

Electronic Council Meeting Minutes

Meeting No. 2
February 8, 2022, 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 Morgan Jones, Commissioner, Community Services Claudia Storto, City Solicitor and Director of Human Resources Adam Grant, Fire Chief Biju Karumanchery, Director, Planning & Urban Design Frank Clarizio, Director, Engineering Joel Lustig, Treasurer	Bryan Frois, Manager, Executive Operations & Strategic Initiatives Kimberley Kitteringham, City Clerk Martha Pettit, Deputy City Clerk Terence Tang, Technology Support Specialist II Hristina Giantsopoulos, Election/Council & Committee Coordinator Alice Lam, Director, Operations Mark Visser, Senior Manager, Strategy, Innovation & Investments Tanya Lewinberg, Public Realm Coordinator

Alternate formats for this document are available upon request

1. CALL TO ORDER

The meeting of Council convened at 1:05 PM on February 8, 2022. Mayor Frank Scarpitti presided.

INDIGENOUS LAND ACKNOWLEDGEMENT

We begin today by acknowledging the traditional territories of Indigenous peoples and their commitment to stewardship of the land. We acknowledge the communities in circle. The North, West, South and Eastern directions, and Haudenosaunee, Huron-Wendat, Anishnabeg, Seneca, Chippewa, and the current treaty holders Mississaugas of the Credit peoples. We share the responsibility with the caretakers of this land to ensure the dish is never empty and to restore relationships that are based on peace, friendship, and trust. We are committed to reconciliation, partnership and enhanced understanding.

On behalf of Council, Mayor Frank Scarpitti recognized the recent passing of Lachlan Cattanach, a longtime resident and respected community leader in Markham. He embodied the spirit of community and was a founding member of the Markham Kiwanis Club and chairperson of the St. Andrew's United Church Board of Trustees for 20 years. He was also instrumental in the establishment of the Markham Stouffville Hospital. A moment of silence was observed and flags at the Civic Centre were lowered in his honour.

2. DISCLOSURE OF PECUNIARY INTEREST

Mayor Frank Scarpitti and Councillor Alan Ho both declared a conflict with respect to Item No. 8.3.1 and Item No. 13.1 or By-law 2022-9 regarding Ruland Properties Inc., located at 8119 Birchmount Road, as they both have a family member who has recently purchased a unit in the property.

Mayor Frank Scarpitti and Councillor Alan Ho did not take part in the discussion or vote on these matters.

3. APPROVAL OF PREVIOUS MINUTES

3.1 COUNCIL MINUTES - JANUARY 25, 2022

Moved by Councillor Isa Lee

Seconded by Councillor Keith Irish

1. That the Minutes of the Council Meeting held on January 25, 2022, be adopted.

Carried

4. PRESENTATIONS

No presentations.

5. DEPUTATIONS

There were no deputations.

6. COMMUNICATIONS

6.1 4-2022 LIQUOR LICENCE APPLICATION - BB.Q CHICKEN AND PUB (WARD 3) (3.21)

Moved by Councillor Reid McAlpine
Seconded by Councillor Khalid Usman

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

Carried

7. PROCLAMATIONS

7.1 PROCLAMATION AND FLAG RAISING REQUESTS (3.4)

Moved by Councillor Alan Ho
Seconded by Regional Councillor Jim Jones

1. That the following proclamations, issued by the City Clerk in accordance with the City of Markham Proclamation Policy, be received for information purposes:
 1. Heritage Week - February 21-27, 2022
 2. Day of Action Against Anti-Asian Racism - May 10, 2022
2. That the following new request for proclamation be approved and added to the Five-Year Proclamations List approved by Council:
 1. *National Human Trafficking Awareness Day - February 22, 2022*
3. That the following request for flag to be raised at the Anthony Roman Markham Civic Centre flagpole, approved by the City Clerk in accordance

with the City of Markham Community Flag Raisings & Flag Protocol Policy, be received for information purposes:

1. Heritage Week - February 21-27, 2022; (Organized by The City of Markham)

Carried

8. REPORT OF STANDING COMMITTEE

8.1 REPORT NO. 3 - GENERAL COMMITTEE (JANUARY 31, 2022)

Moved by Regional Councillor Jack Heath
Seconded by Councillor Andrew Keyes

That the report of the General Committee be received & adopted. (Items 1 to 6):

Carried

8.1.1 073-T-21 SUPPLY AND DELIVERY OF BULK SODIUM CHLORIDE (7.9, 5.0)

Moved by Regional Councillor Jack Heath
Seconded by Councillor Andrew Keyes

1. That the report entitled “Tender 073-T-21 Supply & Delivery of Bulk Sodium Chloride (Highway Coarse Road Salt)” be received; and,
2. That the contract for Tender 073-T-21 Supply & Delivery of Bulk Sodium Chloride (Highway Coarse Road Salt) be awarded to the lowest priced bidder, Compass Minerals Canada Corp.; and,
3. That the term of the contract be for three (3) years, with the option to extend the contract for an additional two (2) years commencing October 1, 2022 in the estimated annual amounts of:
 1. 2022 - \$596,416 (October 1 – December 31, 2022);
 2. 2023 - \$2,130,055;
 3. 2024 - \$2,130,055;
 4. 2025 - \$2,130,055;
 5. 2026 - \$2,130,055;
 6. 2027 - \$1,533,639 (January 1 – March 31, 2027); and,

4. That the 2023 – 2027 operating budgets and the purchase order be adjusted for growth and a price escalation allowance based on the Consumer Price Index (CPI) (Toronto All-Items) for years two to five based on the percentage change in the CPI (January to January) up to a maximum amount of 2.5% annually; and,
5. That funds be provided from 700-504-4525 Salt in the amount of \$596,416 for the 2022 award amount; and further,
6. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

8.1.2 003-T-19 SHORT TERM RENTAL OF VEHICLES CONTRACT
EXTENSION (7.9, 5.0)

Moved by Regional Councillor Jack Heath

Seconded by Councillor Andrew Keyes

1. That the report entitled “003-T-19 Short Term Rental of Vehicles Contract Extension” be received; and,
2. That the contract for Short Term Rental of Vehicles be extended for an additional two (2) years to Somerville National Leasing & Rentals Ltd. in the estimated value of \$441,935.06 inclusive of HST:
 1. January 1 – December 31, 2023 - \$220,967.53
 2. January 1 – December 31, 2024 - \$220,967.53*
 - * Subject to CPI All Items Ontario for the twelve (12) month period ending October and shall not exceed 2%; and,
3. That the award be funded from the various operating accounts outlined in the Financial Considerations section; and,
4. That the tendering process be waived in accordance with Purchasing By-Law 2017-8, Part II, Section 11. Non-Competitive Procurement, items 11.1 (c) and (g), which state:
 1. (c) When the extension of an existing Contract would prove more cost-effective or beneficial; and,

2. (g) Where it is in the City's best interest not to solicit a competitive bid; and,
5. That Staff be authorized to amend the award amounts to reflect changes to the operating budget accounts, subject to Council approval during the annual budgeting process; and further,
6. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

8.1.3 CONTRACT EXTENSION FOR WINTER MAINTENANCE
CONTRACTS (7.9, 5.0)

Moved by Regional Councillor Jack Heath

Seconded by Councillor Andrew Keyes

1. That the report entitled "Contract Extension for Winter Maintenance Contracts" be received; and,
2. That the following Winter Maintenance Contracts be extended for an additional two (2) winter seasons with a CPI increase over 2021/2022 rates:
 - Contract # 202-T-12 - Supply of Tractors, Graders, Loaders for winter maintenance (November 16, 2022 – March 31, 2024) to the following four (4) vendors:
 1. Defina Haulage Ltd. (7 tractors, 2 windrows)
 2. Donaldson Custom Farming Inc. (13 tractors, 4 windrows)
 3. VBN Paving Limited (5 graders, 4 windrows)
 4. Griffith Property Services Ltd (12 tractors, 7 graders, 12 windrows)
 - in the estimated value of \$2,012,922 inclusive of HST in year 1 and \$2,033,427 inclusive of HST in year 2, for a total estimated value of \$4,046,349 inclusive of HST over the two year extension period excluding growth adjustments
 - Contract # 128-T-03 - Loaders for winter maintenance (December 1, 2022 – March 31, 2024) to the following two (2) vendors;

1. Griffith Property Services Ltd. (21 loaders)
2. Wilson Contracting Ltd (13 loaders)
 - in the estimated value of \$1,136,128 inclusive of HST in year 1 and \$1,152,732 inclusive of HST in year 2, for a total estimated value of \$2,288,860 inclusive of HST over the two year extension period; and,
3. That Contract # 095-T-08 - Tandem/Single Axle Combination Plows for winter maintenance be extended for an additional one (1) winter season (November 16, 2023 – March 31, 2024) with a CPI increase to D. Crupi & Sons for 24 units in the estimated value of \$2,282,735 inclusive of HST and excluding any growth adjustments; and,
4. That the tendering process be waived for recommendations 2 and 3 in accordance with Procurement By-Law 2017-8, Part II, Section 11. Non-Competitive Procurement, items 11.1 (c) and (g), which state:
 - (c) When the extension of an existing Contract would prove more cost-effective or beneficial; and
 - (g) Where it is in the City's best interest not to solicit a competitive bid; and,
5. That the 2023-2024 operating budgets and purchase orders for Contracts 202-T-12, 128-T-03 and 095-T-08 be adjusted with a price escalation allowance based on the Consumer Price Index for Canada, All-Items (March to March) and growth (increase in kilometres of roadway), subject to Council approval; and,
6. That the 2023 operating budget be increased for the 2023 financial impact of CPI for Contract 202-T-12 of \$19,827 Contract 128-T-03 of \$35,927 and Contract 095-T-08 of \$61,419 for a total amount of \$117,174 subject to future growth requirements and Council approval; and further,
7. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

8.1.4 2021 YEAR-END INVESTMENT PERFORMANCE REVIEW (7.0)

Moved by Regional Councillor Jack Heath

Seconded by Councillor Andrew Keyes

1. That the report dated January 31, 2022 entitled “2021 Investment Performance Review” be received; and,
2. That the \$1.577 million investment interest income surplus be transferred to the City’s Lifecycle Replacement & Capital Reserve Fund; and further,
3. That staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

8.1.5 EAST MARKHAM OPERATIONS YARD UPDATE (5.0)

Moved by Regional Councillor Jack Heath

Seconded by Councillor Andrew Keyes

1. That the presentation entitled “East Markham Works Yard – General Committee – January 31, 2022” be received; and,
2. That the requested budget increase to the capital project in the amount of \$1,354,459 (incl. HST impact) be funded from Development Charges Reserves in the amount of \$1,320,598 and the Non-DC Growth Reserve in the amount of \$33,861; and,
3. That the Committee approve the following budget increases:
 1. Work that has been authorized internally and completed to date to meet winter maintenance deadlines: \$774,459.00
 2. New work that is required to be completed for Overland Channel and Erosion Repairs: \$580,000.00; and,
4. That the Committee approve the following increases to existing purchase orders as part of the budget increase for work completed and new work required:
 1. Orin Contractors PD 20144: \$1,092,606.00
 2. Counterpoint Engineering PD 19366 – East Yard: \$128,335.00; and further,

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

Carried

8.1.6 555 MILLER OPERATIONS YARD - STORMWATER
MANAGEMENT EMERGENCY REPAIRS (5.0)

Moved by Regional Councillor Jack Heath

Seconded by Councillor Andrew Keyes

1. That the report entitled “555 Miller Operations Yard – Stormwater Management Emergency Repairs” be received; and,
2. That due to this emergency, a new Environmental Services project be established for the interim solution for the stormwater management repairs in the amount of \$361,919.86 (Inclusive of HST) and be funded from the Life Cycle Replacement and Capital Reserve; and,
3. That the current Purchase Order for routine and emergency infrastructure repairs with FDM Contracting Ltd. be increased by \$315,894.48. (inclusive of HST) ; and,
4. That \$46,056.38 be retained to fund the vegetative cutback in the tributary and remove the blockage at the 3 outfall culverts under Rodick Road and be awarded in compliance with the purchasing by-law; and,
5. That a new Sustainability & Asset Management project be established for a stormwater management study at a cost of \$59,885.76, inclusive of contingency and HST , funded from the Life Cycle Replacement and Capital Reserve; and,
6. That the staff awarded stormwater management study contract to AECOM Canada in the amount of \$59,885.76 (Inclusive of HST) under the declaration of emergency be received; and,
7. That authority be given to the Sr. Manager of Procurement & Accounts Payable and the applicable Director(s) to expedite the procurement process when necessary; and further,
8. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

8.2 REPORT NO. 4 -DEVELOPMENT SERVICES COMMITTEE (FEBRUARY 2, 2022)

Moved by Regional Councillor Jim Jones

Seconded by Councillor Keith Irish

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

Carried

8.2.1 INTENTION TO DESIGNATE 5560 14TH AVENUE UNDER PART IV, SECTION 29 OF THE ONTARIO HERITAGE ACT (10.0)

Moved by Regional Councillor Jim Jones

Seconded by Councillor Keith Irish

1. That the report dated February 2, 2022 titled “Intention to Designate a Property under Part IV, Section 29 of the Ontario Heritage Act, McCauley-Cooperthwaite House, 5560 14th Avenue, Ward 7”, be received; and,
2. That as recommended by the Heritage Markham Committee, and required as a condition of development approval, the McCauley-Cooperthwaite House be approved for designation under Part IV, Section 29 of the Ontario Heritage Act as a property of cultural heritage value or interest; and,
3. That the Clerk’s Department be authorized to publish and serve Council’s Notice of Intention to Designate as per the requirements of the Ontario Heritage Act; and,
4. That if there are no objections to the designation in accordance with the provisions of the Ontario Heritage Act, the Clerk be authorized to place a designation by-law before Council for adoption; and,
5. That if there are any objections in accordance with the provisions of the Ontario Heritage Act, the matter return to Council for further consideration; and,
6. That if the intention to designate proceeds and there are any appeals of the designation by-law, the Clerk be directed to refer the proposed designation to the Ontario Land Tribunal (OLT); and,

7. That if the designation is referred to the OLT, Council authorize the City Solicitor and appropriate staff to attend any hearing held by the OLT in support of Council's decision to designate the property; and further,
8. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

8.3 REPORT NO. 5 - DEVELOPMENT SERVICES COMMITTEE (FEBRUARY 7, 2022)

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

8.3.1 MEMORANDUM RULAND PROPERTIES INC. REQUEST FOR THE ASSIGNMENT OF ADDITIONAL SERVICING ALLOCATION FOR MIXED-USE HIGH-RISE DEVELOPMENT LOCATED EAST OF BIRCHMOUNT ROAD IN THE FUTURE SOUTH-WEST CORNER OF VERDALE CROSSING AND ANDRE DE GRASSE STREET AT 8119 BIRCHMOUNT ROAD (HS2, SC 18 180694) (WARD 3) (10.0)

Mayor Frank Scarpitti and Councillor Alan Ho both declared a conflict with this matter regarding Ruland Properties Inc., located at 8119 Birchmount Road, and the related By-law 2022-9, as both have a family member who recently purchased a unit in the property. Mayor Frank Scarpitti and Councillor Alan Ho did not take part in the discussion or vote on this matter.

Deputy Mayor assumed Chair of the meeting for this matter.

Moved by Councillor Amanda Collucci

Seconded by Councillor Reid McAlpine

1. That the memorandum titled "MEMORANDUM, Ruland Properties Inc. (The Remington Group), Request for hold removal and assignment of additional servicing allocation for a mixed-use high-rise development located east of Birchmount Road, in the future south-west corner of Verdale Crossing and Andre De Grasse Street at 8119 Birchmount Road, File Nos: HOLD 19 180694, SC 16 116738 (HS1) and SC 18 180694 (HS2) (Ward 3)" be received; and,

2. That the application submitted by Ruland Properties Inc. (The Remington Group) to remove the hold provision (HOLD 19 180694) be approved and the draft Hold Removal By-law attached hereto as Appendix A be enacted without further notice; and,
3. That servicing allocation assigned to Phase 1, HS1 (SC 16 116738) be increased from 620 dwelling units to 759 dwelling units; and,
4. That servicing allocation assigned to Phase 2, HS2 (SC 18 180694) be increased from 454 dwelling units to 506 dwelling units; and,
5. That the City reserves the right to revoke or reallocate servicing allocation should the proposed development not proceed in a timely manner; and further,
6. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

(By-law 2022-9)

Carried

Mayor Frank Scarpitti resumed the Chair of the meeting following discussion of the item.

8.3.2 JOHN STREET MULTI-USE PATH IMPLEMENTATION STRATEGY (WARDS 1 & 8) (10.0)

Moved by Councillor Keith Irish

Seconded by Regional Councillor Joe Li

1. That the report entitled “ Revised John Street Multi-Use Path Implementation Strategy (Wards 1 & 8)” be received; and,
2. That Council endorse the revised implementation strategy for the John Street Multi-Use Path project and the revised scope for the project as outlined in Attachment “B”, on the condition that staff implement additional safety measures, and,
3. That Council direct staff to issue the construction tender and delegate authority to the Chief Administrative Officer to award the construction

contract for the implementation of the revised John Street Multi-Use Path project; and further,

4. 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 was no new or other business.

12. ANNOUNCEMENTS

There were no announcements.

13. BY-LAWS - THREE READINGS

Mayor Frank Scarpitti and Councillor Alan Ho both declared a conflict regarding to Item 13.1 or By-law 2022-9 related to Ruland Properties Inc., located at 8119 Birchmount Road, as both have a family member who recently purchased a unit in the property. Mayor Frank Scarpitti and Councillor Alan Ho did not take part in the discussion or vote on this matter.

Deputy Mayor assumed Chair of the meeting for this matter.

Moved by Regional Councillor Jim Jones

Seconded by Councillor Keith Irish

That By-law 2022-9 be given three readings and enacted.

Carried

Three Readings

- 13.1 BY-LAW 2022-9 RULAND PROPERTIES INC., 8119 BIRCHMOUNT ROAD,
HOLD REMOVAL BY-LAW

A By-law to amend By-law 2004-196, as amended, to remove the Holding provision to permit a mixed-use condominium apartment development.

Carried

Mayor Frank Scarpitti resumed the Chair of the meeting following discussion of the item.

14. CONFIDENTIAL ITEMS

Moved by Regional Councillor Jack Heath
Seconded by Councillor Karen Rea

That, in accordance with Section 239 (2) of the *Municipal Act*, Council resolve into a private session to discuss the following confidential matters at 1:22 PM:

14.1 GENERAL COMMITTEE - JANUARY 31, 2022

14.1.1 THE SECURITY OF THE PROPERTY OF THE CITY OR LOCAL BOARD; (WARD 7) [Section 239 (2)(a)] (8.7)

Carried

Moved by Regional Councillor Jack Heath
Seconded by Councillor Andrew Keyes

That Council rise from Confidential session at 1:47 PM.

Carried

The following Confidential items were approved by Council:

14.1 GENERAL COMMITTEE - JANUARY 31, 2022

14.1.1 THE SECURITY OF THE PROPERTY OF THE CITY OR LOCAL BOARD; (WARD 7) [Section 239 (2)(a)] (8.7)

Moved by Councillor Khalid Usman

Seconded by Regional Councillor Jack Heath

1. That the confidential report on the Security of the property of the City or Local Board (Ward 7); be received; and,
2. That Staff be authorized and directed to take the actions set out in this report.

Carried

15. CONFIRMATORY BY-LAW - THREE READINGS

Moved by Councillor Andrew Keyes

Seconded by Councillor Reid McAlpine

That By-law 2022-8 be given three readings and enacted.

Three Readings

BY-LAW 2022-8 A BY-LAW TO CONFIRM THE PROCEEDINGS OF THE COUNCIL MEETING OF FEBRUARY 8, 2022.

Carried

16. ADJOURNMENT

Moved by Councillor Isa Lee

Seconded by Councillor Keith Irish

That the Council meeting be adjourned at 1:51 PM.

Carried

Kimberley Kitteringham
City Clerk

Frank Scarpitti
Mayor