

Council Meeting Minutes

Meeting Number: 20
October 9, 2024, 1:00 PM
Live streamed

Roll Call	Deputy Mayor Michael Chan Regional Councillor Jim Jones Regional Councillor Joe Li Councillor Keith Irish Councillor Ritch Lau Councillor Reid McAlpine	Councillor Karen Rea Councillor Andrew Keyes Councillor Amanda Collucci Councillor Juanita Nathan Councillor Isa Lee
Regrets	Mayor Frank Scarpitti	Regional Councillor Alan Ho
Staff	Taylor, Chief Administrative Officer Trinela Cane, Commissioner, Corporate Services Arvin Prasad, Commissioner, Development Services Claudia Storto, City Solicitor and Director of People Services Morgan Jones, Commissioner, Community Services Chris Nearing, Fire Chief Joseph Silva, Treasurer Kimberley Kitteringham, City Clerk Hristina Giantsopoulos, Election/Council & Committee Coordinator Rajeeth Arulanantham, Council & Committee Coordinator	Frank Clarizio, Director, Engineering Giulio Cescato, Director of Planning & Urban Design Mark Visser, Senior Manager Financial Strategy & Investments Stephanie DiPerna, Director, Building Standards Terence Tang, Technology Support Specialist II Manzora Nero, Engineer, Capital Works Shannon Neville, Senior Financial Analyst, Development Finance Niamh O'Laoghaire, Manager, Art Gallery Kevin Ross, Manager, Development Finance & Payroll

Alternate formats for this document are available upon request

1. CALL TO ORDER

The meeting of Council convened at 1:05 PM on October 9, 2024. Deputy Mayor Michael Chan 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 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

Deputy Mayor Michael Chan declared a pecuniary interest in regard to Item 7.2.2 Public Meeting Information Report, 2690622 Ontario Inc. (Kingdom Development Inc), Application for Official Plan and Zoning By-Law Amendment to Permit Mixed-Use Residential Buildings as he conducts business with the applicant. He left the meeting during the discussion of this item in the Confidential Session. (Item 7.2.2)

3. APPROVAL OF PREVIOUS MINUTES

3.1 COUNCIL MINUTES - SEPTEMBER 25, 2024

Moved by Councillor Keith Irish
Seconded by Councillor Isa Lee

1. That the Minutes of the Council Meeting held on September 25, 2024, be adopted.

Carried

4. PRESENTATIONS

There were no presentations.

5. DEPUTATIONS

There were no deputations.

6. COMMUNICATIONS

- 6.1 LIQUOR LICENCE APPLICATION - LA FONTE RESTAURANT (WARD 3)
(3.21)

Moved by Councillor Reid McAlpine
 Seconded by Councillor Ritch Lau

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. REPORT OF STANDING COMMITTEE

Deputy Mayor Michael Chan vacated the Chair. Regional Councillor Jim Jones assumed the Chair for all matters under Section 7.

7.1 REPORT NO. 33 DEVELOPMENT SERVICES COMMITTEE (SEPTEMBER 17, 2024)

Moved by Councillor Juanita Nathan
 Seconded by Councillor Andrew Keyes

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

Carried

7.1.1 STEELCASE ROAD WEST PUBLIC ART WALL (6.5)

Moved by Councillor Juanita Nathan
 Seconded by Councillor Andrew Keyes

1. That the report entitled Steelcase Road West Public Art Wall be received; and,
2. That staff's recommendation that the City enter into an Art Wall agreement with Steelcase Road West be approved; and,
3. That the budget of \$80,000 for two iterations of the Steelcase Road West Public Art Wall to be funded from the Public Art Reserve Fund be approved; and further,
4. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

7.2 REPORT NO. 35 DEVELOPMENT SERVICES PUBLIC MEETING
(SEPTEMBER 24, 2024)

Moved by Councillor Juanita Nathan
Seconded by Councillor Andrew Keyes

That the report of the Development Services Public Meeting be received & adopted, save and except Item 7.2.2. (Items 1 to 2):

Carried

7.2.1 PUBLIC MEETING INFORMATION REPORT, 30 HERITAGE HOLDINGS LTD., APPLICATION FOR ZONING BY-LAW AMENDMENT TO PERMIT THREE STOREY COMMERCIAL BUILDING FOR A MOTOR VEHICLE SALES AND SERVICE ESTABLISHMENT, WITH A TOTAL GROSS FLOOR AREA OF 7,210 M2 (77,608 FT2) AT 30 HERITAGE ROAD (WARD 4), FILE NO. PLAN 24 182359 (10.5)

Moved by Councillor Juanita Nathan
Seconded by Councillor Andrew Keyes

1. That the “PUBLIC MEETING INFORMATION REPORT – Zoning By-law Amendment application to permit a three-storey commercial building for a Motor Vehicle Sales and Service establishment, with a total Gross Floor Area of 7,210 m² (77,608 ft²) at 30 Heritage Road (File No. PLAN 24 182359)”, submitted by The Planning Partnership be received; and,
2. That the Record of the Public Meeting held on September 24, 2024, with respect to the proposed application for Zoning By-law Amendment submitted by The Planning Partnership for 30 Heritage Road (File No. PLAN 24 182359), be received; and,
3. **That the Zoning By-Law Amendment include a clause prohibiting outdoor storage of motor vehicles along any public street frontage and prevent them from being visible from any public street on this property; and,**
4. That the application by The Planning Partnership for the proposed Zoning By-law Amendment (File No. PLAN 24 182359), be approved without further notice; and further,

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

Carried

7.2.2 PUBLIC MEETING INFORMATION REPORT, 2690622 ONTARIO INC. (KINGDOM DEVELOPMENT INC), APPLICATION FOR OFFICIAL PLAN AND ZONING BY-LAW AMENDMENT TO PERMIT MIXED-USE RESIDENTIAL BUILDINGS RANGING FROM 30 TO 42 STOREYS ON THE SOUTHERN PORTION OF 4077 AND 4101 HIGHWAY 7 (PHASES 2 AND 3) AND A NINE-STOREY APARTMENT BUILDING ON THE NORTHERN PORTION OF 4121 HIGHWAY 7 (PHASE 4) (WARD 3), FILE NO. PLAN 23 129656 (10.3, 10.5)

DM Chan declared a conflict on this item and did not participate in the discussion or voting on this matter.

Regional Councillor Jim Jones asked for Solicitor Advice on this matter. The item was referred to the confidential session of today's meeting.

Moved by Councillor Reid McAlpine

Seconded by Regional Councillor Joe Li

1. **That the deputations by Peter Miasek, representing the Unionville Residents Association, and Stella Yu, be received; and,**
2. **That the written submission from the Unionville Residents Association be received; and,**
3. That the report entitled "PUBLIC MEETING INFORMATION REPORT, Applications for Official Plan and Zoning By-law Amendment to permit mixed-use residential buildings ranging from 30 to 42 storeys on the southern portion of 4077 and 4101 Highway 7 (Phases 2 and 3) and a nine-storey apartment building on the northern portion of 4121 Highway 7 (Phase 4), Ward 3, File No. PLAN 23 129656", be received; and,
4. That the Record of the Public Meeting held on September 24, 2024 with respect to the proposed Official Plan and Zoning By-law Amendment applications, be received; and,

5. That the applications by 2690622 Ontario Inc. (Kingdom Development Inc.) for a proposed Official Plan and Zoning By-law Amendment (PLAN 23 129656) be approved and the draft implementing Official Plan Amendment and Zoning By-law Amendment be finalized and enacted without further notice; and further,
6. That staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

(Council, save and except for Deputy Mayor Michael Chan, received solicitor advice during the confidential session on this matter and resumed in open session to vote on the staff recommendation)

(See Confidential Minutes, Item 3.3)

7.3 REPORT NO. 36 DEVELOPMENT SERVICES COMMITTEE (OCTOBER 1, 2024)

Moved by Councillor Juanita Nathan
Seconded by Councillor Andrew Keyes

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

Carried

7.3.1 PROVINCIAL PLANNING STATEMENT, 2024 AND ONTARIO LAND TRIBUNAL RULES OF PRACTICE AND PROCEDURES REVIEW (10.0, 13.2)

Moved by Councillor Juanita Nathan
Seconded by Councillor Andrew Keyes

1. That the report dated October 1, 2024, titled " Provincial Planning Statement, 2024 and Ontario Land Tribunal Land Rules of Practice and Procedures Review " be received; and,
2. **That the written correspondence from Mike Everard be received; and,**

3. That the Province include Employment Areas as a matter of transition to facilitate implementation of the Provincial Planning Statement, 2024 by maintaining the PPS, 2020 definition of Employment Area and not enabling privately initiated employment conversion applications, until such time as the next municipal official plan review is complete; and,
4. That this report be forwarded to the Ministry of Municipal Affairs and Housing as the City of Markham's comments on transition matters to facilitate the introduction of the PPS, 2024 (ERO-019-9065); and,
5. That Staff be directed to host a special meeting of Council in accordance with Section 26(3)(b) of the Planning Act to discuss the revisions that may be required to the official plans; and further,
6. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

7.4 REPORT NO. 37 GENERAL COMMITTEE MEETING (OCTOBER 8, 2024)

Moved by Councillor Juanita Nathan

Seconded by Councillor Andrew Keyes

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

Carried

7.4.1 MARKHAM ENVIRONMENTAL SUSTAINABILITY FUND (MESF) 2024 FUNDING AND FUTURE PROGRAM PROTOCOLS (7.0, 5.7)

Moved by Councillor Juanita Nathan

Seconded by Councillor Andrew Keyes

1. That the report entitled "Markham Environmental Sustainability Fund (MESF) 2024 Funding and Future Program Protocols" be received; and,
2. That the external funding application "The Urban Farm Initiative" for site expansion and improvements be approved for \$9,596 and be funded from the MESF Reserve; and,

3. That proposed amendments to the funding approvals process for future MESF applications be received as noted in this report; and further,
4. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

7.4.2 AWARD OF TENDER 196-T-24 - COURTS RECONSTRUCTION - CONSTRUCTION (7.12)

Moved by Councillor Juanita Nathan

Seconded by Councillor Andrew Keyes

1. That the report entitled “Award of Tender 196-T-24 Courts Reconstruction - Construction” be received; and,
2. That staff be authorized to award a contract to Bond Paving & Construction Inc., the lowest priced bidder, in the total amount of \$875,276.43 inclusive of HST; and,
3. That a contingency in the amount of \$87,527.64 (10%) inclusive of HST, 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 award and contingency in the total amount of \$962,804.07 be funded from the following:
 - Capital project 24205 - Tennis/Basketball Reconstruction Simonston / Robinson/Milliken Mills, which has an available budget of \$355,093.59;
 - Capital project 24208 – Tennis Fencing, which has an available budget of \$96,300.00;
 - Capital project 24204 – Tennis/Basketball Reconstruction Bayview Reservoir, which has an available budget of \$177,400.00;
 - Tennis club portion in the amount of \$157,462.41; and,

5. That the shortfall in the amount of \$176,548.07 (\$962,804.07 - \$355,093.59 - \$96,300 - \$177,400 - \$157,462.41) be funded from Non-DC Capital Contingency; and,
6. That all identified budget amounts be consolidated into project #24205 to facilitate the administration of this contract; and,
7. That this report be received by Council on October 9, 2024; and further,
8. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

7.4.3 2024 JULY YEAR-TO-DATE RESULTS OF OPERATIONS AND YEAR-END FORECAST (7.4)

Moved by Councillor Juanita Nathan
Seconded by Councillor Andrew Keyes

1. That the report titled “2024 July Year-To-Date Results of Operations and Year-End Forecast” be received; and,
2. That the City Treasurer be authorized to manage the City’s Year-End surplus through required transfers and other adjustments in accordance with City financial and accounting policies and objectives; and further,
3. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

7.4.4 AWARD OF CONTRACT 182-S-24 PAN AM CENTRE PARKING CONTROL SYSTEM (7.12)

Moved by Councillor Juanita Nathan
Seconded by Councillor Andrew Keyes

1. That the report entitled “Award of Contract 182-S-24 Pan Am Centre Parking Control System” be received; and,
2. That the contract 182-S-24 Pan Am Centre Parking Control System (One time – equipment acquisition and installation,

implementation, training) (Recurring – subscription service, warranty / preventative maintenance cost for Year 1) be awarded to Loco Mobi World in the amount of \$264,763.79, inclusive of HST; and,

3. That staff be authorized a Cash Allowance to cover integration with existing Markham systems, testing & inspection, and internet set up, at a cost of \$50,880.00 inclusive of HST to support the project implementation; and,
4. That staff be authorized a Cash Allowance for maintenance (emergency repairs, ticket material, spare parts) at a cost of \$66,144.00, inclusive of HST for the first year; and,
5. That a contingency be approved in the amount of \$38,178.78, inclusive of HST, equivalent of 10% of total capital cost, be established to cover any additional project costs, 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,
6. That the capital costs in the amount of \$419,966.57 (\$264,763.79 + \$50,880.00 + \$66,144.00 + \$38,178.78), inclusive of HST be funded from capital project account 056-6150-22329-005, with an available budget of \$758,748; and,
7. That the remaining budget of \$338,781.86, inclusive of HST be returned to the original funding source at the close of the project; and,
8. That the contract for software and license, ongoing support and maintenance costs for Year 2 to Year 5 (4 years) be awarded to Loco Mobi World in the amount of \$356,593.50 inclusive of HST be funded from the operating budget, subject to the adoption of the 2026 and future operating budgets in the negotiated annual amounts noted below, to be offset by paid parking revenue:
 - Year 2 - \$88,398.91
 - Year 3 - \$88,856.83
 - Year 4 - \$89,378.86
 - Year 5 - \$89,958.89
 - Total - \$356,593.50; and,

9. That the Chief Administrative Officer and Commissioner, Corporate Services be authorized to approve execute any required documentation in a form satisfactory to the City Solicitor; and,
10. That the tendering process be waived in accordance with Purchasing By-Law 2017-8, Part II, Section 11 Non-Competitive Procurement, item 1 (g) which states “where it is in the City’s best interest not to solicit a competitive Bid”; and,
11. That Loco Mobi World be designated as the preferred vendor for the City’s Pan Am Centre Parking Control service needs at the sole discretion of the City for the term of the five-year contract; and,
12. That the Chief Administrative Officer and Commissioner, Corporate Services be authorized to approve any new purchases related to this contract needed due to growth and/or future Pan Am Centre parking control upgrades 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,
13. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

7.4.5 TERMS OF REFERENCE - RACE RELATIONS COMMITTEE (16.34)

Moved by Councillor Juanita Nathan

Seconded by Councillor Andrew Keyes

1. That the report titled “Request for Approval of Revised Terms of Reference for the Markham Race Relations Advisory Committee” be received; and,
2. **That the deputation made by Danielle Russell to the October 8, 2024 General Committee meeting be received; and,**
3. **That the written submission from Andrew Yu be received; and,**
4. That the revised Terms of Reference for the Markham Race Relations Advisory Committee be approved in substantial conformity with the Terms of Reference attached as Appendix A to the Staff report dated October 8, 2024; and further,

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

Carried

Deputy Mayor Chan resumed the Chair.

8. MOTIONS

There were no motions.

9. NOTICE OF MOTION TO RECONSIDER

There were no notices of motion to reconsider.

10. NEW/OTHER BUSINESS

10.1 RECOMMENDATION REPORT, DRAFT PLAN OF SUBDIVISION APPLICATION SUBMITTED BY 1628740 AND 1628741 ONTARIO INC. TO PERMIT A 32-UNIT RESIDENTIAL SUBDIVISION AT 2716 AND 2730 ELGIN MILLS ROAD EAST (WARD 2) FILE PLAN 23 150156 (10.7)

Moved by Regional Councillor Jim Jones

Seconded by Regional Councillor Joe Li

That Item 10.1 "Recommendation Report, Draft Plan of Subdivision Application Submitted by 1628740 and 1628741 Ontario Inc. to Permit a 32-Unit Residential Subdivision at 2716 and 2730 Elgin Mills Road East (Ward 2) File Plan 23 150156" be deferred to a future Council Meeting.

Carried

The following motion as listed on the October 9, 2024 agenda was not voted on.

1. That the report titled, "RECOMMENDATION REPORT, Draft Plan of Subdivision application submitted by 1628740 and 1628741 Ontario Inc. to permit a 32-unit residential subdivision at 2716 and 2730 Elgin Mills Road East (Ward 2), File PLAN 23 150156", be received; and,
2. That the deputation and written correspondence from James Stevenson be received; and,
3. That the deputation from Billy Tung be received; and,
4. That the Draft Plan of Subdivision 19TM-23009 be approved in principle, subject to the draft conditions set out in Appendix 'A' of this report and

be brought forward to a future Council meeting once all outstanding matters have been resolved to the satisfaction of the Director, Planning and Urban Design; and,

5. That the Director of Planning and Urban Design, or designate, be delegated authority to issue Draft Plan Approval, subject to the conditions set out in Appendix 'A', as may be amended by the Director of Planning and Urban Design, or designate; and,
6. That Draft Plan Approval for Draft Plan of Subdivision 19TM-23009 will lapse after a period of three years from the date of Council approval in the event that a Subdivision Agreement is not executed within that period; and further,
7. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

10.2 REQUEST FOR DEFERRAL OF DEVELOPMENT CHARGES (WARD 5)

Moved by Councillor Andrew Keyes

Seconded by Councillor Juanita Nathan

That the rules be waived to introduce an additional matter on today's confidential agenda that deals with a request for deferral of Development Charges that requires Solicitor advice [Advice that is subject to solicitor-client privilege, including communications necessary for that purpose (Municipal Act, 2001, Section 239 (2) (k)].

**Carried by Two Thirds Vote
(See Item 13.3)**

11. ANNOUNCEMENTS

Deputy Mayor Chan made an announcement regarding his recent Media Release about the Globe and Mail and Canadian Security Intelligence Service (CSIS).

12. BY-LAWS - THREE READINGS

Moved by Councillor Keith Irish

Seconded by Councillor Ritch Lau

That By-law 2024-186 be given three readings and enacted.

Carried

Three Readings

- 12.1 BY-LAW 2024-186, A BY-LAW TO AMEND BY-LAW 177-96, AS AMENDED (REMOVAL OF HOLD PROVISION)

Being a By-law to remove the Holding Symbol from the zoning of the subject lands to permit the development of 5 lots for single detached dwellings. [Kirk Drive and west of Thornheights Road, 16 Kirk Drive. Pleasance Corp. (Amir Ghasabi)]

Carried

13. CONFIDENTIAL ITEMS

Moved by Regional Councillor Jim Jones
Seconded by Councillor Juanita Nathan

That, in accordance with Section 239 (2) of the *Municipal Act*, Council resolve into a private session at 1:34 PM to discuss the following confidential matters:

Carried

Council resumed in Open Session and passed the following resolutions at 2:58 PM.

Deputy Mayor Chan resumed the Chair.

13.1 COUNCIL

- 13.1.1 CONFIDENTIAL COUNCIL MINUTES - SEPTEMBER 25, 2024 [MUNICIPAL ACT, 2001, Section 239 (2) (e)]

There was no discussion on this matter during the confidential session.

Moved by Juanita Nathan
Seconded by Reid McAlpine

1. That the confidential Council minutes of the Council Meeting held on September 25, 2024, be adopted.

Carried

13.2 GENERAL COMMITTEE

13.2.1 DEVELOPMENT CHARGE COMPLAINT - LITIGATION OR POTENTIAL LITIGATION, INCLUDING MATTERS BEFORE ADMINISTRATIVE TRIBUNALS, AFFECTING THE MUNICIPALITY OR LOCAL BOARD (WARD 4) (7.11) [MUNICIPAL ACT, 2001, SECTION 239 (2) (e)]

Moved by Regional Councillor Jim Jones

Seconded by Councillor Andrew Keyes

There was no discussion on this matter during the confidential session.

1. That the Confidential Report titled “Development Charge Complaint” be received; and,
2. That staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

13.3 DEVELOPMENT CHARGE COMPLAINT [LITIGATION OR POTENTIAL LITIGATION, INCLUDING MATTERS BEFORE ADMINISTRATIVE TRIBUNALS, AFFECTING THE MUNICIPALITY OR LOCAL BOARD (WARD 5) (7.11) [MUNICIPAL ACT, 2001, SECTION 239 (2) (e)]

Moved by Regional Councillor Jim Jones

Seconded by Councillor Andrew Keyes

1. That the Confidential Report titled “Development Charge Complaint” be received; and further,
2. That staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

13.4 SOLICITOR ADVICE REGARDING ITEM 7.2.2 PUBLIC MEETING INFORMATION REPORT, 2690622 ONTARIO INC. (KINGDOM DEVELOPMENT INC), APPLICATION FOR OFFICIAL PLAN AND ZONING BY-LAW AMENDMENT TO PERMIT MIXED-USE RESIDENTIAL BUILDING

Deputy Mayor Michael Chan declared a pecuniary interest regarding Item 7.2.2 and left the meeting room during the confidential discussion on this matter and did not participate in any discussions or vote on this matter during the open session.

(See Item 7.2.2 for Council Resolution)

Moved by Regional Councillor Jim Jones
Seconded by Councillor Andrew Keyes

1. That the Confidential verbal update be received, and further,
2. That staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

14. CONFIRMATORY BY-LAW - THREE READINGS

Moved by Councillor Andrew Keyes
Seconded by Councillor Amanda Collucci

That By-law 2024-185 be given three readings and enacted.

Three Readings

BY-LAW 2024-185 A BY-LAW TO CONFIRM THE PROCEEDINGS OF THE
COUNCIL MEETING OF OCTOBER 9, 2024

Carried

15. ADJOURNMENT

Moved by Councillor Ritch Lau
Seconded by Regional Councillor Joe Li

That the Council meeting of October 9, 2024 be adjourned at 3:15 PM.

Carried

Kimberley Kitteringham

City Clerk

Michael Chan

Deputy Mayor