

Electronic Council Meeting Minutes

Meeting No. 9 June 9, 2020, 1:00 PM Live streamed

| Roll Call | Mayor Frank Scarpitti Deputy Mayor Don Hamilton Regional Councillor Jack Heath Regional Councillor Joe Li Regional Councillor Jim Jones Councillor Keith Irish Councillor Alan Ho | Councillor Reid McAlpine Councillor Karen Rea Councillor Andrew Keyes Councillor Amanda Collucci Councillor Khalid Usman Councillor Isa Lee |
|-----------|---|---|
| Staff | Andy Taylor, Chief Administrative Officer Trinela Cane, Commissioner, Corporate Services Brenda Librecz, Commissioner, Community & Fire Services Arvin Prasad, Commissioner, Development Services Claudia Storto, City Solicitor and Director of Human Resources Brian Lee, Director, Engineering Biju Karumanchery, Director, Planning & Urban Design Joel Lustig, Treasurer Bryan Frois, Chief of Staff Mary Creighton, Director, Recreation Services Hersh Tencer, Senior Manager, Real Property, Legal Services | Specialist II Hristina Giantsopoulos, Elections & Council/Committee Coordinator Christina Kakaflikas, Acting Director, Economic Growth, Culture & Entrepreneurship Meg West, Manager of Business Planning and Projects |

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1. CALL TO ORDER

The meeting of Council convened at 1:06 PM on June 9, 2020. Mayor Frank Scarpitti presided.

INDIGENOUS LAND ACKNOWLEDGEMENT

We begin today by acknowledging that we walk upon the traditional territories of Indigenous Peoples and we recognize their history, spirituality, culture, and stewardship of the land. We are grateful to all Indigenous groups for their commitment to protect the land and its resources and we are committed to reconciliation, partnership and enhanced understanding.

Regional Councillor Joe Li arrived at 1:14 p.m.

2. DISCLOSURE OF PECUNIARY INTEREST

Councillor Reid McAlpine disclosed an interest with respect to Item No. 8.3.2 (Celebrate Markham Grant Program) and did not take part in the discussion or vote on this matter, as he has incurred expenses related to the planning and preparation of the 2020 Unionville Festival by the Unionville Festival Board.

3. APPROVAL OF PREVIOUS MINUTES

3.1 COUNCIL MINUTES - MAY 26, 2020

Moved by Councillor Isa Lee Seconded by Councillor Keith Irish

1. That the Minutes of the Council Meeting held on May 26, 2020, be adopted.

Carried

4. **PRESENTATIONS**

There were no presentations.

5. **DEPUTATIONS**

There were no deputations.

6. COMMUNICATIONS

6.1 12-2020 COMMUNICATION - CONSTRUCTION OF THE EAST MARKHAM WORKS YARD AT 10192 NINTH LINE (5.0) Moved by Councillor Karen Rea Seconded by Councillor Andrew Keyes

 That the memorandum entitled "Construction of the East Markham Works Yard at 10192 Ninth Line – General Committee June 1, 2020 Follow Up" be received.

(See Item 8.2.3, Report 17 for Council's decision on this matter.)

Carried

7. **PROCLAMATIONS**

There were no proclamations.

8. **REPORT OF STANDING COMMITTEE**

8.1 REPORT NO. 16 - DEVELOPMENT SERVICES COMMITTEE (MAY 25, 2020)

Moved by Regional Councillor Jim Jones Seconded by Councillor Keith Irish

That the report of the Development Services Committee be received & adopted. (Items 1 to 5):

Carried

8.1.1 COMMERCIAL FAÇADE IMPROVEMENT GRANT PROGRAM FOR 2020 (16.11)

Moved by Regional Councillor Jim Jones Seconded by Councillor Keith Irish

- 1. That the report entitled "Commercial Façade Improvement Grant Program for 2020", dated May 25, 2020 be received; and,
- 2. That Council supports a matching grant of up to \$10,000.00 for the reconditioning of the historic wooden tongue and groove exterior cladding and the replication of the wooden recessed paneled entrance doors for 10137 Woodbine Ave.; and,

- 3. That the identified grants be funded from the Commercial Façade Improvement Program Account (620-101-5699-20018) which has a budget of \$20,000.00 for the year 2020; and,
- 4. That the remaining budget of \$10,000 (\$20,000-\$10,000) be returned to the original funding source; and further,
- 5. That staff be authorized and directed to do all things necessary to give effect to this resolution.

8.1.2 DESIGNATED HERITAGE PROPERTY GRANT APPLICATIONS - 2020 (16.11)

Moved by Regional Councillor Jim Jones Seconded by Councillor Keith Irish

- 1. That the report entitled "Designated Property Grant Applications 2020", dated May 25, 2020, be received; and,
- 2. That Designated Property Grants for 2020 be approved in the amounts noted for the following properties, totaling \$24,940.53, provided that the applicants comply with eligibility requirements of the program;
 - a. 15 Colborne Street, Thornhill-up to \$2,774.15 for repairs to the cedar shingle roof and the brick chimney as already approved by the City;
 - b. 17 Euclid Street, Unionville- up to \$1,694.48 for the installation of two historically authentic wooden second storey windows;
 - c. 8 David Gohn Circle, Markham Heritage Estates-up to \$7,500.00 for installation of a new cedar shingle roof;
 - d. 10 David Gohn Circle, Markham Heritage Estates –up to \$5,000.00 for the reconstruction of brick veneered dummy chimneys;
 - e. 16 George Street, Markham Village-up to \$5,000.00 for repairs to the floor deck and railings of the historic veranda and reconditioning of more of the historic windows;
 - f. 309 Main Street North, Markham Village-up to \$2,971.90 for the reconditioning of three historic wooden windows.

- 3. That the grants be funded through the Designated Heritage Property Grant Project Fund, Account 620-101-5699-20017 (\$30,000.00 available for 2020); and,
- 4. That the remaining budget in the amount of \$5,059.47 (\$30,000 \$24,940.53), as well as any un-used budget on approved projects, be returned to the original funding source; and further,
- 5. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

8.1.3 PROPOSED AMENDMENTS TO BY-LAW 2005-104 - A BY-LAW TO PROHIBIT THE USE OF LAND OR THE ERECTION OF BUILDINGS UNLESS MUNICIPAL SERVICES ARE AVAILABLE (5.0)

Moved by Regional Councillor Jim Jones Seconded by Councillor Keith Irish

- 1. That the report entitled "Proposed Amendments to By-law 2005-104 *A By-law to Prohibit the Use of Land or the Erection of Buildings unless Municipal Services are Available*", be received; and,
- 2. That the proposed amendments to By-law 2005-104 as outlined in Attachment 'A' of the report be enacted; and further,
- 3. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

(By-law 2020-48)

Carried

8.1.4 YONGE NORTH SUBWAY EXTENSION INTENSIFICATION ANALYSIS (10.0)

Moved by Regional Councillor Jim Jones Seconded by Councillor Keith Irish

1. That the report dated May 25, 2020 entitled "Yonge North Subway Extension Intensification Analysis" be received; and,

- 2. That this report be officially forwarded to Metrolinx for consideration and input to the initial business case for the Yonge North Subway Extension; and,
- 3. That Metrolinx be invited to Development Services Committee to present the development of their initial business case prior to finalization and adoption by their Board; and,
- 4. That upon approval of the initial Metrolinx business plan by their Board, Markham staff report to Development Services Committee on the scope of a Yonge Corridor Secondary Plan and appropriate funding; and further,
- 5. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

8.1.5 FEASIBILITY STUDY AND DETAILED DESIGN OF FLOOD REDUCTION WORK FOR LANDS LOCATED IN THE LITTLE ROUGE CREEK SUBWATERSHED WEST OF MCCOWAN ROAD (WARD 6) (5.0)

Moved by Regional Councillor Jim Jones Seconded by Councillor Keith Irish

- That the report entitled "Feasibility Study and Detailed Design of Floodplain Reduction Works for Lands Located in the Little Rouge Creek Subwatershed West of McCowan Road (Ward 6)" be received; and,
- That staff be directed to work with the owners of the lands municipally known as 11142 McCowan Road, Markham and 11270 McCowan Road, Markham ("Adjacent Land Owners") and cost share the fees for completing the technical studies and detailed design components of the flood reduction work, and,
- 3. That the Adjacent Land Owners upfront the City's share of the cost for completing the technical studies and the detailed design components of the project in the amount of approximately \$87,380, inclusive of HST impact, and that the City reimburse the Adjacent Land Owners through a future Capital Budget, tentatively in 2023, and,

- 4. That the Mayor and Clerk be authorized to execute a Cost Sharing Agreement with the Adjacent Land Owners for the feasibility study, detailed design cost and other matters relating to the project in a form satisfactory to the Commissioner of Development Services and the City Solicitor; and further,
- 5. That staff be authorized and directed to do all things necessary to give effect to this resolution.

8.2 REPORT NO. 17- GENERAL COMMITTEE (JUNE 1, 2020)

Moved by Regional Councillor Jack Heath Seconded by Councillor Andrew Keyes

That the report of the General Committee be received & adopted, save and except for Item 8.2.4.

(See Item 8.2.4. for Council's decision on this matter).

Carried

8.2.1 EXTERNAL AUDIT SERVICES CONTRACT EXTENSION (7.0)

Moved by Regional Councillor Jack Heath Seconded by Councillor Andrew Keyes

- 1. That the report entitled "External Audit Services Contract Extension" be received; and,
- That the contract for the five year fiscal period commencing with the 2020 audit and ending with the 2024 audit be awarded to KPMG LLP Chartered Accountants in annual amount of \$91,737.00 inclusive of HST with a 1% increase in years 2–5 (2021 2024); and,
- 3. That the contract include examination and review of the records and conduct audit of the financial statements prepared in accordance with Canadian accounting standards for the public sector of The Corporation of the City of Markham, The Corporation of the City of Markham Trust Fund, City of Markham Public Library Board, Old

Markham Village Business Improvement Area (MBIA), and Unionville Business Improvement Area (UBIA); and,

- 4. That the contract include examination and review of the records and conduct audit of the financial statements prepared in accordance with Canadian accounting standards for not-for-profit organizations ("ASNPO") Varley-McKay Art Foundation, The Friends of Markham Museum Foundation, and The Markham Foundation for Performing Arts and Destination Markham Corporation; and,
- That the contract include examination and review of the records and conduct audit of the financial statements prepared in accordance with International Financial Reporting Standards ("IFRS") of Markham District Energy Inc. (MDEI) and Markham Enterprises Corporation (MEC); and,
- 6. That the contract include the preparation of income tax returns for MDEI and MEC; and,
- 7. That the tendering process be waived in accordance with Purchasing By-Law 2017-8, Part II, Section 11.1, (c) which states "when the extension of an existing contract would prove more cost-effective or beneficial" & (h) where it is necessary or in the best interests of the City to acquire Professional Services from a supplier who has a proven track record with the City in terms of pricing, quality and service; and,
- 8. That the award for the audit for fiscal years 2020 to 2024 be funded from the respective annual operating budget as identified under financial considerations; and further,
- 9. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

8.2.2 QUALITY MANAGEMENT SYSTEM - MANAGEMENT REVIEW (5.3)

Moved by Regional Councillor Jack Heath Seconded by Councillor Andrew Keyes

1. That the report titled "Quality Management System Management Review" be received; and,

- 2. That Council, as the Owner of the City's drinking water system, acknowledge and support the outcome and action items identified from the Management Review; and further,
- 3. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

8.2.3 CONSTRUCTION OF THE EAST MARKHAM WORKS YARD AT 10192 NINTH LINE (5.0)

Moved by Regional Councillor Jack Heath Seconded by Councillor Andrew Keyes

- 1. That the presentation entitled "Construction of the East Markham Works Yard at 10192 Ninth Line" be received; and,
- That after the draft reference plan prepared by E.R. Garden Limited (File No. 20-7618) attached as Attachment No. 1 to this presentation (the "Draft R-Plan") is deposited on title, the proposed declaration of the following lands as surplus to municipal purposes be added to a public agenda of a Council meeting: the lands described as Part of Lots 21 & 22, Concession 8, Markham, shown as Part 1 on the Draft R-Plan (being approximately 648.8m2 (0.16 Acres); and,
- That subject to recommendation #2, the lands described as Part of Lots 21 & 22, Concession 8, Markham, shown as Part 1 on the Draft R-Plan, be declared surplus to municipal purposes and conveyed to The Regional Municipality of York for road widening purposes; and,
- 4. That the Mayor and Clerk be authorized to execute agreement(s) with The Regional Municipality of York, in a form satisfactory to the Director of Operations, Director of Sustainability & Asset Management and the City Solicitor, required for the development of a works yard on the lands municipally known as 10192 9th Line; and,
- 5. That Council award the following tenders:

Tender 078-T-20 Construction of the East Markham Works Yard be awarded to the lowest priced bidder, Orin Contractors Corp. in the amount of \$11,494,687.42 inclusive of HST Tender 117-T-20 Supply and Installation of the Office Trailer be awarded to the lowest priced bidder, City Core Construction Inc., in the amount of \$421,795.20 inclusive of HST; and,

- 6. That a 5% contingency in the amount of \$595,824.13 (\$574,734.37 + \$21,089.76) inclusive of HST, be established for each contract 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,
- 7. That the cost of \$12,512,306.75 (\$11,494,687.42 + \$421,795.20 + \$574,734.37 + \$21,089.76) be funded from project #19288 Design and Construction of Works Yard (account # 056-5350-19288-005) with budget available of \$6,440,000.00; and,
- That shortfall in the amount of \$6,072,306.75 (\$12,512,306.75 -\$6,440,000.00) be funded from the Development Charges Reserve Fund \$5,920,499.08 or 97.5% and Non-DC Growth Reserve \$151,807.67 or 2.5%; and further,
- 9. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

8.2.4 DIGITAL MARKHAM STRATEGY UPDATE (7.13)

Moved by Regional Councillor Jack Heath Seconded by Councillor Andrew Keyes

- 1. That the presentation entitled "Digital Markham Strategy Update" be received; and,
- 2. That staff be directed to do all things necessary to advance the implementation of the Digital Markham Strategy; and,
- 3. That staff report back to Committee annually; and,
- 4. That Committee of Adjustment meetings be live-streamed; and further,
- 5. That staff be authorized and directed to do all things necessary to give effect to this resolution.

8.3 REPORT NO. 18 - DEVELOPMENT SERVICES COMMITTEE (JUNE 8, 2020)

Moved by Regional Councillor Jim Jones Seconded by Councillor Keith Irish

That the report of the Development Services Committee be received & adopted, save and except for Item No. 8.3.1.

See Item No. 8.3.1 for Council's decision on this matter.

Carried

8.3.1 TRAFFIC OPERATIONAL CHANGES IN RESPONSE TO COVID-19 (5.10)

Moved by Councillor Khalid Usman Seconded by Councillor Alan Ho

- 1. That the Report entitled "Traffic Operational Changes in Response to COVID-19" be received; and,
- 2. That the deputations of Peter Miasek, Steven Glassman, and David Rawcliffe be received; and,
- 3. That the communications submitted by David Rawcliffe, Peter Miasek, Elisabeth Tan, and Steven Glassman be received; and,
- 4. That Council approve a traffic management pilot project to restrict access to local traffic only on Main Street Unionville between Fred Varley Drive and Carlton Road until October 31, 2020 in consultation with the Unionville Business Improvement Area (UBIA); and,
- 5. That Council endorse the Villages and Valley Walking and Cycling Loop proposal and direct staff to proceed with its implementation in consultation with the relevant Ward Councillors; and,
- 6. That Council endorse the **pilot project to close** Enterprise Boulevard from Andre de Grasse Street to Main Street Unionville on **Sundays**

and statutory holidays to provide additional space for cycling and direct staff to proceed with its implementation in consultation with Downtown Markham business owners; and,

- 7. That staff be directed to explore additional opportunities for similar walking and cycling loop routes and potential weekend street closures for cycling activity in Thornhill and Milliken Mills; and,
- 8. That staff be directed to explore opportunities to establish designated cycling spaces at municipally-owned facilities; and,
- 9. That staff be directed to review the operations of the multi-use pathway systems; and,
- 10. That Council approve the preliminary budget for implementing the Main Street Unionville No Through Traffic pilot project estimated at \$10,000; the Villages and Valley Walking and Cycling Loop estimated at \$6,000; weekend closures of Enterprise Boulevard (costs to be determined); and other opportunities for loops and cycling spaces (costs to be determined), to be funded from account #640-101-5699-20032 Active Transportation Awareness Program to a maximum of \$65,000; and further,
- 11. That staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried as Amended

Moved by Councillor Alan Ho Seconded by Councillor Khalid Usman

 That Council endorse the **pilot project to close** Enterprise Boulevard from Andre de Grasse Street to Main Street Unionville on **Sundays** and statutory holidays to provide additional space for cycling and direct staff to proceed with its implementation in consultation with Downtown Markham business owners; and,

Carried

Council consented to add the following clause:

• That staff be directed to review the operations of the multi-use pathway systems; and,

Council had before it the following original recommendation for consideration:

- 1. That the Report entitled "Traffic Operational Changes in Response to COVID-19" be received; and,
- 2. That the deputations of Peter Miasek, Steven Glassman, and David Rawcliffe be received; and,
- 3. That the communications submitted by David Rawcliffe, Peter Miasek, Elisabeth Tan, and Steven Glassman be received; and,
- That Council approve a traffic management pilot project to restrict access to local traffic only on Main Street Unionville between Fred Varley Drive and Carlton Road until October 31, 2020 in consultation with the Unionville Business Improvement Area (UBIA); and,
- 5. That Council endorse the Villages and Valley Walking and Cycling Loop proposal and direct staff to proceed with its implementation in consultation with the relevant Ward councillors; and,
- 6. That Council endorse the closure of Enterprise Boulevard from Andre de Grasse Street to Main Street Unionville on weekends to provide additional space for cycling and direct staff to proceed with its implementation in consultation with Downtown Markham business owners; and,
- 7. That staff be directed to explore additional opportunities for similar walking and cycling loop routes and potential weekend street closures for cycling activity in Thornhill and Milliken Mills; and,
- 8. That staff be directed to explore opportunities to establish designated cycling spaces at municipally-owned facilities; and,
- 9. That Council approve the preliminary budget for implementing the Main Street Unionville No Through Traffic pilot project estimated at \$10,000; the Villages and Valley Walking and Cycling Loop estimated at \$6,000; weekend closures of Enterprise Boulevard (costs to be determined); and other opportunities for loops and cycling spaces (costs to be determined), to be funded from account #640-101-5699-20032 Active Transportation Awareness Program to a maximum of \$65,000; and further,

- 10. That staff be authorized and directed to do all things necessary to give effect to this resolution.
- 8.3.2 CELEBRATE MARKHAM GRANT PROGRAM APRIL 1, 2020 MARCH 31, 2021 (2020-21)

FUNDING APPROVALS AND ANNUAL PROGRAM REVIEW (10.16, 7.6)

Councillor Reid McAlpine declared a conflict and did not vote on this matter.

Moved by Regional Councillor Jim Jones Seconded by Councillor Keith Irish

- That the report titled, "Celebrate Markham Grant Program April 1, 2020 - March 31, 2021 (2020-21) - Funding Approvals and Annual Program Review" be received; and,
- 2. That Council approve the recommendations of the Interdepartmental Staff Review Committee to fund 53 Celebrate Markham applicants, totaling \$184,500, as included in Attachment 1 and identified in Attachments 2, 3, 4 and 5; and further,
- 3. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

9. MOTIONS

9.1 BROADBAND INTERNET INFRASTRUCTURE & HI-SPEED INTERNET SERVICE (7.13)

Moved by Regional Councillor Jack Heath Seconded by Councillor Alan Ho

1. That the rules of procedure be waived in order to introduce a motion on Broadband Internet Infrastructure & Hi-Speed Internet Service.

Carried by Two Thirds Vote

Moved by Councillor Andrew Keyes Seconded by Regional Councillor Jack Heath

- 1. That Markham staff and Council interface with other levels of government and service providers to expedite the installation of broadband internet infrastructure to ensure all Markham residents have access to hi-speed internet service; and further,
- 2. That staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

10. NOTICE OF MOTION TO RECONSIDER

There were no notices of motion to reconsider.

11. NEW/OTHER BUSINESS

There was no new/ other business.

12. ANNOUNCEMENTS

There were no announcements.

13. BY-LAWS - THREE READINGS

Moved by Councillor Reid McAlpine Seconded by Councillor Karen Rea

That By-laws 2020-48 to 2020-50 be given three readings and enacted.

Carried

Three Readings

13.1 BY-LAW 2020-48 A BY-LAW TO AMEND BY-LAW 2005-104 BEING A BY-LAW TO PROHIBIT THE USE OF LAND OR THE ERECTION OR USE OF BUILDINGS OR STRUCTURES UNLESS MUNICIPAL SERVICES ARE AVAILABLE

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13.2 BY-LAW 2020-49 LINDVEST PROPERTIES (CORNELL) LIMITED, PART LOT CONTROL EXEMPTION BY-LAW

Carried

13.3 BY-LAW 2020-50 WOODBINE CACHET WEST INC., PART LOT CONTROL EXEMPTION BY-LAW

Carried

14. CONFIDENTIAL ITEMS

Council consented to not resolve into confidential session. The confidential items were approved by Council as follows:

14.1 APPROVAL OF CONFIDENTIAL COUNCIL MINUTES - MAY 26, 2020 (10.0)

Moved by Councillor Alan Ho Seconded by Regional Councillor Joe Li

1. That the confidential Council minutes of May 26, 2020 be adopted.

Carried

14.2 GENERAL COMMITTEE

14.2.1 LITIGATION OR POTENTIAL LITIGATION, INCLUDING MATTERS BEFORE ADMINISTRATIVE TRIBUNALS, AFFECTING THE MUNICIPALITY OR LOCAL BOARD (5.5) [Section 239 (2) (e)] AND

Moved by Councillor Keith Irish Seconded by Regional Councillor Jim Jones

1. That the confidential report on litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board and a position, plan, procedure, criteria or

instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board, be received; and,

- That Purchase Order PD 18149 issued to Clean Water Works Inc., for Sanitary Sewers Syphon Structural Lining be increased by \$274,511.02, inclusive of HST, to cover the project overrun; and,
- 3. That additional project costs in the amount of \$426,075.46, inclusive of HST be funded from Waterworks Stabilization/Capital Reserve in order to fund the project cost overruns with Clean Water Works Inc.; and further,
- 4. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

14.3 DEVELOPMENT SERVICES COMMITTEE

14.3.1 ADVICE THAT IS SUBJECT TO SOLICITOR-CLIENT PRIVILEGE, INCLUDING COMMUNICATIONS NECESSARY FOR THAT PURPOSE; [SECTION 239 (2) (f)] LPAT – CADILLAC FAIRVIEW– BUTTONVILLE AIRPORT (8.0)

Moved by Regional Councillor Jim Jones Seconded by Councillor Keith Irish

- 1. That the confidential memorandum of the City Solicitor be received, and,
- 2. That staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

15. CONFIRMATORY BY-LAW - THREE READINGS

Moved by Councillor Khalid Usman Seconded by Deputy Mayor Don Hamilton

That By-law 2020-51 be given three readings and enacted.

Three Readings

16. ADJOURNMENT

Moved by Councillor Isa Lee Seconded by Councillor Keith Irish

1. That the Council meeting be adjourned at 2:16 p.m.

Carried

Kimberley Kitteringham

Frank Scarpitti

City Clerk

Mayor