

Electronic Council Meeting Minutes

Meeting No. 18
October 27, 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 Arvin Prasad, Commissioner, Development Services Claudia Storto, City Solicitor and Director of Human Resources Brian Lee, Director, Engineering Joel Lustig, Treasurer Bryan Frois, Chief of Staff Phoebe Fu, Director, Environmental Services Hersh Tencer, Senior Manager, Real Property, Legal Services Kimberley Kitteringham, City Clerk	Martha Pettit, Deputy City Clerk John Wong, Technology Support Specialist II Hristina Giantsopoulos, Elections & Council/Committee Coordinator Morgan Jones, Director, Operations Stephen Corr, Senior Planner Jacqueline Chan, Assistant City Solicitor Meg West, Manager of Business Planning and Projects Terence Tang, Technology Support Specialist II Regan Hutcheson, Manager - Heritage, Planning & Urban Design

Alternate formats for this document are available upon request

1. CALL TO ORDER

The meeting of Council convened at 1:06 PM on October 27, 2020 in the Council Chamber. 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.

2. DISCLOSURE OF PECUNIARY INTEREST

Councillor Karen Rea disclosed an interest with respect to Item No. 8.1.2 - "City Initiated Technical Zoning By-law Amendment to clarify that front porches are permitted beyond the maximum permitted Building Depth, City Park (Town Crier) Homes Inc. (Ward 4)", and the related By-law under Item No. 13.2 as she has outstanding litigation on this matter and did not take part in the discussion or vote on this matter.

3. APPROVAL OF PREVIOUS MINUTES

3.1 COUNCIL MINUTES - OCTOBER 14, 2020

Moved by Regional Councillor Jack Heath
Seconded by Councillor Amanda Collucci

1. That the Minutes of the Council Meeting held on October 14, 2020, be adopted.

Carried

4. PRESENTATIONS

There were no presentations.

5. DEPUTATIONS

There were no deputations.

6. COMMUNICATIONS

There were no communications.

7. PROCLAMATIONS

There were no proclamations.

8. REPORT OF STANDING COMMITTEE

8.1 REPORT NO. 29 - DEVELOPMENT SERVICES COMMITTEE (OCTOBER 13, 2020)

Moved by Regional Councillor Jim Jones
Seconded by Councillor Keith Irish

That the report of the Development Services Committee be voted on separately.
(Items 1 to and 2):

Carried

8.1.1 STEELES AVENUE EAST WIDENING UPDATE – MARKHAM ROAD TO NINTH LINE (WARD 7) (5.10)

Moved by Regional Councillor Jim Jones
Seconded by Councillor Keith Irish

1. That the memorandum titled “Steeles Avenue East Widening Update – Markham Road to Ninth Line (Ward 7)” be received; and,
2. That the communications submitted by Brian Titherington, Director, Transportation & Infrastructure Planning from the Regional Municipality of York, be received; and,
3. That the City of Toronto and the Regional Municipality of York be requested to complete the widening of Steeles Avenue East between Tapscott Road and Ninth Line Road by 2024; and

4. That The Regional Municipality of York be requested to provide Markham Council with an update on the Steeles Avenue jurisdictional issue; and
5. That this Council resolution be forwarded to the City of Toronto and The Regional Municipality of York; and further,
6. That Staff be directed to do all things necessary to give effect to this resolution.

Carried

8.1.2 CITY INITIATED TECHNICAL ZONING BY-LAW AMENDMENT TO CLARIFY THAT FRONT PORCHES ARE PERMITTED BEYOND THE MAXIMUM PERMITTED BUILDING DEPTH, CITY PARK (TOWN CRIER) HOMES INC. (WARD 4) (10.0)

Councillor Karen Rea declared a conflict and did not vote or participate in the discussion on this matter.

Moved by Regional Councillor Jim Jones

Seconded by Councillor Keith Irish

1. That the Information Memorandum, entitled “City Initiated Technical Zoning By-law Amendment to clarify that front porches are permitted beyond the maximum permitted Building Depth, City Park (Town Crier) Homes Inc. (Ward 4)”, be received; and,
2. That the technical zoning by-law amendment, to amend Zoning By-law 1229, as amended by By-law 2017-112, be approved and that the draft by-law attached as Appendix ‘A’ be finalized and enacted; and further,
3. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

(By-law 2020-98)

Carried

8.2 REPORT NO. 30 - GENERAL COMMITTEE (OCTOBER 19, 2020)

Moved by Regional Councillor Jack Heath
 Seconded by Councillor Andrew Keyes

That the report of the General Committee be received & adopted. (Items 1 to 7):

Carried

8.2.1 2021 INTERIM SPENDING AUTHORITY PENDING APPROVAL OF BUDGET (7.0)

Moved by Regional Councillor Jack Heath
 Seconded by Councillor Andrew Keyes

1. That the report titled “2021 Interim Spending Authority Pending Approval of Budget”, be received; and,
2. That Council approve 50% of the City’s 2020 Operating, Waterworks, Planning & Design, Building Standards and Engineering budgets, equal to \$205,261,876, as a pre-budget approval for 2021 operating expenditures; and further,
3. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

8.2.2 2021 INTERIM SPENDING AUTHORITY PENDING APPROVAL OF UNIONVILLE AND MARKHAM VILLAGE BUSINESS IMPROVEMENT AREA BUDGETS (7.0)

Moved by Regional Councillor Jack Heath
 Seconded by Councillor Andrew Keyes

1. That the report titled “2021 Interim Spending Authority Pending Approval of Unionville Business Improvement Area and Markham Village Business Improvement Area Budgets”, be received; and,
2. That Council approve 50% of the 2020 Operating Budget equivalent to the amounts of \$107,111 for the Unionville BIA (UBIA) and

\$154,976 for the Markham Village BIA (MVBIA) as pre-budget approval for 2021 operating expenditures; and further,

3. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

8.2.3 2021 TEMPORARY BORROWING BY-LAW (7.3)

Moved by Regional Councillor Jack Heath

Seconded by Councillor Andrew Keyes

1. That the report titled “2021 Temporary Borrowing By-law” be received; and,
2. That a by-law be brought forward for Council approval to authorize the temporary borrowing, if required, of amounts not to exceed \$205,261,876 from January 1, 2021 to September 30, 2021, and \$102,630,938 from October 1, 2021 to December 31, 2021 to meet the expenditures of the municipality until taxes are collected and other revenues are received; and,
3. That the Treasurer report to Council in advance of borrowing, if temporary borrowing is required; and further,
4. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

(By-law 2020-97)

Carried

8.2.4 AWARD OF PROPOSAL 005-R-20 SUPPLY AND IMPLEMENTATION, UNIFIED COMMUNICATION AND VOIP PHONE SYSTEM (7.12)

Moved by Regional Councillor Jack Heath

Seconded by Councillor Andrew Keyes

1. That the report entitled “Award of Proposal 005-R-20 Supply and Implementation, Unified Communication and VoIP Phone System; and,
2. That the contract for 005-R-20 Supply and Implementation, Unified Communication and VoIP Phone System be awarded to the highest ranked/lowest priced bidder, Unity Connected Solutions Inc. in the amount of \$1,364,866.34 inclusive of HST, to an upset limit of \$750,321.41 for the hardware, licenses, software, training and implementation costs and \$614,544.93 for nine years of warranty, ongoing support and maintenance; and,
3. That the hardware, licenses, software, training and implementation costs to the upset limit amount of \$750,321.41 be funded from capital project 18079, IT Life Cycle Asset Replacement, GL account 49-6150-18079-005 and capital project 19063, ITS - City Wide Telephone System Replacement, GL account 49-6150-19063-005, with a combined available budget of \$764,759.42; and,
4. That the cost of the warranty, support and maintenance fee for six (6) years in the amount of \$406,401.96 inclusive of HST and \$208,142.97 for the three (3) additional optional years be funded from #400-404-5461 with current annual budget of \$107,508.64 and subject to Council approval of the 2021-2029 operating budgets in the amounts of:
 - a. Year 1 (2021) - \$ 67,733.66
 - b. Year 2 (2022) - \$ 67,733.66
 - c. Year 3 (2023) - \$ 67,733.66
 - d. Year 4 (2024) - \$ 67,733.66
 - e. Year 5 (2025) - \$ 67,733.66
 - f. Year 6 (2026) - \$ 67,733.66
 - g. Year 7 (2027) - \$ 69,380.99*
 - h. Year 8 (2028) - \$ 69,380.99*
 - i. Year 9 (2029) - \$ 69,380.99*Total - \$614,544.93*Optional Year Renewal

5. That surplus capital budget in the amount of \$14,438.01 in Capital Project 19063 be returned to sources and the 2021 operating budget of #400-404-5461 be reduced by \$39,774.98; and
6. That the Chief Information Officer and Senior Manager Procurement & Accounts Payable be authorized to execute the additional renewal years for the life cycle of the project (at the sole discretion of the City); and,
7. That Unity Connected Solutions Inc. be designated as the preferred vendor for the City's telephony service needs and for Mitel Hardware and software products for the term of this contract; and,
8. That the purchase orders may be adjusted to acquire additional Mitel hardware and software to support growth and/or future telephone system upgrade or integration related projects, subject to the Expenditure Control Policy and budget approval; and,
9. That the Chief Information Officer and Senior Manager, Procurement & Accounts Payable be authorized to approve any new purchases related to this contract needed due to growth and/or future telephone system upgrade due to change in technology or system integration with other applications related to the project during the term of this contract; subject to the Expenditure Control Policy and budget approval; and further,
10. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

8.2.5 2021 BUDGET SCHEDULE (7.0)

Moved by Regional Councillor Jack Heath

Seconded by Councillor Andrew Keyes

1. That the report dated October 19, 2020 titled "2021 Budget Schedule" be received; and
2. That the following schedule for the 2021 Budget be approved with the dates and times below:

Meeting #1 – Tuesday, November 3, 2020 (9:00 a.m. to 12:00 p.m.)

Meeting #2 – Friday, November 6, 2020 (9:00 a.m. to 12:00 p.m.)

Meeting #3 – Tuesday, November 10, 2020 (9:00 a.m. to 12:00 p.m.)

Meeting #4 – Friday, November 13, 2020 (9:00 a.m. to 12:00 p.m.)

General Committee – Monday, November 16, 2020 (9:30 a.m.)–
Draft presentation of the proposed 2021 Budget for the public meeting

Meeting #5 – Tuesday, November 17, 2020 (9:00 a.m. to 12:00 p.m.)

Meeting #6 – Friday, November 20, 2020 (9:00 a.m. to 12:00 p.m.)

Public Meeting – Wednesday, November 25, 2020 (7 p.m. to 9 p.m.)–
Feedback from the public meeting will be incorporated into the report
to Council

Meeting #7 – Friday, November 27, 2020 (9:00 a.m. to 12:00 p.m.) –
if required

Council Decision – Wednesday, December 9, 2020 (1:00 p.m.)

Press Conference – Thursday, December 10, 2020 (10:00 a.m.)

3. That the following schedule for the 2021 Water & Wastewater Rate be approved with the dates and times below:

General Committee – Monday, November 2, 2020 (9:30 a.m.)

Public Meeting – Thursday, November 12, 2020 (6:30 p.m. to 7:30
p.m.)– Feedback from the public meeting will be incorporated into the
report to Council

Council Decision – Wednesday, December 9, 2020 (1:00 p.m.); and
further,

4. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

8.2.6 EAST MARKHAM WORKS YARD (5.0)

Moved by Regional Councillor Jack Heath
Seconded by Councillor Andrew Keyes

1. That the presentation entitled “East Markham Works Yard – General Committee – October 19, 2020” be received; and,
2. That the requested budget increase to the capital project in the amount of \$1,503,734 (incl HST) be funded from Development Charges Reserves in the amount of \$1,455,140.65 or 97.5%, and the Non-DC Growth Reserve in the amount of \$37,593.35 or 2.5%; and,
3. That the City grant an easement to Alectra Utilities, for nominal consideration over part of the lands municipally known as 10192 9th Line acceptable to the City’s Senior Manager of Real Property in the event that such easement is required by Alectra to provide services to the site (the “Alectra Easement”); and,
4. That the Mayor and Clerk be authorized to execute agreement(s) with Alectra Utilities required for the development of a works yard on the land municipally known as 10192 9th Line and to convey the Alectra Easement, if required, provided the form of such agreement(s) is satisfactory to the City Solicitor and the CAO; and,
5. That an independent third party review of the East Works Yard Project be undertaken and its findings reported back to Council; and further,
6. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

8.2.7 2020 MARKHAM ENVIRONMENTAL SUSTAINABILITY FUND (MESF), FUNDING APPLICATIONS APPROVAL (7.0, 5.7)

Moved by Regional Councillor Jack Heath

Seconded by Councillor Andrew Keyes

1. That the report entitled “2020 Markham Environmental Sustainability Fund (MESF), Funding Applications Approval’ be received; and,
2. That the external funding application Pollinators: Bees, Butterflies and Beyond submitted by Swan Lake for a pollinator awareness and planting project, for \$3,730.90, be approved to be funded from the MESF reserve; and,

3. That the internal funding application for a Smart Irrigation System Pilot at Milliken Mills Park for \$6,200.00, submitted by the Environmental Services Department be approved to be funded from the MESF reserve; and further,
4. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

8.3 REPORT NO. 31 - SPECIAL GENERAL COMMITTEE (OCTOBER 21, 2020)

Moved by Regional Councillor Jack Heath
 Seconded by Councillor Khalid Usman

That the report of the General Committee be received & adopted. (1 Item):

Carried

8.3.1 COVID-19 IMPACT UPDATE (7.0)

Moved by Regional Councillor Jack Heath
 Seconded by Councillor Khalid Usman

1. That the presentation entitled COVID-19 Impact Update be received; and,
2. That the City not apply for Phase 2 funding as part of the Safe Restart Agreement; and,
3. That the City suspend the Municipal Accommodation Tax from January 1st, 2021 to December 31st, 2021, and if required, request endorsement of this action from the Destination Markham Corporation; and further,
4. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

8.4 REPORT NO. 32 - DEVELOPMENT SERVICES COMMITTEE (OCTOBER 26, 2020)

Moved by Regional Councillor Jim Jones

Seconded by Councillor Karen Rea

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

Carried

8.4.1 ONTARIO HERITAGE ACT (BILL 108) PROPOSED REGULATIONS
(16.11)

Moved by Regional Councillor Jim Jones

Seconded by Councillor Karen Rea

1. That the report titled “*Ontario Heritage Act* (Bill 108) – Proposed Regulation”, dated October 26, 2020, be received; and,
2. That the report including Appendix ‘A’ - Summary Chart of Markham’s Comments/Feedback be submitted to the Province as the City of Markham’s response to the Environmental Registry request for comment; and,
3. That the Province be advised that to proceed with implementation of these changes (proclamation of new legislation and the proposed Regulation) on January 1, 2021, which will require substantive changes to municipal protocols and procedures during a pandemic, imposes an unreasonable burden on stakeholders whose focus should be on responding to this unprecedented health challenge, and therefore proclamation should be postponed to July 1, 2021; and,
4. That if the Conservation Review Board (CRB) is replaced by the Local Planning Appeal Tribunal (LPAT) as the ultimate appeal body for municipal decisions related to the designation, amendment, repeal, or alteration of a heritage property under the *Ontario Heritage Act*, the Province ensure that Tribunal members assigned to such appeals possess appropriate expertise in cultural heritage matters and an appropriate understanding of the *Ontario Heritage Act*; and,

5. That this report be forwarded to the October 27, 2020 City Council meeting: and further,
6. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

9. MOTIONS

There were no motions.

10. NOTICE OF MOTION TO RECONSIDER

There were no notices of motions.

11. NEW/OTHER BUSINESS

There were no new / other business.

12. ANNOUNCEMENTS

There were no announcements.

13. BY-LAWS - THREE READINGS

Moved by Councillor Khalid Usman
Seconded by Councillor Reid McAlpine

That By-laws 2020-97 and 2020-99 be given three readings and enacted.

That By-law 2020-98, voted on separately, be given three readings and enacted.

Carried

Three Readings

13.1 BY-LAW 2020-97 2021 TEMPORARY BORROWING BY-LAW

A By-law to authorize temporary borrowing to meet the expenditures of the City of Markham until taxes are collected and other revenues received.

(Item No. 8.2.3, Report 30)

Carried

13.2 BY-LAW 2020-98 CITY PARK (TOWN CRIER) HOMES INC., 7 TOWN CRIER LANE, TECHNICAL ZONING BY-LAW AMENDMENT

A By-law to amend By-law 1229, as amended, to confirm that porches are permitted to encroach into the required front yard.

(Item No. 8.1.2, Report 29)

Councillor Karen Rea declared a conflict and did not vote on this matter.

Carried

13.3 BY-LAW 2020-99 FOREST HILL HOMES (CORNELL TOWNS) LTD., SOUTH SIDE OF RUSTLE WOODS AVENUE, WEST OF CORNELL ROUGE BOULEVARD, ZONING BY-LAW AMENDMENT

A By-law to amend By-law 304-87, as amended and By-law 177-96, as amended to to permit the development of 75 townhouse dwellings.

(Item 8.2.2, Report 3, January 29, 2019 Council Meeting)

Carried

14. CONFIDENTIAL ITEMS

Moved by Councillor Amanda Collucci

Seconded by Councillor Isa Lee

That, in accordance with Section 239 (2) of the *Municipal Act*, Council resolve into a private session to discuss the following confidential matters at 1:17 PM:

14.1 GENERAL COMMITTEE - OCTOBER 19, 2020

14.1.1 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;- TELECOMMUNICATION MUNICIPAL CONSENT
(8.0) [SECTION 239 (2) (k)]

14.1.2 THE SECURITY OF THE PROPERTY OF THE CITY OR LOCAL
BOARD; LEASE UPDATE (8.2) [SECTION 239 (2) (a)]

Carried

Moved by Councillor Isa Lee
Seconded by Regional Councillor Joe Li

That Council rise from Confidential session at 2:52 pm.

Carried

The following Confidential items were approved by Council:

14.1 GENERAL COMMITTEE - OCTOBER 19, 2020

14.1.1 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;- TELECOMMUNICATION MUNICIPAL CONSENT
(8.0) [SECTION 239 (2) (k)]

Moved by Regional Councillor Jack Heath
Seconded by Councillor Andrew Keyes

1. That the confidential staff report on 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,
2. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

14.1.2 THE SECURITY OF THE PROPERTY OF THE CITY OR LOCAL
BOARD; LEASE UPDATE (8.2) [SECTION 239 (2) (a)]

Moved by Regional Councillor Jack Heath
Seconded by Councillor Andrew Keyes

1. That the confidential presentation on the security of the property of the city or local board – Lease Update, 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 Alan Ho
Seconded by Councillor Isa Lee

That By-law 2020-96 be given three readings and enacted.

Three Readings

BY-LAW 2020-96 A BY-LAW TO CONFIRM THE PROCEEDINGS OF THE
COUNCIL MEETING OF OCTOBER 27, 2020.

Carried

16. ADJOURNMENT

Moved by Councillor Isa Lee
Seconded by Councillor Keith Irish

That the Council meeting be adjourned at 2:57 p.m.

Carried

Kimberley Kitteringham
City Clerk

Frank Scarpitti
Mayor