

Council Minutes

Meeting Number: 5
February 26, 2019, 6:00 PM
Council Chamber

Roll Call	Mayor Frank Scarpitti	Councillor Reid McAlpine
	Deputy Mayor Don Hamilton	Councillor Karen Rea
	Regional Councillor Jack Heath	Councillor Andrew Keyes
	Regional Councillor Joe Li	Councillor Amanda Collucci
	Regional Councillor Jim Jones	Councillor Khalid Usman
	Councillor Keith Irish	Councillor Isa Lee
	Councillor Alan Ho	
Staff	Andy Taylor, Chief Administrative Officer	Bryan Frois, Chief of Staff
	Trinela Cane, Commissioner, Corporate Services	Kimberley Kitteringham, City Clerk
	Brenda Librecz, Commissioner, Community & Fire Services	Martha Pettit, Deputy City Clerk
	Arvin Prasad, Commissioner, Development Services	John Wong, Technology Support Specialist II
	Catherine Conrad, City Solicitor & Acting Director, Human Resources	Andrea Berry, Sr. Manager, Corp Comm & Community Engagement
	Joel Lustig, Treasurer	

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1. CALL TO ORDER

The meeting of Council convened at 6:02 PM on February 26, 2019 in the Council Chamber.

Mayor Frank Scarpitti presided.

2. DISCLOSURE OF PECUNIARY INTEREST

None disclosed.

3. APPROVAL OF PREVIOUS MINUTES

3.1 COUNCIL MINUTES FEBRUARY 12, 2019

Moved by Councillor Keith Irish

Seconded by Councillor Amanda Collucci

1. That the Minutes of the Council Meeting held on February 12, 2019, be adopted.

Carried

4. PRESENTATIONS

There were no presentations.

5. DEPUTATIONS

There were no deputations.

6. COMMUNICATIONS

6.1 5-2019 LIQUOR LICENSE APPLICATION LANNA CUISINE (WARD 3) (3.21)

(New Liquor License for indoor areas)

Moved by Regional Councillor Jack Heath

Seconded by Councillor Andrew Keyes

That the request for the City of Markham to complete the Municipal Information Form be received for information.

Carried

7. PROCLAMATIONS

7.1 PROCLAMATION AND FLAG RAISING REQUESTS (3.4)

There were no proclamations.

8. REPORT OF STANDING COMMITTEE

8.1 REPORT NO. 7 DEVELOPMENT SERVICES COMMITTEE (FEBRUARY 11, 2019)

Moved by Councillor Keith Irish

Seconded by Councillor Isa Lee

To the Mayor and Members of Council:

That the report of the Development Services Committee be received & adopted.
(Items 1 to 2):

Carried

8.1.1 DESTINATION MARKHAM STRATEGY (10.16)

Moved by Councillor Keith Irish

Seconded by Councillor Isa Lee

1. That the staff report entitled, “Destination Markham Strategy”, dated February 11th, 2019 be received; and,
2. That Council approve the Destination Markham Strategy and forward it to the newly incorporated destination marketing organization and relevant city departments; and further,
3. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

8.1.2 WHISTLE CESSATION ON STOUFFVILLE GO LINE – THREE RURAL CROSSINGS (WARD 5) (5.12)

Moved by Councillor Keith Irish

Seconded by Councillor Isa Lee

1. That the report dated February 11, 2019 entitled “Whistle Cessation on Stouffville GO Line – Three Rural Crossings (Ward 5)” be received; and,
2. That the Mayor and Clerk be authorized to enter into agreements and/or a memorandum of understanding (as required) with Metrolinx and York Region for construction of crossing safety features and implementation of whistle cessation at three (3) rural crossings (Elgin Mills Road, 9th Line and 19th Avenue) on the Stouffville GO Line, in a form satisfactory to the City Solicitor and the Chief Administrative Officer (CAO); and,
3. That the Mayor and Clerk be authorized to enter into At-Grade Crossing Modification Agreements, Crossing Agreements or similar agreements (as required) with Metrolinx for modification of the existing crossings to incorporate new crossing safety features and to implement whistle cessation at three (3) rural crossings on the

Stouffville GO Line, in a form satisfactory to the City Solicitor and the CAO; and,

4. That the Mayor and Clerk be authorized to enter into the Metrolinx Liability/ Insurance/Indemnity Agreement or similar agreement (as required), which requires the road authorities to obtain insurance and assume full responsibility/liability for any claims, damages, etc., resulting from incidents that arise from or would not have arisen but for whistle cessation, in a form satisfactory to the City Solicitor and the CAO; and,
5. That Schedule “A” to the City’s Train Whistle Cessation By-law 2018-19 be amended to include the Elgin Mills Road crossing and the 19th Avenue crossing; and,
6. That the Regional Municipality of York be requested to confirm 100% funding (budget:\$43,159) and 100% liability for grade rail crossing at 9th Line (Regional Road 69), and requested to enter into an agreement or memorandum of understanding (as required) with the City of Markham and Metrolinx for construction of crossing safety features and implementation of whistle cessation at the 9th Line crossing, and enter into any additional necessary agreements with Metrolinx for implementation of whistle cessation at the 9th Line crossing; and,
7. That the Regional Municipality of York be requested to implement a 24-hour whistle cessation by-law for the 9th Line crossing; and,
8. That the Regional Municipality of York be requested to pass a Regional Council resolution for the implementation of whistle cessation for the 9th Line crossing; and further,
9. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

8.2 REPORT NO. 8 GENERAL COMMITTEE (FEBRUARY 19, 2019)

Moved by Regional Councillor Jack Heath

Seconded by Councillor Reid McAlpine

To the Mayor and Members of Council:

That the report of the General Committee be received & adopted. (Items 1 to 4):

Carried

8.2.1 AWARD OF CONSTRUCTION TENDER 134-T-18 WEST THORNHILL – PHASE 2D STORM SEWER AND WATERMAIN REPLACEMENT (7.12)

Moved by Regional Councillor Jack Heath

Seconded by Councillor Reid McAlpine

1. That the report entitled “Award of Construction Tender 134-T-18 West Thornhill – Phase 2D Storm Sewer and Watermain Replacement” be received; and,
2. That the contract for Tender 134-T-18 West Thornhill – Phase 2D Storm Sewer and Watermain Replacement be awarded to the lowest priced Bidder, KAPP Infrastructure Inc. in the amount of \$7,579,708.08, inclusive of HST; and,
3. That a 10% contingency in the amount of \$757,970.81 inclusive of HST, be established to cover any additional construction costs and that authorization to approve expenditures of this contingency amount up to the specified limit be in accordance with the Expenditure Control Policy; and,
4. That the construction award in the amount of \$8,337,678.89 (\$7,579,708.08 + \$757,970.81) be funded from the following capital projects:
 - a. 058-6150-19239-005 “West Thornhill Flood Control Implementation - Phase 2D Construction”;
 - b. 053-5350-19245-005 “Cast Iron Watermain Replacement – West Thornhill Phase 2D” as outlined under the financial considerations section in this report; and,
5. That the remaining funds in project #19239 “West Thornhill Flood Control Implementation - Phase 2D Construction” in the amount \$1,734,931.67 will not be required from the Stormwater Fee Reserve and the budget remaining in project #19245 “Cast Iron Watermain Replacement – West Thornhill Phase 2D” in the amount of \$1,266,495.44 will be returned to the original funding source; and,
6. That a 5-year moratorium be placed on any major servicing and utility installation along restored areas including Grandview Avenue (Jewell St to Henderson Ave), Highland Park Blvd – North/ South leg (from Grandview Ave to Highland Park Blvd), Henderson Avenue (from Grandview Ave to Dalmeny Rd) and Dalmeny Road (from Henderson Ave Cul-de-sac); and further,
7. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

8.2.2 AWARD OF RFP 224-R-18 CONSULTING ENGINEERING SERVICES FOR CAST IRON WATERMAIN REPLACEMENT/ REHABILITATION DESIGN AND CONTRACT ADMINISTRATION (7.12)

Moved by Regional Councillor Jack Heath

Seconded by Councillor Reid McAlpine

1. That the report entitled “Award of RFP 224-R-18 Consulting Engineering Services for Cast Iron Watermain Replacement/ Rehabilitation Design and Contract Administration ” be received; and,
2. That the Phase 1 (Laureleaf Area) detailed design work under contract 224-R-18 Consulting Engineering Services for Cast Iron Watermain Replacement/ Rehabilitation Design be awarded to the highest ranked, lowest priced Bidder, LEA Consulting Ltd., in the amount of \$289,391.19, inclusive of HST; and,
3. That a 10% contingency in the amount of \$28,939.12, inclusive of HST, be established to cover any additional design costs for Phase 1 (Laureleaf Area) and that authorization to approve expenditures of this contingency amount up to the specified limit be in accordance with the Expenditure Control Policy; and,
4. That the Consulting Engineering Services for Phase 1 (Laureleaf Area) detailed design award in the amount of \$318,330.31 (\$289,391.19 + \$28,939.12) be funded from the capital project 053-6150-19242-005 “Cast Iron Watermain Replacement – Design”; and,
5. That the remaining budget of \$88,669.69 in capital project #19242 “Cast Iron Watermain Replacement – Design” will be returned to the original funding source; and,
6. That the 2020/21 contract administration and design work under contract 224-R-18 Consulting Engineering Services for Cast Iron Watermain Replacement/ Rehabilitation Design be awarded to the highest ranked, lowest priced Bidder, LEA Consulting Ltd., in the following amounts (inclusive of 10% contingency):
 - 2020 Contract Administration Phase 1 (Laureleaf Area) in the amount of \$277,435.61 (\$252,214.20 + (\$25,221.42 - contingency))
 - 2020 Design Phase 2 (various locations) in the amount of \$289,042.26 (\$262,765.69 + (\$26,276.57- contingency))

- 2021 Contract Administration Phase 2 (various locations) in the amount of \$264,395.07 (\$240,359.15 + (\$24,035.92-contingency)); and,
7. That the Consulting Engineering Services for construction and design award amounts for 2020/21 be requested as part of the 2020 and 2021 Capital budget process, subject to Council approval of the respective years capital budgets; and further,
 8. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

8.2.3 PROPOSED PREGNANCY OR PARENTAL LEAVE POLICY FOR MEMBERS OF COUNCIL (12.1)

Moved by Regional Councillor Jack Heath

Seconded by Councillor Reid McAlpine

1. That the report titled, "*Proposed Pregnancy or Parental Leave Policy for Members of Council*" be received for information purposes; and,
2. That Markham City Council adopt the proposed *Pregnancy or Parental Leave Policy for Members of Council* included as **Appendix "A"** and further,
3. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

8.2.4 REVISED COUNCIL CODE OF CONDUCT IN ACCORDANCE WITH BILL 68 (16.23)

Moved by Regional Councillor Jack Heath

Seconded by Councillor Reid McAlpine

1. That the report titled, "*Revised Council Code of Conduct in Accordance with Bill 68*" be received for information purposes; and,
2. That Markham City Council adopt the revised *Council Code of Conduct* included as **Appendix "C"** to this report; and further,
3. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

8.3 REPORT NO. 9 DEVELOPMENT SERVICES COMMITTEE (FEBRUARY 25, 2019)

Moved by Regional Councillor Jim Jones
 Seconded by Councillor Keith Irish

To the Mayor and Members of Council:
 That the report of the Development Services Committee be received & adopted.
 (Item 1):

Carried

8.3.1 CITY OF MARKHAM COMMENTS ON PROPOSED AMENDMENT 1 TO THE GROWTH PLAN FOR THE GREATER GOLDEN HORSESHOE, 2017 (10.0)

Moved by Regional Councillor Jim Jones
 Seconded by Councillor Keith Irish

1. That the report entitled, “City of Markham Comments on Proposed Amendment 1 to the Growth Plan for the Greater Golden Horseshoe, 2017”, dated February 25, 2019, be received; and,
2. That this report, including specific recommendations for changes to Proposed Amendment 1, as summarized in **the Revised** Appendix ‘A’, be forwarded to the Assistant Deputy Minister of Municipal Affairs and Housing, and York Region, as the City of Markham’s comments on Proposed Amendment 1 to the Growth Plan for the Greater Golden Horseshoe, the associated proposed framework for provincially significant employment zones, and the associated proposed Ontario regulation changes; and,
3. That the Province not allow urban expansions outside of a municipal comprehensive review, except where such expansions are initiated by a local municipality, are minor and are contiguous to an existing urban area with full servicing; and,
4. That the Province be advised that the City of Markham does not support the conversion of employment lands outside of the municipal comprehensive review process; and,
5. That the Province consult with the City of Markham and York Region staff on the proposed provincially significant employment zones to further refine the mapping having regard to local planning considerations; and,
6. That the Province provide a predictable **and guaranteed** program of transit funding to ensure delivery of higher order transit that is critical to support intensification in Markham; and further,

7. That staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

Amendment:

Moved by Mayor Frank Scarpitti

Seconded by Councillor Khalid Usman

Mayor Frank Scarpitti vacated the Chair and Regional Councillor Jack Heath assumed the Chair for discussion on the amendment.

Council consented to amend Recommendation #6 in the Revised Appendix 'A' to include the following:

Recommendation 6: That the Province not allow urban expansions outside of a municipal comprehensive review, except where such expansions are initiated by a local municipality, are minor and are contiguous to an existing urban area with full servicing **or which promotes inter-municipal connectivity and provides a compelling public benefit to the community.**

Mayor Frank Scarpitti resumed the Chair.

Carried

9. MOTIONS

There were no motions.

10. NOTICE OF MOTION TO RECONSIDER

There were no notices of motions.

11. NEW/OTHER BUSINESS

11.1 NEW/ OTHER BUSINESS: DECLARATION OF SURPLUS LANDS RELATING TO THE EAST-WEST ROAD SOUTH OF THE AANIIN COMMUNITY CENTRE (8.0)

Moved by Regional Councillor Jack Heath

Seconded by Councillor Khalid Usman

1. That the notice of proposed sale for the City owned lands legally described as Part of Lot 5, Concession 7, being Part 1 on Reference Plan 65R-38206 attached hereto as Attachment No. 1, City of Markham, Regional Municipality of York, be confirmed.

Carried

11.2 NEW/OTHER BUSINESS: WATER & WASTEWATER RATE PUBLIC CONSULTATION MEETING (16.0)

Moved by Councillor Amanda Collucci

Seconded by Councillor Andrew Keyes

1. That the minutes from the February 19, 2019 Water/Wastewater Rate Public Consultation meeting be received; and,
2. That the 2019 City of Markham's ("City") water/wastewater rate be increased by \$0.3238/m³ from \$4.1442/m³ to \$4.4680/m³ effective April 1, 2019; and further,
3. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

(By-law 2019-30)

Carried

11.3 NEW/OTHER BUSINESS: APPOINTMENT TO DEVELOPMENT SERVICES SUB-COMMITTEES (16.24)

Moved by Regional Councillor Jim Jones

Seconded by Councillor Keith Irish

Unionville Subcommittee

1. That the following Members of Markham Council be appointed to the Unionville Subcommittee for a term ending November 14, 2022, to take effect immediately:
 - Deputy Mayor Don Hamilton (Chair)
 - Councillor Alan Ho
 - Councillor Reid McAlpine
 - Councillor Amanda Collucci; and,
2. That planning and development matters pertaining to Markham Centre Advisory Committee be included as part of the mandate of the Unionville Subcommittee and that community representatives be invited to attend where there are specific agenda items; and,
3. That planning and development matters related to Historical Unionville Community Vision committee be included as part of the mandate of the Unionville Subcommittee and that community representatives be invited to attend where there are specific agenda items; and,
4. That the Chair and Vice-Chair of Development Services Committee are ex-officio Members of the Unionville Subcommittee; and further,
5. That the Unionville Subcommittee Terms of Reference be amended, accordingly.

Markham Subcommittee

1. That the following Members of Markham Council be appointed to the Markham Subcommittee for a term ending November 14, 2022, to take effect immediately:
 - Regional Councillor Jack Heath (Chair)
 - Councillor Karen Rea
 - Councillor Amanda Collucci
 - Councillor Andrew Keyes; and,
2. That planning and development matters related to Cornell Advisory Group be included as part of the mandate of the Markham Subcommittee and that community representatives be invited to attend where there are specific agenda items; and,
3. That planning and development matters related to Markham Main Street Committee be included as part of the mandate of the Markham Subcommittee and that community representatives be invited to attend where there are specific agenda items; and,
4. That the Chair and Vice-Chair of Development Services Committee are ex-officio Members of the Markham Subcommittee; and further,
5. That the Markham Subcommittee Terms of Reference be amended, accordingly.

Thornhill Subcommittee

1. That the following Members of Markham Council be appointed to the Thornhill Subcommittee for a term ending November 14, 2022, to take effect immediately:
 - Regional Councillor Jim Jones (Chair)
 - Councillor Keith Irish
 - Councillor Khalid Usman;
 - Councillor Isa Lee; and,
2. That planning and development matters related to the Langstaff area be included as part of the mandate of the Thornhill Subcommittee; and,
3. That the Chair and Vice-Chair of Development Services Committee are ex-officio Members of the Thornhill Subcommittee; and further,
4. That the Thornhill Subcommittee Terms of Reference be amended, accordingly.

Milliken Subcommittee

1. That the following Members of Markham Council be appointed to the Milliken Subcommittee for a term ending November 14, 2022, to take effect immediately:
 - Regional Councillor Joe Li (Chair)
 - Councillor Khalid Usman
 - Councillor Isa Lee; and,
2. That planning and development matters related to the Milliken Mills Main Street Advisory Committee be included as part of the mandate of the Milliken Subcommittee and that community representatives be invited to attend where there are specific agenda items; and,
3. That the Chair and Vice-Chair of Development Services Committee are ex-officio Members of the Milliken Subcommittee; and further,
4. That the Milliken Subcommittee Terms of Reference be amended, accordingly.

Carried

Amendment:

Council consented to appoint Councillor Isa Lee to the Thornhill Subcommittee and that the Chair and Vice-Chair of Development Services Committee be ex-officios of all the Subcommittees.

12. ANNOUNCEMENTS

There were no announcements.

13. BY-LAWS - THREE READINGS

Moved by Councillor Isa Lee

Seconded by Councillor Khalid Usman

That By-laws 2019-28 to 2019-30 be given three readings and enacted.

Carried

Three Readings

13.1 BY-LAW 2019-28 CORNELL ROUGE DEVELOPMENT CORPORATION, PART LOT CONTROL EXEMPTION BY-LAW

A by-law to designate part of a certain plan of subdivision not subject to Part Lot Control, Blocks 215 and 216 (inclusive), Registered Plan 65M-4354, 1878 to 1902 Donald Cousens Parkway.

Carried

13.2 BY-LAW 2019-29 CORNELL ROUGE DEVELOPMENT CORPORATION, PART LOT CONTROL EXEMPTION BY-LAW

A by-law to designate part of a certain plan of subdivision not subject to Part Lot Control, Blocks 96-101 (inclusive), Registered Plan 65M-4513, 22-66 Harvest Filed Road.

Carried

13.3 BY-LAW 2019-30 2018 WATER/WASTEWATER RATES (EFFECTIVE APRIL 1, 2019)

A by-law to amend By-law No. 2002-276, being a by-law to impose fees or charges for services or activities provided or done by the City of Markham.

(New/Other Business Item 11.2)

Carried

14. CONFIRMATORY BY-LAW - THREE READINGS

Moved by Councillor Alan Ho

Seconded by Councillor Karen Rea

That By-law 2019-31 be given three readings and enacted.

Three Readings

BY-LAW 2019-31 A BY-LAW TO CONFIRM THE PROCEEDINGS OF THE
COUNCIL MEETING OF FEBRUARY 26, 2019.

Carried

15. ADJOURNMENT

Moved by Councillor Isa Lee

Seconded by Councillor Keith Irish

That the Council meeting be adjourned at 7:02 p.m.

Carried

Kimberley Kitteringham

City Clerk

Frank Scarpitti

Mayor