57/2024)** ***(previously distributed)***
Clerk's Note: P&C Memo provided to Mayor and members of Council only
and Administration is requesting to add an additional Resolution to Report C 57/2024

A request to add the resolution below will allow Administration to sell the recycling fleet not needed for NES collection, as originally presented to Council on August 4, 2020 but not included in CR412/2020.

> **THAT** the Purchasing Manager **BE AUTHORIZED TO APPROVE** the disposal of the EWSWA County Recycling vehicles not required for NES Collection, or by any other means in which the City of Windsor determines necessary, by way of a sealed bid process, terms and conditions TBD, subject to approval as to technical content by the City Engineer and in financial content to the City Treasurer.

11.2 City Hall Square Ice Rink – Ward 3 **(C 58/2024) (*attached)***

12. CONSIDERATION OF COMMITTEE REPORTS *(previously distributed)*

12.1. (i) Report of the Special In-Camera meeting or other Committee as may be held prior to Council (if scheduled)

12.2. Report of the Special In-Camera of its meeting held May 13, 2024 **(SCM 156/2024)**

12.3 Report of the Striking Committee of its meeting held May 13, 2024 **(SCM 157/2024)**

13. BY-LAWS (First and Second Reading)

13.1 **By-law 90-2024** A BY-LAW TO ASSUME ROCKPORT STREET FROM COSENZA STREET TO LOT 41, BEING A STREET SHOWN ON PLAN OF SUBDIVISION 12M-665 KNOWN AS ROCKPORT STREET, IN THE CITY OF WINDSOR. Authorized by M98-2012 dated February 21, 2012. ***(previously distributed)***

13.2 **By-law 91-2024** A BY-LAW TO ESTABLISH A MUNICIPAL VACANT HOME TAX IN THE CITY OF WINDSOR. Authorized by CR493/2023 dated November 27, 2023. ***(previously distributed) (see also Delegations)***

13.3 **By-law 92-2024** A BY-LAW TO FURTHER AMEND BY-LAW NUMBER 8600 CITED AS THE "CITY OF WINDSOR ZONING BY-LAW". Authorized by CR156/2024 dated April 22, 2024. ***(previously distributed)***

13.4 **By-law 93-2024** A BY-LAW TO AMEND BY-LAW 250-2004 BEING A BY-LAW RESPECTING SIGNS AND OTHER ADVERTISING DEVICES IN THE CITY OF WINDSOR. Authorized by CR169/2024 dated April 22, 2024. ***(previously distributed)***

13.5 **By-law 94-2024** A BY-LAW TO FURTHER AMEND BY-LAW NUMBER 8600 CITED AS THE "CITY OF WINDSOR ZONING BY-LAW". See Item 8.17. ***(previously distributed)***

13.6 **By-law 95-2024** A BY-LAW TO FURTHER AMEND BY-LAW NUMBER 8600 CITED AS THE "CITY OF WINDSOR ZONING BY-LAW". Authorized by CR168/2024 dated April 22, 2024. ***(previously distributed)***

13.7 **By-law 96-2024** A BY-LAW TO ASSUME FOR SUBSEQUENT CLOSURE THE 4.80 METRE EAST/WEST ALLEY EAST OF MATTHEW BRADY BOULEVARD, NORTH OF ST. ROSE AVENUE, AND WEST OF ST. PAUL AVENUE, CITY OF WINDSOR. Authorized by CR 58/2021 dated February 1, 2021, and CR285/2023 dated July 10, 2023, as amended. ***(previously distributed)***

13.8 **By-law 97-2024** A BY-LAW TO CLOSE, STOP UP AND CONVEY THE 4.80 METRE EAST/WEST ALLEY EAST OF MATTHEW BRADY BOULEVARD, NORTH OF ST. ROSE AVENUE, AND WEST OF ST. PAUL AVENUE, CITY OF WINDSOR. Authorized by CR 58/2021 dated February 1, 2021, and CR285/2023 dated July 10, 2023, as amended.
Clerk's Note: Updated version of by-law 97-2024 **(*attached)***

13.9 **By-law 98-2024** A BY-LAW TO DESIGNATE THE LANDS AND PREMISES SITUATE WITHIN THE CITY OF WINDSOR, MUNICIPALLY KNOWN AS 1646 ALEXIS 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 CR367/2023 dated September 5, 2023. ***(previously distributed)***

13.10 **By-law 99-2024** A BY-LAW TO CONVEY A PORTION OF THE 14.0 FOOT NORTH/SOUTH CLOSED ALLEY EAST OF HURON CHURCH ROAD, SOUTH OF MALDEN ROAD, AND WEST OF DAYTONA AVENUE, CITY OF WINDSOR. Authorized by CR26/2024 dated January 15, 2024. ***(previously distributed)***

13.11 **By-law 100-2024** A BY-LAW TO FURTHER AMEND BY-LAW 188-2000, BEING A BY-LAW TO APPOINT PROVINCIAL OFFENCES OFFICERS FOR THE CORPORATION OF THE CITY OF WINDSOR. Authorized by By-law 98-2011 Section 27.1 (I) (i) dated June 7, 2011. ***(previously distributed)***

13.12 **By-law 101-2024** A BY-LAW TO CONFIRM PROCEEDINGS OF THE COUNCIL OF THE CORPORATION OF THE CITY OF WINDSOR AT ITS MEETING HELD ON THE 27TH DAY OF MAY, 2024. ***(previously distributed)***

14. MOVE BACK INTO FORMAL SESSION

15. NOTICES OF MOTION

16. THIRD AND FINAL READING OF THE BY-LAWS

By-law 90-2024 through 101-2024 (inclusive)

17. PETITIONS

18. QUESTION PERIOD

19. STATEMENTS BY MEMBERS

20. UPCOMING MEETINGS

Environment, Transportation & Public Safety Standing Committee
Wednesday, May 29, 2024
4:30 p.m., Council Chambers

Environment, Transportation & Public Safety Standing Committee
Sitting as the Transit Windsor Board of Directors
Wednesday, May 29, 2024
Immediately following the Environment, Transportation & Public Safety Standing Committee
4:30 p.m., Council Chambers

Active Transportation Expert Panel
Thursday, May 30, 2024
2:30 p.m., via Zoom video conference

Age Friendly Windsor Working Group
Friday, May 31, 2024
1:00 p.m. via Zoom video conference

Development & Heritage Standing Committee
Monday, June 3, 2024
4:30 p.m., Council Chambers

Community Services Standing Committee - **CANCELLED**
Wednesday, June 5, 2024
9:00 a.m., Council Chambers

City Council Meeting
Monday, June 10, 2024
10:00 a.m., Council Chambers

21. ADJOURNMENT

THE CITY OF WINDSOR ONTARIO, CANADA

Council Report: C 62/2024

Subject: Petition from Residents of the Roseland Neighbourhood and Surrounding Area regarding The City of Windsor's Current Housing Proposal on the Roseland Golf Club Property – Ward 1

Reference:

Date to Council: May 27, 2024
Author: Steve Vlachodimos--City Clerk
(519) 255-6100 ext 6488
svlachodimos@citywindsor.ca
Council Services
Report Date: May 22, 2024
Clerk's File #: ACO/14715

To: Mayor and Members of City Council

Recommendation:

That the report of the City Clerk dated May 21, 2024, in response to "Petition from Residents of the Roseland Neighbourhood and Surrounding Area regarding The City of Windsor's Current Housing Proposal on the Roseland Golf Club Property" **BE RECEIVED FOR INFORMATION**

Executive Summary:

N/A.

Background:

At the April 22, 2024 meeting of City Council, Councillor Fred Francis, via Council Decision Number CR182/2024, submitted a petition for the public record from residents of the Roseland neighbourhood and surrounding area in opposition to the City of Windsor's current housing proposal on the Roseland Golf Club property.

The petition states the following:

> *"The residents of the Roseland neighbourhood and surrounding area are opposed to the City of Windsor's current housing proposal on the Roseland Golf and Curling Club Property of adding proposed 38 luxury units.*

Consider:

- *72 more people (population) adding to the burden of the existing sanitary sewer system in the area.*
- *That the City of Windsor OPA 159, calls for and allows for Cabana Road to intensify and redevelop, in this very same area, thus adding a significant further increase in population in the area utilizing the sanitary sewer system.*
- *The issue of inadequate sanitary sewer capacity will become a growing concern throughout the City, in all wards, should all the areas, identified through OPA 159 intensify and should the City continue to accept piecemeal sanitary sewer capacity analysis on a development-by-development basis.*
- *The proposal draws investors and developers away from nearby less developed neighbourhoods in actual need of development where affordable family homes can be established.*
- *Low density established neighbourhoods, like Roseland and surrounding area, are being developed into high density neighbourhoods which threatens the single family home by setting a precedent of rezoning the neighbourhood for high density housing.*
- *Of the 3 main entrances to Roseland neighbourhood, the proposed development is on the busiest and will negatively impact pedestrian and motorist safety.*

We ask Windsor City Council to reconsider their decision regarding this matter, and allow for more public consultation with more options to consider, such as recreational and public space usages, regarding any redevelopment plans at the Roseland Golf and Curling Club".

Discussion:

The City of Windsor is experiencing unprecedented growth spurred by various economic development and large-scale infrastructure projects, which is contributing to pressures on the local housing market.

At the in-camera meeting of February 12, 2024, City Council considered several options for disposition of high-potential land.

On March 1, 2024, the Mayor and members of Council announced the "Housing Solutions Made for Windsor Project", with an initial request for Expressions of Interest (EOIs) on four city-owned properties, including the Roseland Golf Club located at 455 Kennedy Drive in Ward 1.

The petition that was submitted at the April 22, 2024 Council meeting is asking that City Council reconsider their decision regarding this matter and allow for more public consultation with more options to consider.

The matter that is being petitioned for reconsideration was considered by City Council at its in-camera meeting (Item 3) held February 12, 2024. The record shows that this motion was adopted by Council with Councillor Fred Francis voting nay.

The rules for reconsideration are outlined in Procedure By-law 98-2011 as amended, and Bourinot's Rules of Order.

There are three steps that need to take place for reconsideration:

Step #1 - To bring forward a motion for reconsideration, a waiver of the rules is required, and it must be moved by someone from the prevailing side. In this case, since Councillor Francis is on record as having voted nay on the matter, he is not eligible to bring forward a motion to waive the rules for reconsideration. If a member of Council puts forward a motion to waive the rules, 2/3 vote is required for it to be passed and to proceed to step #2.

Step #2 - A motion to reconsider the February 12 in camera resolution. Once again, only the mover of the motion to reconsider must have voted with the majority on the question to be reconsidered. In this case, Councillor Francis is on record as having voted nay on the matter and is thus not eligible to move the motion for reconsideration. If a member of Council puts forward a motion to move reconsideration, a simply majority vote is required for it to be passed and to proceed to step #3. The procedure by-law states that a motion to reconsider is not debatable and is not amendable.

Step #3 - A new motion by any member of Council. This motion would require a simple majority for it to be passed.

Future Public Engagement:

All City-owned properties identified under the Housing Solutions Made for Windsor Project will follow an Expression of Interest (EOI) process. The EOI process is non-binding and used to gather information on respondent's interest in a proposed opportunity and will require City Council input and approval at key project milestones throughout the process. Final approval of any development proposal received through the EOI process is subject to City Council's review, feedback, and endorsement throughout the project lifecycle.

Provided a proposal is approved by City Council for the redevelopment of the Ro seland Golf Club through the above noted EOI process, public engagement is currently a requirement of Steps 5 and 6 of the "City of Windsor Planning Process" as is detailed in "Appendix A" which is attached to this report. These steps will provide an additional opportunity for public input on the proposed redevelopment of the Roseland site.

Risk Analysis:

There are no risks to accepting this report for information.

Climate Change Risks

Climate Change Mitigation:

N/A

Climate Change Adaptation:

N/A

Financial Matters:

N/A

Consultations:

Joe Baker, Manager-Corporate Projects, Economic Development and Climate Change

Conclusion:

To Council for information in response to “Petition from Residents of the Roseland Neighbourhood and Surrounding Area regarding The City of Windsor’s Current Housing Proposal on the Roseland Golf Club Property”.

Planning Act Matters:

N/A.

Approvals:

Name	Title
Steve Vlachodimos	City Clerk/Licence Commissioner
Dana Paladino	Commissioner, Corporate Services (A)
Joe Mancina	Chief Administrative Officer

Notifications:

Name	Address	Email

Appendices:

1 Appendix A--City of Windsor Planning Process

THE CITY OF WINDSOR
ONTARIO, CANADA

PLANNING DEPARTMENT
E. planningdept@citywindsor.ca
P. 519-255-6543

COUNCIL SERVICES DEPARTMENT
E. clerks@citywindsor.ca
P. 519-255-6222 ext. 6430

APPENDIX A

CITY OF WINDSOR PLANNING PROCESS

1

CONSULTATION

The developer approaches the City with a concept for a project that requires further planning approvals. The City provides the developer with a preliminary list of supporting documentation and information that is required to be submitted when an application is made.

2

PUBLIC OPEN HOUSE

Developers are required to host a public open house to allow neighbours to learn about the details of the project and voice any concerns they may have directly to the developer. The developer must submit a report that summarizes all of the concerns or support for the project that are brought forward from the public open house.

3

FURTHER CONSULTATION

The developer submits all of the documentation, drawings and support studies that were identified in previous consultation with the City. The documents are then circulated to all relevant departments for review and comments. Revisions may be requested to clarify information or address changes to the project.

4

PLANNING APPROVAL APPLICATION

The developer submits their formal application to the City. The Planner reviews the application and final studies and circulates to the appropriate departments and external agencies for review and comment. The Planner then prepares a report with recommendations for the development. The report is sent to the Development & Heritage Standing Committee.

5

DEVELOPMENT & HERITAGE STANDING COMMITTEE (DHSC)

This public meeting is required under the Planning Act. The purpose of this meeting is to give the public an opportunity to provide feedback, and for the DHSC to make a recommendation to Council about the proposed development.

6

CITY COUNCIL MEETING

The report proceeds to Council for final review and approval. This meeting provides the public with one final opportunity to address City Council about any concerns that they have about the project, or to voice their support. Upon approval and completion of the development application the developer is permitted to apply for Site Plan Control or a building permit.

Information provided is a high level overview of □irn□irlial./Af□91t:i8f'J91!:!WiJ.@J/twi□'A□AaaJc□dg@.□fOJllf!Fld□i. City of Windsor Planning Department for general inquiries or detailed planning process information. If residents have feedback t'2'e□□,g□ay *also confact their ward Councillor through the Council Services Department.*

THE CITY OF WINDSOR ONTARIO, CANADA

Council Report: C 58/2024

Subject: City Hall Square Ice Rink - Ward 3

Reference:

Date to Council: May 27, 2024
Author: Marc Di Domenico
Project Administrator
(519) 255-6100 ext. 6452
mdidomenico@citywindsor.ca
Corporate Projects – Engineering
Report Date: May 10, 2024
Clerk's File #: SR/14410

To: Mayor and Members of City Council

Recommendation:

I. THAT Council **APPROVE** the award of RFT 46-24, City Hall Square Ice Rink to the low bidder Oscar Construction Company Limited for the amount of $11,742,255 (excluding HST); and further,

II. THAT the CAO and City Clerk **EXECUTE** an agreement with the low bidder Oscar Construction Company Limited for the amount of $11,742,255 (excluding HST), with said contract being satisfactory in form to the City Solicitor, in financial content to the City Treasurer, and in technical content to the City Engineer; and,

III. Whereas on February 2, 2024, the Capital Budget was deemed approved via Mayoral Decision MD05-2024 and subsequently City Council **SUPPORT** an expenditure up to $15,455,000 for purposes of the City Hall Square Ice Rink project; Be it further resolved that the City Treasurer **BE DIRECTED** to effect the following transfers and pre-commitments of funding:

   a. Transfer of $2,300,000 in Service Sustainability funding (Fund 221) from the Corporate Inflation Mitigation project, 7235001
   b. Pre-commitment of $3,209,200 in uncommitted 2025 Canada Community-Building Fund funding, Fund 176, for immediate use
   c. Pre-commitment of $576,055 in uncommitted 2025 Tourism Development Infrastructure and Program Fund funding, Fund 214, for immediate use

IV. THAT Council **PRE-APPROVE** and **AWARD** any further procurement(s) necessary that are related to the above noted project, provided that the procurement(s) are within the funds allocated to this project by Council, pursuant to the Purchasing By-Law 93-2012 and amendments thereto; satisfactory in financial content to the City

Treasurer, in legal form to the City Solicitor; and in technical content to the City Engineer; and,

V. THAT Council **AUTHORIZE** Administration to use the approved contingency identified within the project budget herein for any amendment(s) or change requirement(s)/directive(s) and additional documents relating to the executed agreement, pursuant to the Purchasing By-Law 93-2012 and amendments thereto, satisfactory in legal form to the City Solicitor, in financial content to the City Treasurer, and in technical content to the City Engineer; and,

VI. THAT the Chief Administrative Officer and City Clerk **BE AUTHORIZED** to execute any amendment(s) as may be required, provided that the amendment(s) are within approved budget amounts, satisfactory in financial content to City Treasurer, in legal form to the City Solicitor; and in technical content to the City Engineer; and,

VII. THAT the Chief Administrative Officer and the City Clerk **BE AUTHORIZED** to take any such action required to effect the recommendations noted above and sign any required documentation/agreement(s) for the project, satisfactory in financial content to City Treasurer, in legal form to the City Solicitor; and in technical content to the City Engineer; and,

VIII. THAT Administration **BE AUTHORIZED** to issue any change order(s) for any amendment(s) as may be required, provided that the amendment(s) are within approved budget amounts, satisfactory in financial content to City Treasurer, and in technical content to the City Engineer.

Executive Summary:

N/A

Background:

On June 13, 2022 (CR272/2022) City Council approved funding to retain a consultant to design a new outdoor ice rink at City Hall Square. This new ice rink design is inspired by the City Hall Square and Civic Esplanade Concept Master Plan project ("Esplanade") which Council later approved in May 2023.

At its meeting on May 13, 2024 (CR198/2024), Council endorsed the Strengthen the Core – Downtown Windsor Revitalization Plan, including initial action item 5.7 to continue to move forward on Council endorsed projects including the Civic Esplanade and City Hall Ice Rink.

The new ice rink design provides a multi-use feature allowing for a year-round flexible gathering space for public celebrations, announcements, seating, washrooms and concession opportunities in the downtown core. The construction of the ice rink and surrounding area represent the first phase of the Esplanade project, bringing activation to the City Hall civic area, and is also the only approved Esplanade project at this time.

Through Request for Proposal 116-22, MJMA Ltd (MJMA) was selected and retained as the architect to design the City Hall Square Ice Rink project.

Discussion:

MJMA worked with the City Project team to develop a design that meets the essence and design considerations guided by the Esplanade study and which considered feedback and suggestions regarding layout, operations, security, and function.

The design includes a 26 x 60 metre oval-shaped ice rink that is centrally aligned with the Civic Esplanade on the north side of City Hall. A long island is positioned in the middle of the ice rink and provides a skating loop. In the winter, this island can be outfitted with winter and holiday themed lighting and decorations. The island also contains a water feature with nozzles positioned in a row along the centreline of the island, allowing for water and lighting activation in the spring, summer and fall. The water feature is composed of LED ground spray nozzles which project water vertically up 6-8 feet and can be illuminated at night for visual effect. A 142 square meter pavilion is situated west of the ice rink and houses the ice resurfacer (Zamboni), ice-making refrigeration system, water feature equipment, storage, office, and two public washrooms. The pavilion will be surrounded by native tree species and landscaping, extending the natural green environment that exists to the north at Senator David A. Croll Park. The ice rink design was finalized based on the above, and tender drawings and specifications were prepared.

Pre-qualification processes were undertaken for general construction contracting services and also refrigeration subcontractor services due to the specialization and significance of the ice-making refrigeration equipment. Request for Tender RFT 46-24 was released with bids received from two prequalified general construction contracting companies. The results are as follows:

Vendors	Tender Amount (excluding taxes)
Oscar Construction Company Limited	**$12,853,216**
Sterling Ridge General Contracting Inc.	$13,349,000

The low bidder is Oscar Construction Company Limited (“Oscar”) at a total price of $12,853,216.00 (excluding taxes). This amount exceeds the project’s estimated construction budget.

In accordance with Section 110(c) of the Purchasing By-law, City Administration is permitted to engage in negotiations if the lowest compliant bid exceeds the available budget and it is impractical to recall the solicitation.

Administration immediately began negotiations with the low bidder to work towards arriving at a lower price. Initial value engineering evaluations were completed on May 21, 2024, including review of design elements, consideration of alternate materials, phased installations and re-design of some features and services. The changes considered maintain the vision defined in the Esplanade study and do not compromise

the functional requirements of creating a year-round multi-use site which provides ice skating and a place to gather, as was originally envisioned.

Administration recommends the following items be accepted, as supported through the negotiation and value engineering process, as modifications to the original scope of work:

- Revise concrete finishing requirements.
- Replace resin bound aggregate surfaces with grass turf.
- Revise design of some building elements.

In addition to the items above, there were several items originally included in the contractor's scope that Administration has decided to source and install internally at a reduced cost, including landscaping, tree planting and site furnishings.

The changes outlined above do not compromise the functional or programming requirements of the City Hall Square Ice Rink as originally envisioned and account for a reduction of approximately **$1,110,961 (excluding taxes**) from the tender price. The changes above were approved by the project's Executive Committee based on a review of programming requirements and user needs.

Administration recommends entering into a contract with Oscar based on the value engineering and negotiated changes outlined above. Recommendations I through III will allow Administration to award the project within the 60-day irrevocability period of RFT 46-24. As with any project of this size and complexity, Administration will continue to explore cost saving opportunities throughout the life of the project.

Bids for this tender exceeded the original estimate derived in 2022, as well as the updated estimate that was provided by the consultant and included in the 2024 budget. In 2022, it was estimated that $4M would be sufficient to provide for a basic ice rink and small building but this estimate was revised to $9.369M based on the consultants re-design. This amount was allocated to the project as part of the 2024 capital budget.

The 2022 estimate was prepared prior to the release and endorsement of the Esplanade study in 2023 which called for a more impactful and detailed design for the civic area which included a larger ice rink surface with a centre island, an interactive water feature with enhanced lighting, site furniture, electrical infrastructure to host future events, and an expanded building for the ice resurfacer, refrigeration units, water feature mechanical equipment & pumps and accessible washrooms. In addition, substantial landscaping and tree plantings were incorporated creating a more welcoming and tranquil environment to complement the space and extend the park area from Senator David A. Croll Park. Based on the trends observed recently, the cost to construct will only continue to rise over time.

Material shortages and long lead times on specific materials, such as electrical, lighting and refrigeration equipment, also continue to persist. As well, the recent building boom in the Windsor area has contributed to shortages in skilled labour and contractor availability.

Risk Analysis:

Due to long lead timing of key equipment such as electrical, lighting and the ice-making refrigeration equipment, any delay in contract execution with the low bidder may extend the project completion date and affect the availability of the ice rink for public skating this winter. The low bidder has expressed concerns with timelines due to the long lead items noted above and has conveyed to Administration that ice may not be available in the 2024/2025 winter season if contract approval is delayed beyond May.

This risk is considered possible with potentially high impact on the project timeline. Mitigating measures would be to provide a Letter of Award and Prompt Raw Material purchase order to the low bidder and initiate the legal contract as soon as possible to lock in the current bid costs and accepted value engineering savings. Despite this, there remains a risk that skating may not be available in the 2024/2025 winter season.

Free public skating is recognized as a feature that supports the activation of the city hall civic area and brings people to the downtown core.

Long Term Maintenance, Life Cycle Costing and Vandalism Risks

The long-term maintenance of the new building, fountain and ice rink from an asset management standpoint and replacement lifecycle costing should be considered moving forward. This new facility must be inspected on an ongoing basis for potential health, safety, and vandalism issues, which will have an impact on existing resources. To mitigate this risk, the Parks & Facilities and Recreation & Culture departments will monitor the costs and look to manage this new amenity within existing budgets. Any funding requirements for long term maintenance budgets which cannot be accommodated within existing budgets will be brought forward as a part of a future budget. The overall lifecycle for this facility is expected to be in excess of 30 years; however, as with all assets, excessive use, and equipment wear and tear could impact the lifecycle replacement timelines. Proper preventive maintenance will help mitigate this risk as much as possible. In addition, as the water feature is designed to allow for human interaction, it will be inspected consistent with city owned splash pads, which are inspected on an ongoing basis for potential health and safety and vandalism issues.

Climate Change Risks

Climate Change Mitigation:

As with all construction projects, greenhouse gas (ghg) emissions are expected from construction equipment as well as construction materials. GHG emissions from construction are included in the community ghg inventory through the fuel expenditures. The corporate ghg inventory will include the ongoing ghg emissions associated with operation of this amenity, including emissions from electricity use and ice maintenance equipment. The ice making system specified for this project is one of the more energy efficient ice rink systems available. The system includes a heat recovery unit that will supply heat to the snow melt pit and domestic hot water system reducing the overall electricity needs.

Climate Change Adaptation:

A review of the City's Climate Change Adaptation Plan highlights previously identified climate impacts that should be considered for this project. The year-round use of this outdoor amenity poses both benefits and risks associated with Windsor's changing climate.

Impact #16: An increase in winter temperatures will reduce the length of time outdoor rinks can operate.

Climate change projections for Windsor predict increases in annual temperatures. Increasing annual and winter temperatures have already been recorded for the region. As part of the 2020 Adaptation Plan, Administration reviewed the number of weeks that Lanspeary Lions Rink and Charles Clark Square operated starting in the winter of 2004/2005. The average number of operating weeks has dropped from 16.2 weeks to 13.4 weeks over a 14-year period. The Lanspeary Lions rink maintains ice longer due to the roof reducing the effects of the sun on the ice surface.

The design of the new ice rink will allow for 350 City Hall Square to provide some shade coverage to the ice rink. This design along with a new more efficient ice making system will allow for ice to be maintained under a slight increase in winter temperatures and to a greater degree than was occurring at Charles Clark Square.

Impact #4: An increase in extreme heat causing health issues.

Windsor's climate change projections predict the number of days above 30℃ will increase from the historical baseline of 22 days to 50 days by the 2040s. These increasing extreme temperatures combined with the urban heat island effects experienced in downtowns can exacerbate health issues. The inclusion of the water feature will provide an opportunity for cooling while visiting the site. The provision of additional trees to the site will also provide improved thermal comfort benefits to visitors.

Financial Matters:

The $15,455,000 budget breakdown required to complete this project is shown below:

Item	Budget Estimate (including NRT)
Construction Costs (RFT 46-24)	$ 11,948,942
Professional Fees (design, site investigations, PM)	$ 1,010,958
General (permits, financing charges, fit-up, etc.)	$ 695,100
Contingency (general, excess soil allowance)	$ 1,800,000
Total Project Budget Estimate	**$ 15,455,000**

The project currently has available funding of $9,369,745, which falls $6,085,255 short of the budget required to complete this project. To overcome this shortfall, Administration is recommending that funding be provided as indicated in the table below.

Item	Amount
Currently Available Funding	$ 9,369,745
Corporate Inflation Mitigation project, 7235001	$ 2,300,000
Pre-Commitment of Uncommitted 2025 Canada Community-Building Fund funding, Fund 176	$3,209,200
Pre-Commitment of Uncommitted 2025 Tourism Infrastructure Development and Program funding, Fund 214	$ 576,055
Total Funding	**$ 15,455,000**

To address the $6,085,255 shortfall, Administration recommends a transfer of $2,300,000 in funding from the Corporate Inflation Mitigation project, 7235001. In addition, Administration recommends that uncommitted 2025 Canada Community-Building Fund funding, Fund 176, and Tourism Infrastructure Development and Program funding, for $3,209,200 and $576,055, respectively, be pre-committed and made available for immediate use.

Administration will continue to explore sponsorship and grant funding opportunities to reduce the funding required for the completion of this project.

Administration will ensure that the entire facility is maintained and that responsibilities will be clearly defined.

All annual operating costs for the operation of the ice rink portion of the new facility are expected to be the same as previously identified and funded within the Recreation budget for the operation of the Charles Clark Square ice rink, with only annual adjustments for inflationary cost increases for supplies and negotiated wage increases for staff. Additionally, outside of the ice rink season, there are sufficient resources available within the Parks budget to maintain and operate an additional washroom building and the surrounding area including the new landscaping features.

The new proposed fountain will become part of the City's asset inventory. As part of the asset inventory these items will be monitored for ongoing operational maintenance costs. It is estimated that the operational maintenance costs for the new fountain will be consistent with that of a splash pad of similar size. This will result in approximately $8,000 in annual operational costs. Which will include start up and winterization costs, and daily/weekly/monthly ongoing preventive maintenance, not including utilities.

The Recreation & Culture department will provide the coordination of special event services and permitted events to third parties. It is anticipated that any direct costs incurred by Recreation & Culture will be offset be revenue generated for permit fees associated with for the special events.

Administration will continue to closely monitor the operating budget going forward to ensure it remains at an appropriate level and develop an operating budget issue if required as part of a future budget cycle. Additionally, in order to preserve the long-term

viability of the entire facility, a full life cycle costing associated with owning these assets will also be conducted through the Asset Management Plan.

Consultations:

Kathy Buis – Financial Planning
Karina Richters – Economic Dev. & Climate Change
Mike Dennis – Asset Planning
Natasha Gabbana – Asset Planning
Alex Vucinic – Purchasing
James Chacko – Parks & Facilities
Jen Knights – Recreation & Culture

Conclusion:

Implementing a new ice rink and civic area at City Hall Square represents the first phase of the City Hall Square and Civic Esplanade project and is expected to bring immediate activation of this civic area and attract residents and visitors to downtown Windsor. The site will provide amenities for year-round activities not currently offered elsewhere. This flexible site is capable of offering skating in the winter, water feature enjoyment in the spring-fall seasons, and become a welcoming and vibrant space for everyone to gather for announcements, celebrations, and events.

In order to provide the best opportunity for ice skating to be available this winter at City Hall Square, Administration recommends proceeding with immediately entering into a contract with the low bidder of RFT 46-24.

Planning Act Matters:

N/A

Approvals:

Name	Title
Colleen Middaugh	Manager of Corporate Projects
Stacey McGuire	Executive Director of Engineering / Deputy City Engineer
Mark Winterton	Commissioner, Infrastructure Services & City Engineer (A)
Wira Vendrasco	City Solicitor
Dana Paladino	Commissioner, Corporate Services (A)
Ray Mensour	Commissioner, Community Services
Janice Guthrie	Commissioner, Finance & City Treasurer
Joe Mancina	Chief Administrative Officer

Notifications:

Name	Email

Appendices:

1 Windsor City Hall Square Site Renderings (2 pages)

Appendix A – Windsor City Hall Square Site Renderings

Windsor City Hall Square - Summer

BY-LAW NUMBER 97-2024

A BY-LAW TO CLOSE, STOP UP AND CONVEY THE 4.80 METRE EAST/WEST ALLEY EAST OF MATTHEW BRADY BOULEVARD, NORTH OF ST. ROSE AVENUE, AND WEST OF ST. PAUL AVENUE, CITY OF WINDSOR

Passed the 27th day of May, 2024.

WHEREAS it is deemed expedient to close, stop up and convey the 4.80 metre portion of the east/west alley east of Matthew Brady Boulevard, north of St. Rose Avenue, and west of St. Paul Avenue, City of Windsor, more particularly described in Schedule "A" attached hereto;

THEREFORE the Council of The Corporation of the City of Windsor enacts as follows:

1. That the 4.80 metre portion of the east/west alley east of Matthew Brady Boulevard, north of St. Rose Avenue, and west of St. Paul Avenue, City of Windsor, more particularly described in Schedule “A” attached hereto and forming part of this by-law, be and the same is hereby closed and stopped up.

2. That any required easements pursuant to Council Resolution CR58/2021 as amended by CR285/2023, be registered prior to conveyance.

3. That the lands described as Parts 1 and 2, Plan 12R-29084 be conveyed to the owner of 884 Matthew Brady Boulevard, and that the conveyance cost be set in accordance with Council Resolution CR58/2021 as amended by CR285/2023.

4. That the lands described as Part 3, Plan 12R-29084 be conveyed to the owner of 7730 St. Rose Avenue, and that the conveyance cost be set in accordance with Council Resolution CR58/2021 as amended by CR285/2023.

5. That the Chief Administrative Officer and City Clerk be authorized and directed to execute on behalf of The Corporation of the City of Windsor and to seal with the seal thereof, any and all documents necessary to implement the foregoing; and that the transaction be completed electronically, for property where it is available, pursuant to By-law Number 366-2003, as amended from time to time.

6. This by-law shall come into force and take effect the day upon which it is registered in the Land Registry Office for the County of Essex (No. 12).

DREW DILKENS, MAYOR

CITY CLERK

First Reading - May 27, 2024
Second Reading - May 27, 2024
Third Reading - May 27, 2024

SCHEDULE “A”
TO BY-LAW 97-2024

Alley Plan 1181, designated as Parts 1, 2 and 3, Plan 12R-29084; Windsor

Being part of PIN 01073-0476 (LT)

City of Windsor
County of Essex