

Council Meeting Minutes

Meeting Number: 10 March 22, 2023, 1:00 PM Live streamed

Roll Call Mayor Frank Scarpitti Councillor Ritch Lau

Deputy Mayor Michael Chan Councillor Reid McAlpine Regional Councillor Jim Jones Councillor Karen Rea

Regional Councillor Joe Li

Regional Councillor Alan Ho

Councillor Juanita Nathan

Councillor Keith Irish Councillor Isa Lee

Regrets Councillor Andrew Keyes

Staff Andy Taylor, Chief Administrative Chris Rickett, Director, Economic

Officer Development, Culture and

Trinela Cane, Commissioner, Corporate Entrepreneurship

Services Stephen Lue, Acting Senior Manager,
Arvin Prasad, Commissioner, Development, Planning & Urban Design
Development Services Maggie Cheung-Madar, Assistant City

Claudia Storto, City Solicitor and Solicitor

Director of People Services Darryl Lyons, Deputy Director, Adam Grant, Fire Chief Planning & Urban Design

Bryan Frois, Manager, Executive Stephanie DiPerna, Director, Building

Operations & Strategic Initiatives Standards

Kimberley Kitteringham, City Clerk John Yeh, Manager, Strategy &

Frank Clarizio, Director, Engineering Innovation

Mark Visser, Acting Treasurer Eric Lariviere, Manager, Flato Theatre
Eddy Wu, Director, Environmental Jason Tsien, Senior Manager, Business

Services Development

Martha Pettit, Deputy City Clerk

Jay Pak, Senior Manager, Financial

John Wong, Technology Support Planning & Reporting

Specialist II Michelle Sawh, L-Director Admin &

Hristina Giantsopoulos, Operational Support

Election/Council & Committee Richard Fournier, Senior Manager,
Coordinator Parks Planning, Design & Construction

Stacia Muradali, Manager, Development

Sumon Acharjee, Chief Information

Officer

Victoria Chai, Assistant City Solicitor

Steven Dollmaier, Senior Manager,

Roads and Survey

Hailey Miller, Planner II, Planning &

Urban Design

Alternate formats for this document are available upon request

1. CALL TO ORDER

The meeting of Council convened at 1:10 PM on March 22, 2023. Mayor Frank Scarpitti presided.

Council consented to recess the meeting from 1:55 PM to 2:10 PM.

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 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.

2. DISCLOSURE OF PECUNIARY INTEREST

There were no pecuniary interests disclosed..

3. APPROVAL OF PREVIOUS MINUTES

3.1 COUNCIL MINUTES - MARCH 1, 2023

Moved by Deputy Mayor Michael Chan Seconded by Regional Councillor Jim Jones

1. That the Minutes of the Council Meeting held on March 1, 2023, be adopted.

Carried

4. PRESENTATIONS

There were no presentations.

5. **DEPUTATIONS**

There were no deputations.

6. COMMUNICATIONS

6.1 5-2023 SPECIAL OCCASION PERMIT - I HEART BEER & TACO FESTIVAL (WARD 6) (3.21)

Moved by Regional Councillor Alan Ho Seconded by Councillor Amanda Collucci

- 1. That the request for the City of Markham for a Special Occasion Permit be received and approved, subject to compliance with all applicable by-laws, regulations and City requirements for special occasion permits with respect to temporary facilities, and further;
- 2. That the City of Markham recognize the I Heart Beer and Tacos Event as an event of "Municipal Significance".

Carried

6.2 6-2023 LIQUOR LICENCE APPLICATION - FORTUNE VILLA (WARD 6) (3.21)

(New Liquor Licence for indoor and outdoor areas)

Moved by Councillor Amanda Collucci Seconded by Councillor Juanita Nathan

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

Carried

6.3 7-2023 LIQUOR LICENCE APPLICATION - L.T.N.S OF FOUR SEASONS GOURMET DINING (WARD 8) (3.21)

Moved by Councillor Isa Lee Seconded by Councillor Reid McAlpine

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

7. PROCLAMATIONS

7.1 PROCLAMATION AND FLAG RAISING REQUESTS (3.4)

Moved by Regional Councillor Joe Li Seconded by Councillor Karen Rea

- 1. That the following new requests for proclamation be approved and added to the Five-Year Proclamations List approved by Council:
 - a. Seniors' Month June.
- 2. That the following new requests for flag to be raised at the Anthony Roman Markham Civic Centre flagpole be approved and added to the Five-Year List of Request to Raise Flag approved by Council:
 - a. Seniors' Month June 1,2023 to June 7, 2023; (Organized by Community & Home Assistance to Seniors (CHATS))
 - b. Kurdish Flag raising April 23, 2023; (Organized by Greater Toronto Kurdish House)

Carried

8. REPORT OF STANDING COMMITTEE

8.1 REPORT NO. 10 GENERAL COMMITTEE (MARCH 7, 2023)

Moved by Councillor Keith Irish Seconded by Deputy Mayor Michael Chan

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

Carried

8.1.1 MICROSOFT LICENCES AND UPGRADE (7.13)

Moved by Councillor Keith Irish Seconded by Deputy Mayor Michael Chan

1. That the report entitled "Microsoft 365 Licensing and Implementation" be received; and,

- 2. That the contract be awarded to Microsoft Canada in the following amounts;
 - o Year 1 \$ 615,779
 - Year 2 \$ 615,779
 - Year 3 \$ 615.779
 - Year 4 \$\\$256,576 (5 months)
 - o Total \$2,103,913; and,
- 3. That the tendering process be waived in accordance with Purchasing By-Law 2017-08, Part II, Section 7 Non Competitive Procurement, item 1 (b) which states "Where there is only one source of supply for the goods to be purchased"; and,
- 4. That the Year 1 award in the amount of \$615,779 be funded by a combination of Capital Project 23043, ITS Microsoft 365, in the amount of \$311,769 and operating account Computer Software Maintenance, GL account 400-404-5461, in the amount of \$304,010; and,
- 5. That the Year 2 to 4 licensing costs be funded through the annual operating budget of Computer Software Maintenance account, GL account 400-404-5461, with a current annual operating budget for Microsoft volume licenses in the amount of \$304,010; and,
- 6. That the incremental operating budget impact in the amount of \$311,769 be funded as part of the 2024 and 2025 budget as outlined under Operating and Life Cycle Budget Impact section from the report; and,
- 7. That upon award of the contract, the ITS department, in conjunction with Finance conducts Life Cycle budget review to identify future offset opportunities for legacy system cost avoidance post implementation in the areas of on premise server infrastructure costs, licensing costs across what will become redundant platforms, services and applications; and,
- 8. 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 licensing requirements during the term of this contract;

- subject to the Expenditure Control Policy and budget approval; and further,
- 9. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

8.1.2 ANNUAL WATER QUALITY REPORT (JANUARY-DECEMBER 2022) (5.3)

Moved by Councillor Keith Irish Seconded by Deputy Mayor Michael Chan

- 1. That the report titled "Annual Water Quality Report (January-December 2022)" as required by Schedule 22 of Ontario Regulation 170/03, under the Safe Drinking Water Act, 2002, enclosed herein be received; and,
- 2. That the Annual 2022 Regulatory Water Quality Report (Attachment "A"), containing information for the Ministry of the Environment, Conservation and Parks (MECP) on water supply and quality as required by Section 11 of Ontario Regulation 170/03, under the *Safe Drinking Water Act*, 2002, be received; and,
- 3. That Council acknowledge that staff posted the Annual 2022 Detailed Regulatory Water Quality Report on the City's website and that it has been made available electronically and in hard copy version by February 28, 2023 as per regulations; and further,
- 4. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

8.2 REPORT NO. 11 DEVELOPMENT SERVICES COMMITTEE (MARCH 21, 2023)

Moved by Regional Councillor Jim Jones Seconded by Regional Councillor Joe Li

1. That the report of the Development Services Committee be received & adopted, save and except Item 8.2.1. (Items 1 to 8):

8.2.1 MEMORANDUM - MARKHAM MUNICIPAL HOUSING PLEDGE (10.0)

Mayor Scarpitti read Markham's Municipal Housing Pledge aloud for the benefit of the listening audience.

Moved by Regional Councillor Jim Jones Seconded by Regional Councillor Joe Li

- 1. That the memorandum entitled "Markham Municipal Housing Pledge" be received; and,
- 2. That Staff be directed to provide the Province with a summary of approved units throughout the City and the secondary plan areas to supplement the Markham Municipal Housing Pledge; and,
- 3. That in light of the Provincial announcement related to the Greenbelt, Staff be directed to bring a communication back to Development Services Committee at a future date; and, further,
- 4. That the Markham Municipal Housing Pledge Letter attached as Appendix A be forwarded to the Minster of Municipal Affairs and Housing by March 22, 2023.

Carried

8.2.2 2022 SUMMARY OF REMUNERATION AND EXPENSES FOR COUNCILLORS AND APPOINTEES TO BOARDS (7.0)

Moved by Regional Councillor Jim Jones Seconded by Regional Councillor Joe Li

- That the report titled "2022 Summary of Remuneration and Expenses for Councillors and Appointees to Boards" be received; and,
- 2. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

Moved by Regional Councillor Jim Jones Seconded by Regional Councillor Joe Li

- 1. That the report entitled "008-T-22 Celebration Park Construction" be received; and
- 2. That staff be authorized to award a contract to Rutherford Contracting Ltd, the lowest priced bidder, in the total amount of \$9,095,916.72 inclusive of HST; and,
- 3. That a contingency in the amount of \$545,755.00 (6%) inclusive of HST be established to cover any additional project costs be approved, and that authorization be granted to approve expenditures of this contingency amount up to the specified limit in accordance with the Expenditure Control Policy; and,
- 4. That the Urban Design Capital Administration Fee in the amount of \$867,750.46 be approved; and,
- 5. That the award, contingency and capital administration amounts in the total amount of \$10,509,422.18 be funded from capital project 21021 Celebration Park Construction, GL account 081-5350-21021-005, which has an available budget of \$8,169,033.00; and,
- 6. That the shortfall of \$2,340,389.18 be funded from Development Charges (Parks Development); and further,
- 7. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

8.2.4 RECOMMENDATION REPORT MARKLAND RESIDENTIAL CORPORATION, APPLICATIONS FOR OFFICIAL PLAN AND ZONING BY-LAW AMENDMENT TO PERMIT 94 TOWNHOUSE UNITS AT MARKLAND STREET FILE NO. PLAN 21 111003 (WARD 2) (10.3, 10.5)

Moved by Regional Councillor Jim Jones Seconded by Regional Councillor Joe Li

> That the report dated March 21, 2023, titled, "RECOMMENDATION REPORT Markland Residential Corporation, Applications for Official Plan and Zoning By-law

- Amendment to permit 94 townhouse units at Markland Street File No. PLAN 21 111003 (Ward 2)", be received; and,
- 2. That the Official Plan Amendment application be approved and that the draft Official Plan Amendment, attached as Appendix 'A', be finalized and brought forward to a future Council meeting to be enacted without further notice, and be forwarded to York Region for approval; and,
- 3. That the Zoning By-law Amendment application be approved and that the draft site-specific Zoning By-law, attached as Appendix 'B', be finalized and brought forward to a future Council meeting to be enacted without further notice, once the Official Plan Amendment is approved by York Region; and,
- 4. That Council assign servicing allocation for a maximum of 94 townhouse units; and
- 5. That York Region be advised that servicing allocation for 94 townhouse units has been granted; and,
- 6. That the City reserves the right to revoke or reallocate servicing allocation should the development not proceed in a timely manner; and further,
- 7. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

8.2.5 MEMORANDUM LIFETIME 8200 WARDEN AVENUE GP INC.
(LIFETIME DEVELOPMENTS) APPLICATIONS FOR OFFICIAL
PLAN AMENDMENT, ZONING BY-LAW AMENDMENT, AND
DRAFT PLAN OF SUBDIVISION TO PERMIT A HIGH RISE
RESIDENTIAL MIXED-USE

Moved by Regional Councillor Jim Jones Seconded by Regional Councillor Joe Li

That the March 21, 2023, Memorandum titled, "Lifetime 8200
Warden Avenue GP Inc. (Lifetime Developments), Applications
for Official Plan Amendment, Zoning By-law Amendment, and
Draft Plan of Subdivision to permit a high rise residential mixeduse development at the southwest corner of Warden Avenue and

- Cedarland Drive, Markham Centre (Ward 8), File No. PLAN 20 123292", be approved; and,
- 2. That the December 12, 2022, report titled, "Lifetime 8200 Warden Avenue GP Inc. (Lifetime Developments), Applications for Official Plan Amendment, Zoning By-law Amendment, and Draft Plan of Subdivision to permit a high rise residential mixed-use development at the southwest corner of Cedarland Drive and Warden Avenue, Markham Centre (Ward 8), File No. PLAN 20 123292 (Previous File No. ZA 18 108856)", be approved; and,
- 3. That the Official Plan Amendment application submitted by Lifetime 8200 Warden Avenue GP Inc. (Lifetime Developments), be approved and that the draft Official Plan Amendment, referenced as Appendix 'A' in the December 12, 2022, report be finalized and brought forward to a future Council meeting to be adopted without further notice; and,
- 4. That the Zoning By-law Amendment application submitted by Lifetime 8200 Warden Avenue GP Inc. (Lifetime Developments), be approved and that the draft Zoning By-law Amendment, referenced as Appendix 'B' in the December 12, 2022, report be finalized and brought forward to a future Council meeting to be enacted without further notice; and,
- 5. That the letter dated, March 15, 2023, by Lifetime 9200 Warden Avenue GP Inc. (Lifetime Developments), attached hereto as Appendix 1, be received; and,
- 6. That Council endorse the additional direction that was provided to staff; and further,
- 7. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

8.2.6 2023 INTERNATIONAL BUSINESS TRADE AND INVESTMENT MISSIONS (10.16)

- 1. That the report entitled "2023 International Business Trade and Investment" be received; and,
- 2. That the City engage in the identified business trade and investment missions identified; and,
- 3. That the City be represented by the following as part of each prospective mission:
 - a. Silicon Valley, San Francisco Bay Area, California, U.S. 2 staff, the Mayor, and the Chair of Culture and Economic Development.
 - b. AutoTech Detroit Conference, Novi, Michigan, U.S. − 2 staff and Mayor or Councillor.
 - c. Web Summit, Lisbon, Portugal 2 staff and the Chair or Vice Chair of Culture and Economic Development Committee; and,
- 4. That Staff report back to Council on each of the missions; and,
- 5. That the total cost of the "Trade and Investment Missions in 2023 to the U.S. and Portugal" not exceed \$38,500 and be funded from within the International Investment Attraction Operating Budget; and further,
- 6. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

8.2.7 CELEBRATE MARKHAM GRANT PROGRAM 2023-2024 – APRIL 1, 2023 – MARCH 31, 2024 – FUNDING APPROVALS AND ANNUAL PROGRAM REVIEW (10.16)

- 1. That the report titled, "Celebrate Markham Grant Program 2023-2024 April 1, 2023 March 31, 2024 Funding Approvals and Annual Program Review" be received; and,
- 2. That Council approve the recommendations of the Interdepartmental Staff Review Committee in Attachment 2, which includes 57 Celebrate Markham applicants for community

- led events and programs, totaling \$256,000 conditional on applicants adhering to the Celebrate Markham Guidelines; and,
- 3. That Council approve \$50,000 in additional funding support for Major Community Festivals that meet the criteria set out in this report; and,
- 4. That Council approve \$84,000 for City led events and programs; and,
- 5. That Council approve \$30,000 for the Markham Arts Council annual programs and activities conditional on receiving and approving 2022/2023 audited financial statements; and,
- 6. That the unallocated Celebrate Markham Community Grant Program funding of \$84,275 be carried forward to the 2024-25 Celebrate Markham funding stream; and further,
- 7. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

8.2.8 DESTINATION MARKHAM CORPORATION UPDATE AND ANNUAL GENERAL MEETING (10.16)

- 1. That the report "Destination Markham Corporation Update and Annual General Meeting" be received; and,
- 2. That Council approve the Destination Markham Corporation 2023 Business Plan; and,
- 3. That Council approve the Destination Markham Corporation 2023 Budget to a maximum of \$2,179,623; and,
- 4. That Council approve the Destination Markham Corporation 2021 Financial Statements; and,
- 5. That Council approve KMPG LLP Chartered Accountants as the auditor for Destination Markham Corporation for 2023; and,
- 6. That Council approve the amendment of By-Law No. 1 of Destination Markham Corporation (in a form satisfactory to the

City Solicitor), to reflect that the Board of Directors is comprised of thirteen (13) Directors, including:

- o the Mayor and four (4) Members of Council, and
- o eight (8) members of the public; and,
- 7. That Council approve the appointment of Jennifer Worden to the Destination Markham Corporation Board of Directors, to serve as an independent Director, for a term of four (4) years; 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. 12 DEVELOPMENT SERVICES COMMITTEE (FEBRUARY 28, 2023)

Moved by Regional Councillor Jim Jones Seconded by Regional Councillor Joe Li

1. That the report of the Development Services Committee be received & adopted.

Carried

8.3.1 RECOMMENDATION REPORT, 9781 MARKHAM ROAD LIMITED PARTNERSHIP, ZONING BY-LAW AMENDMENT APPLICATION TO PERMIT A HIGH RISE MIXED-USE DEVELOPMENT WITH 746 APARTMENT UNITS AT 9781 MARKHAM ROAD (WARD 5), FILE NO.: PLAN 21 140476 (10.5)

- 1. That the February 28, 2023, report titled, "RECOMMENDATION REPORT, 9781 Markham Road Limited Partnership, Zoning Bylaw Amendment Application to permit a high rise mixed-use development with 746 apartment units at 9781 Markham Road (Ward 5), File No. PLAN 21 140476", be received; and,
- 2. That the Zoning By-law Amendment application submitted by 9781 Markham Road Limited Partnership (File No. PLAN 21 140476), be approved and the draft Zoning By-law Amendment,

- attached as Appendix 'A', be finalized and brought forward to a future Council meeting to be enacted without further notice; and,
- 3. That servicing allocation for an additional 746 units be assigned to the proposed 32 and 26 storey mixed use apartment building; and further,
- 4. That Staff be authorized and directed to do all things necessary to give effect to this resolution.(By-Law 2023-58)

9. MOTIONS

There were no motions.

10. NOTICE OF MOTION TO RECONSIDER

There were no notices of motion to reconsider.

11. NEW/OTHER BUSINESS

11.1 2023 CAPITAL BUDGET REGULAR SUBMISSIONS PRE-APPROVAL (7.0)

Moved by Councillor Isa Lee Seconded by Deputy Mayor Michael Chan

- 1. That the report entitled, "2023 Capital Budget Regular Submissions Pre-Approval" be received; and
- 2. That Council approve seven time sensitive projects in the 2023 Capital Budget regular submission, which total \$9,434,200 as outlined in Appendix 1; and further,
- 3. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

12. ANNOUNCEMENTS

There were no announcements.

13. BY-LAWS - THREE READINGS

Moved by Councillor Juanita Nathan Seconded by Councillor Reid McAlpine That By-Laws 2023-58 and 2023-59 be given three readings and enacted.

Carried

Three Readings

13.1 BY-LAW 2023-58, 9781 MARKHAM ROAD, A ZONING BY-LAW TO AMEND BY-LAW 177-96, AS AMENDED

A By-law to amend By-law 177-96, as amended to permit a mixed use high rise development on the Subject Lands. Located on the east side Markham Road and south side of Castlemore Avenue in the Mount Joy – Markham Road corridor. Zoned under By-law 177-96, as amended.

(Report No. 12, Item 8.3.1)

Carried

13.2 BY-LAW 2023-59, HERITAGE BY-LAW TO AMEND BY-LAW 2020-67 BEING A BY-LAW TO DESIGNATE BISHOP-REESOR HOUSE, 7739 9th LINE

A Heritage By-Law to amend By-Law 2020-67 being a By-Law to designate Bishop-Reesor House, 7739 9th Line.

Carried

14. CONFIDENTIAL ITEMS

Moved by Regional Councillor Jim Jones Seconded by Regional Councillor Joe Li

That, in accordance with Section 239 (2) of the Municipal Act, Council resolve into a private session to discuss the following confidential matters at 1:44 PM:

Carried

Council reconvened in Open Session at 3:05 PM and passed the following resolutions:

14.1 COUNCIL

14.1.1 CONFIDENTIAL COUNCIL MINUTES - MARCH 1, 2023 [Section 239 (2) (e)]

Moved by Councillor Reid McAlpine Seconded by Councillor Amanda Collucci

1. That the confidential Council minutes of the Council Meeting held on March 1, 2023 be adopted.

Carried

- 14.2 REPORT FROM DEVELOPMENT SERVICES COMMITTEE MARCH 21, 2023
 - 14.2.1 LITIGATION OR POTENTIAL LITIGATION, INCLUDING
 MATTERS BEFORE ADMINISTRATIVE TRIBUNALS, AFFECTING
 THE MUNICIPALITY OR LOCAL BOARD; ADVICE THAT IS
 SUBJECT TO SOLICITOR-CLIENT PRIVILEGE, INCLUDING
 COMMUNICATIONS NECESSARY FOR THAT PURPOSE;

REQUEST FOR DIRECTION RE FOURO TOWERS BUILDERS LTD. AND SASSON CONSTRUCTION INC. OLT APPEAL (WARD 5) (8.0, 10.0)

Moved by Regional Councillor Jim Jones Seconded by Regional Councillor Joe Li

- 1. That the Confidential Report entitled "Request for Direction re Fouro Towers Builders Ltd. and Sasson Construction Inc. Section 69(3) OLT Appeal" be received; and,
- 2. That Staff be authorized to do all things necessary to give effect to this resolution.

Carried

14.2.2 LITIGATION OR POTENTIAL LITIGATION, INCLUDING MATTERS BEFORE ADMINISTRATIVE TRIBUNALS, AFFECTING THE MUNICIPALITY OR LOCAL BOARD; ADVICE THAT IS SUBJECT TO SOLICITOR-CLIENT PRIVILEGE, INCLUDING COMMUNICATIONS NECESSARY FOR THAT PURPOSE;

[Section 239 (2) (e) (f)] REQUEST FOR DIRECTION RE ANGUS GLEN VILLAGE LTD. OLT APPEAL (WARD 6) (8.0, 10.0)

- 1. That the Confidential Report entitled "Request for Direction re Angus Glen Village Ltd. OLT Appeal re Planning Application Fees" be received; and,
- 2. That Staff be authorized to do all things necessary to give effect to this resolution.

15. CONFIRMATORY BY-LAW - THREE READINGS

Moved by Councillor Amanda Collucci Seconded by Councillor Karen Rea

That By-law 2023-57 be given three readings and enacted.

Three Readings

BY-LAW 2023-57 - A BY-LAW TO CONFIRM THE PROCEEDINGS OF THE COUNCIL MEETING OF MARCH 22, 2023.

Carried

16. ADJOURNMENT

Moved by Councillor Isa Lee Seconded by Councillor Keith Irish

Carried

That the Council meeting be adjourned at 3:14 PM.

Kimberley Kitteringham	Frank Scarpitti	
City Clerk	Mayor	