

Minutes of a special meeting of the Council of the City of Oshawa held in the Committee Meeting Room on April 24, 2009 at 9:00 a.m.

Mayor Gray and Councillors Cullen (left the meeting at 10:15 a.m.), Henry, Kolodzie, Lutczyk, Marimpietri, Neal, Nicholson, Parkes, Pidwerbecki and Sholdra (left the meeting at 11:40 a.m.) were present.

Mayor Gray presided.

Mayor Gray advised that this special meeting of Council had been called to consider Committee of the Whole Reports CM-09-14 concerning the City Hall Revitalization Project, CM-09-13 concerning the Review and Update of the City's Development Charge By-law, CM-09-16 concerning the City's Infrastructure Funding Submission, CM-09-15 concerning a Tender for Contract O09-01 for Phase 1 Asphalt Overlay Sidewalk, Curb and Gutter Construction and a closed item concerning a Civic Auditorium Development Opportunity.

#### **DECLARATIONS OF PECUNIARY INTEREST**

Councillor Neal made a declaration of pecuniary interest concerning the part(s) of Committee of the Whole Report CM-09-16 that refers to Oshawa Power and Utilities Corporation as his wife is employed by OPUC Networks Inc. and he did not participate in discussion or voting on that part of the report.

Councillor Marimpietri made a declaration of pecuniary interest concerning the part of Committee of the Whole Report CM-09-16 related to the City Operations and Environmental Services Centre as he has family members that reside in one of the named potential sites for the City Operations and Environmental Services Centre and did not participate in discussion or voting on that part of the report.

#### **ADDITIONAL AGENDA ITEMS/MOTIONS**

1. Newton Trelawney Property Management Services advising that the 12 large item collection limit for condominium townhouses and high rises does not work and requesting that condominium properties be exempted from the 12 item limit.

(All Wards)

Moved by Councillor Nicholson, seconded by Councillor Cullen, (253) "That Additional Correspondence Item 1 from Newton Trelawney Property Management Services concerning large item collection, condominium townhouses and high rises be referred to the Community Services Committee." CARRIED

2. Kyle Lafee requesting an audio traffic signal be installed as a safety measure for herself and other students with visual impairments attending GL Roberts CVI and crossing at the intersection of Phillip Murray and Cedar Avenue. (Ward 1)

Moved by Councillor Nicholson, seconded by Councillor Cullen,

(254) "That Additional Correspondence Item 2 from Kyle Lafee requesting an audio traffic signal at the intersection of Phillip Murray and Cedar Avenue be referred to the Community Services Committee." CARRIED

Moved by Councillor Lutczyk, seconded by Councillor Marimpietri,

(255) "That a proclamation to proclaim 'KISS in Oshawa Week' be added to the April 24, 2009 Council meeting agenda." CARRIED (See Page 206)

### **COMMITTEE REPORTS**

1. Bob Duignan, City Manager, submitting Committee of the Whole Report CM-09-14 concerning the City Hall Revitalization Project (All Wards)

Recommendation (CARRIED – See Page 200)

That the City Hall Revitalization Project C-Wing and the modified exterior precinct component proceed in accordance with Report CM-09-14 dated April 21, 2009.

Moved by Councillor Nicholson, seconded by Councillor Kolodzie,

(256) "That Council adopt the recommendation contained in Committee of the Whole Report CM-09-14 from the City Manager concerning the City Hall Revitalization Project." CARRIED ON THE FOLLOWING VOTE

AFFIRMATIVE – Councillors Cullen, Kolodzie, Nicholson, Pidwerbecki, Sholdra and Mayor Gray

NEGATIVE – Councillors Henry, Lutczyk, Marimpietri, Neal and Parkes

Absent - None

Moved by Councillor Kolodzie, seconded by Councillor Lutczyk,

(257) "That the meeting recess." CARRIED

The meeting recessed at 10:15 a.m. and reconvened at 10:25 a.m. All Council members were present except Councillor Cullen.

2. Tom Hodgins, Commissioner, Development Services Committee, submitting Committee of the Whole Report CM-09-13 concerning Status Report and Policy Issues Relating to the Review and Update of the City of Oshawa Development Charge By-law (All Wards)
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Recommendation (CARRIED – See Page 202)

1. That staff be authorized to advertise a public meeting to be held by Council on May 20, 2009 at 7:00 p.m. regarding the new Development Charge By-law and Development Charge Background Study.
2. That the documents prepared for the Development Charge public meeting propose:
  - (a) An exemption for industrial development;
  - (b) Setting the rate for major office development over 25,000 sq. ft. at 25% of the calculated charge;
  - (c) An exemption for medical clinics over 16,000 square feet in gross floor area;
  - (d) A separate calculated development charge for stacked townhouse and back to back townhouse units with two or less bedrooms; and
  - (e) Increased consistency with definitions in Zoning By-law 60-94 where feasible.
3. That requests by Habitat for Humanity for a City development charge waiver be dealt with through Council consideration of grants towards such development charges on a case by case basis.
4. That an amendment to the Central Business District Renaissance Community Improvement Plan be processed to enable City development charge exemptions in the downtown area to "count" towards the matching of Regional financial incentives under the Regional Revitalization Program.
5. That effective July 1, 2009 all development agreements having Type 'C' arterial roads, except for those sections of Type 'C' arterial roads crossing creek valleys or hydro transmission corridors, shall require the developer to pay for the Type 'C' arterial road to the width of a local road. The cost of the additional width of the arterial road beyond the local road standard, as well as the sections of Type 'C' arterial roads crossing creek valleys or hydro transmission corridors, shall be the responsibility of the City of Oshawa.

6. That a copy of Report CM-09-13 dated April 15, 2009 and Council's resolution be forwarded to the Oshawa Clinic, Habitat for Humanity, BILT (Building Industry Liaison Team), IBRIC (Building Review and Inspection Committee), the Great Gulf Group of Companies and the Durham Region Home Builders' Association along with a copy of the Development Charge public meeting notice.

Moved by Councillor Kolodzie, seconded by Councillor Parkes, (258) "That Council adopt the recommendation contained in Committee of the Whole Report CM-09-13 concerning Status Report and Policy Issues Relating to the Review and Update of the City of Oshawa Development Charge By-law." CARRIED ON THE FOLLOWING VOTE

AFFIRMATIVE – Councillors Henry, Kolodzie, Lutczyk, Marimpietri, Neal, Nicholson, Parkes, Pidwerbecki, Sholdra and Mayor Gray

NEGATIVE – None

Absent – Councillor Cullen

3. Bob Duignan, City Manager, submitting Committee of the Whole Report CM-09-16 concerning the City of Oshawa's Infrastructure Funding Submission. (All Wards)

Recommendation (CARRIED – See Page 204)

1.
  - a) That Council endorse the projects contained in Attachment 1 to Report CM-09-16 dated April 21, 2009 as the projects for the City's submission for infrastructure funding from the Federal and Provincial Governments; and
  - b) That City Council commit to funding the City's portion of project costs submitted under the various funding programs and that staff report back on the final funding strategy for approved projects;
2. That staff continue to advance other major projects for potential funding opportunities under the Building Canada Plan as contained in Section 5.5 of Report CM -09-16; and
3. That staff continue to liaise with the Offices of Oshawa MP's and MPP's in support of the City's infrastructure funding submissions.

Moved by Councillor Pidwerbecki, seconded by Councillor Sholdra,  
(259) "That Council adopt the recommendation contained in Committee of the Whole  
Report CM-09-16 concerning the City of Oshawa's Infrastructure Funding Submission."  
CARRIED BY LATER VOTES

Moved by Councillor Nicholson, seconded by Councillor Henry,  
"That the Civic Repurposing Project – Phase 2 as listed in Attachment 1 to Report  
CM-09-16 be tabled until after the closed session." LOST

Moved by Councillor Nicholson, seconded by Councillor Lutczyk,  
"That the Harman Park Arena Renewal project as listed on Page 3 of Attachment 2 to  
Report CM-09-16 under RInC be moved to Page 2 of Attachment 2 under Infrastructure  
Stimulus Fund, Building Infrastructure Renewal prior to the Bond Street overlay project."  
LOST ON THE FOLLOWING VOTE

AFFIRMATIVE – Councillors Lutczyk, Neal, Nicholson and Parkes

NEGATIVE – Councillors Henry, Kolodzie, Marimpietri, Pidwerbecki, Sholdra and  
Mayor Gray

Absent – Councillor Cullen

Councillor Henry temporarily left the meeting.

A motion to add the burying of hydro services and decorative lighting for the Hamlet of  
Columbus to the list of projects for the City's submission for infrastructure funding from  
the Federal and Provincial Governments was ruled out of order by the Chair.

The ruling of the Chair to now allow the foregoing motion was challenged and the  
challenge LOST ON THE FOLLOWING VOTE

AFFIRMATIVE – Councillors Lutczyk, Marimpietri, Neal and Parkes

NEGATIVE – Councillors Kolodzie, Nicholson, Pidwerbecki, Sholdra and Mayor Gray

Absent – Councillors Cullen and Henry

The ruling of the Chair was upheld.

Councillor Sholdra left the meeting.

The motion to adopt the recommendation contained in Report CM-09-16 was divided  
upon request to vote on Parts 1 a) and b) separately from Part 2.

Parts 1a) and b) of Committee of the Whole Report CM-09-16 CARRIED ON THE FOLLOWING VOTE

AFFIRMATIVE – Councillors Kolodzie, Lutczyk, Marimpietri, Neal, Nicholson, Parkes, Pidwerbecki and Mayor Gray

NEGATIVE – None

Absent – Councillors Cullen, Henry and Sholdra

Part 2 of Committee of the Whole Report CM-09-16 was divided to vote on the projects listed on Attachment 2 under Building Canada Plan (P3, Major Infrastructure and Gateways) separately.

The City Operations and Environmental Services Centre project CARRIED ON THE FOLLOWING VOTE

AFFIRMATIVE – Councillors Kolodzie, Lutczyk, Neal, Pidwerbecki and Mayor Gray

NEGATIVE – Councillors Nicholson and Parkes

Declaration of Interest – Councillor Marimpietri

Absent – Councillors Cullen, Henry and Sholdra

The Downtown Parking Garage project CARRIED ON THE FOLLOWING VOTE

AFFIRMATIVE – Councillors Lutczyk, Marimpietri, Neal, Parkes and Mayor Gray

NEGATIVE – Councillors Kolodzie, Nicholson and Pidwerbecki

Absent – Councillors Cullen, Henry and Sholdra

The Hi\*Tech\*ECO\*Community project CARRIED ON THE FOLLOWING VOTE

AFFIRMATIVE – Councillors Kolodzie, Lutczyk, Marimpietri, Neal, Nicholson, Parkes, Pidwerbecki and Mayor Gray

NEGATIVE – None

Absent – Councillors Cullen, Henry and Sholdra

The vote on Part 3 of the recommendation contained in Committee of the Whole Report CM-09-16 CARRIED.

4. Tom Hodgins, Commissioner, Development Services Department, submitting Committee of the Whole Report CM-09-15 concerning Phase 1- Asphalt Overlay, Sidewalk, and Curb and Gutter Construction, Tender for Contract O09-01.

(Wards 4, 5, 6 and 7)

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Recommendation (AMENDED – See Page 205)

1. That, pursuant to Report CM-09-15 dated April 21, 2009, the tender submitted by Four Seasons Site Development Ltd. for Contract O 09-01 for asphalt overlay, sidewalk, and curb and gutter construction, in the amount of \$2,455,879.75 be accepted, being the lowest responsible and responsive bid received.
2. That additional funding in the amount of \$52,345.00 for the Asphalt Overlay – Expanded Asphalt project be funded from the Subdivider's Fixed Future Reserve.
3. That additional funding in the amount of \$54,984.10 for the new entrance from Coldstream Drive to Firehall No.5 be funded from the Firehall No.5 capital project.
4. That additional funding in the amount of \$23,413.61 for the Stevenson Road North curb and gutter and overlay be funded from the Federal Gas Tax Reserve.
5. That the City of Oshawa enter into an agreement with Four Seasons Site Development Ltd. for the placement of asphalt overlay, sidewalk, and curb and gutter construction on City roads.

Moved by Councillor Marimpietri, seconded by Councillor Lutczyk,  
(260) "That Council adopt the recommendation contained in Committee of the Whole Report CM-09-15 concerning Phase 1- Asphalt Overlay, Sidewalk, and Curb and Gutter Construction, Tender for Contract O09-01." CARRIED AS AMENDED BY THE FOLLOWING MOTION

Moved by Councillor Nicholson, seconded by Councillor Kolodzie,  
(261) "That the motion be amended to add: 'Part 6. That staff investigate opportunities to advance the Phase II Asphalt Overlay Program for 2009 and the 2010 Overlay Program and report back to the Development Services Committee.'" CARRIED

Committee of the Whole Report CM-09-15 CARRIED AS AMENDED.

**MOTION**

Moved by Councillor Lutczyk, seconded by Councillor Marimpietri, (262) "Whereas recreation and cultural events provide a valuable service to citizens of this community by enriching the quality of life within the City; and,

Whereas City Council wishes to encourage recreational and cultural events which have a positive economic and emotional impact on the City; and,

Whereas the super rock band KISS is embarking on its first-ever fan-routed North American concert tour and, as of this present day, the City of Oshawa stands in second place, in terms of overall votes, out of more than 7,000 competing cities in Canada and the U.S.A.; and,

Whereas a concert of this calibre would elevate the City's profile as a destination for major entertainment providers;

Now therefore let it be known that the Council of the Corporation of the City of Oshawa hereby proclaims April 27 to May 3, 2009 as 'KISS in Oshawa Week' in the City of Oshawa.

And further take notice and let it be known that the Council of the Corporation of the City of Oshawa hereby urges all citizens to vote on-line to bring KISS to Oshawa by accessing <http://eventful.com/kiss>, and put the City of Oshawa in first place in this competition." CARRIED

Moved by Councillor Kolodzie, seconded by Councillor Nicholson, (263) "That the meeting recess until 1:15 p.m." CARRIED AS AMENDED BY THE FOLLOWING MOTION

Moved by Councillor Lutczyk, seconded by Councillor Marimpietri, (264) "That the motion to recess be amended such that the the meeting recess for one half hour." CARRIED ON THE FOLLOWING CARRIED VOTE

AFFIRMATIVE – Councillors Lutczyk, Marimpietri, Neal, Parkes, Pidwerbecki and Mayor Gray

NEGATIVE – Councillors Kolodzie and Nicholson

Absent – Councillors Cullen, Henry and Sholdra

The motion to recess CARRIED AS AMENDED.

The meeting recessed at 12:16 p.m. and reconvened at 12:53 p.m. All Council members were present except Councillors Cullen and Sholdra.

**CLOSED SESSION**

Moved by Councillor Pidwerbecki, seconded by Councillor Parkes, (265) "That pursuant to Section 239 of the *Municipal Act* Council go into closed session to consider an item concerning a property matter related to a Civic Complex Site development opportunity." CARRIED

All Council members were present for closed meeting discussions except Councillors Cullen and Sholdra. Also present were M. Medeiros, Acting City Clerk, B. Duignan, City Manager, T. Hodgins, Commissioner, Development Services, R. Stockman, Commissioner, Corporate Services, S. Bertoia, Commissioner, Community Services, M. Creighton, Director, Recreation and Community Engagement Services, C. Kelly, Director, Works and Transportation Services, and J. Bronsema, Director, Strategic and Business Services. All members of the public left the meeting.

The City Manager and Commissioner of Development Services provided an overview of a development opportunity at the Civic Complex Site.

Closed meeting discussions took place.

Moved by Councillor Pidwerbecki, seconded by Councillor Parkes, (266) "That Council rise from the closed meeting and report." CARRIED

**Closed Meeting Summary Report**

The following is a summary of a closed portion of the meeting:

The City Manager and Commissioner of Development Services provided an overview of a development opportunity at the Civic Complex Site.

Council members questioned the City Manager and Commissioner of Development Services.

Closed meeting discussions took place.

This concludes the Closed Meeting Summary Report.

Moved by Councillor Marimpietri, seconded by Councillor Lutczyk, (267) "Whereas Trent University has submitted a request to lease the northern portion of the Civic Complex Site to develop university uses; and,

Whereas an amendment to the Oshawa Official Plan is required to permit university uses on this site; and,

Whereas it is appropriate to authorize Trent University to submit an application to amend the Oshawa Official Plan in order to hold a public meeting under the Planning Act;

Therefore Council directs:

1. That Trent University be authorized to submit an application to amend the Oshawa Official Plan to permit university uses on the northern portion of the Civic Complex site. This authorization does not constitute or imply any form or degree of approval of the application and it will be considered on its merits after receiving any public input; and
2. That the Mayor and the Chair of Development Services be authorized to schedule any special Council or Development Services Committee meetings to process the subject application; and,
3. That the northern portion of the Civic Complex site be declared potentially surplus for the purpose of a 50-year lease and that the notice to obtain public input under the Real Estate Disposition By-law be combined with the notice of the Planning Act public meeting on the application to amend the Oshawa Official Plan; and,
4. That as the Civic Complex Conceptual Plan as endorsed by Council on February 2, 2009 will be impacted as a result of the integration of the Trent University Development Proposal on the north portion of the site, staff be authorized to prepare a modified site plan for Council's further consideration." CARRIED ON THE FOLLOWING VOTE

AFFIRMATIVE – Councillors Henry, Kolodzie, Lutczyk, Marimpietri, Neal, Nicholson, Parkes, Pidwerbecki and Mayor Gray

NEGATIVE – None

Absent – Councillors Cullen and Sholdra

### **CONFIRMING BY-LAW**

Moved by Councillor Pidwerbecki, seconded by Councillor Parkes,  
(268) "That the Confirming By-law be passed." CARRIED

26-2009 A By-law to confirm the City Council meeting of April 24, 2009.

**ADJOURN**

Moved by Councillor Neal, seconded by Councillor Parkes,  
(269) "That the meeting adjourn." CARRIED

The meeting adjourned at 1:40 p.m.