



Regular Meeting of Council
Agenda

Date: July 12, 2022
Time: 1:00 pm
Location: Hybrid meeting- virtual and Council Chambers, City Hall

City Council meetings are now being conducted using a hybrid model, allowing members of Council, city staff and the public the option of participating remotely or in-person. We ask for your patience as we work through this new meeting model today. The meeting will be live web streamed, as usual, and archived on the city website.

1. **Call to Order:**
2. **National Anthem:**
3. **Land Acknowledgement:**
4. **Regrets:**
5. **Proclamations:**
 - 5.1. Emancipation Day: August 1, 2022
 - 5.2. Never Give Up Day: August 18, 2022
 - 5.3. International Day for People of African Descent: August 31, 2022
 - 5.4. Heritage Week: August 1-7, 2022
 - 5.5. Black African Caribbean Canadian Appreciation Month: August 2022
 - 5.6. Emancipation Month: August, 2022
6. **Recognitions and Achievements:**
7. **Motion to approve Council Minutes:**

Confirm the minutes of the following meeting of Council:

7.1. Regular meeting of Council June 21, 2022

8. **Presentations:**

9. **Declarations of Interest:**

10. **Delegations:**

In order to speak at a Council meeting, Individuals must register as a delegation no later than noon the day before the meeting. To register, complete the online application at www.burlington.ca/delegation or by submitting a written request by email to the Office of the City Clerk at clerks@burlington.ca

If you do not wish to delegate, but would like to submit feedback, please email your comments to clerks@burlington.ca by noon the day before the meeting. Your comments will be circulated to Council members in advance of the meeting and will be attached to the minutes, forming part of the public record.

11. **Petitions:**

12. **Recommendations from Standing Committees:**

12.1. Corporate Services, Strategy, Risk & Accountability meeting of July 4, 2022

a. Delegated authority for geospatial data license agreements (CL-26-22)

Enact the proposed by-law amendment to the Delegated Authority By-law 07-2022 to include delegation of authority to the Director of Engineering to sign geospatial data license agreements as attached in Appendix A to office of the city clerk report CL-26-22.

b. COVID emergency response summary wrap-up (CM-20-22)

Receive and file city manager's office report CM-20-22 summarizing the city's emergency response actions, decisions and impacts.

c. 2022 Municipal Election Accessibility Plan (CL-29-22)

Receive and file office of the city clerk report CL-29-22 regarding the 2022 Municipal Election Accessibility Plan.

d. 2023 budget framework (F-25-22)

Receive and file finance department report F-25-22 regarding the 2023 budget framework.

e. Restricted acts (lame duck) delegation of authority provisions (CL-27-22)

Enact a by-law to provide temporary delegated authority to the City Manager, in the event of a restricted acts provision, as attached in Appendix A to office of the city clerk report CL-27-22.

- f. Corporate project status reporting – April, May and June 2022 (CM-19-22)

Receive and file city manager's office report CM-19-22 providing status reports for designated corporate projects for the period April through June 2022 as detailed in Appendix A and non-union job evaluation project overview as provided in Appendix B.

- g. COVID-19 emergency response verbal update (CSSRA-07-22)

Receive and file the July 4, 2022 staff presentation providing the COVID-19 emergency response verbal update.

- h. Confidential human resources report providing a bargaining update for Local 2723 (HR-07-22)

Receive and file human resources department report HR-07-22 providing a bargaining update for Local 2723.

- i. Confidential legal report - waive privilege to release external legal costs for Planning Act appeals completed during current term of Council (L-25-22)

- j. Confidential legal report - update on a litigation matter at 3200 Dakota Common (L-27-22)

- k. Confidential legal report - update on Ontario Land Tribunal appeal for 53-71 Plains Road East and 1025 Cooke Blvd (L-29-22)

- l. Confidential legal report - update on a litigation matter regarding a class action (L-32-22)

12.2. Community Planning, Regulation & Mobility meeting of July 5, 2022

- a. No. 4 Sideroad speed limit review (TS-11-22)

Direct the Director of Transportation Services to prepare for the approval of Council the necessary by-law amending Traffic By-law 86-2007 to allow for the installation of a 50km/h speed limit on No. 4 Sideroad as identified in Appendix A of transportation services department report TS-11-22.

- b. Amendment to Zoning By-law 2020 to extend the temporary use to permit entertainment uses on outdoor patios in the downtown (PL-57-22)

Approve an amendment to Zoning By-Law 2020 to extend the temporary

use to permit entertainment uses on outdoor patios in the downtown, with a timeframe not to exceed three years, as recommended by staff in Appendix A of community planning department report PL-57-22.

- c. City of Burlington Housing Strategy – former school site reuse analysis (PL-53-22)

Direct the City Manager and the Executive Director of Legal Services and Corporation Counsel to consider and integrate Appendix A to community planning department report PL-53-22 titled “Supplemental Technical Memo: Acquisition and Re-use of Surplus School Sites” dated June 2022, prepared by Dillon Consulting and SHS Consulting and report back in Q2 2023 with a Strategic Land Policy that includes a municipal policy directive on surplus school sites which will inform the multi-year community investment plan.

- d. City of Burlington Housing Strategy Inclusionary Zoning Municipal Assessment Report update (PL-56-22)

Receive and file community planning department report PL-56-22, City of Burlington Housing Strategy, Inclusionary Zoning Municipal Assessment Report update.

- e. Building and by-law staff direction and staffing updates (BB-05-22)

Receive and file building and by-law department report BB-05-22 which outlines the status of outstanding staff directions and ongoing workplan items related to by-law enforcement; and

Remove staff direction SD-05-22 (CPRM-01-22), by-law to support police in reducing vehicular noise in Burlington from the outstanding business list.

- f. Single source procurement request – enforcement software (BB-12-22)

Approve a single source procurement process to Electronic Data Collection (EDC) Inc. (Aims Parking Solutions) for enforcement software and applicable licences as outlined in building and by-law department report BB-12-22; and

Authorize the Manager of Procurement Services to execute on behalf of the City of Burlington any required agreements with Electronic Data Collection (EDC) Inc. to give effect to the recommendations in this report, with content satisfactory to the Director of Transportation Services and Director of Building and By-law and in a form satisfactory to the Executive Director of Legal Services and Corporation Counsel.

- g. Major Transit Station Areas - Area Specific Plans Planning Study update (PL-10-22, SD-20-22)

Direct the Director of Community Planning to use the Major Transit Station Area (MTSA) Area Specific Plan (ASP) Planning Study, prepared by Dillon Consulting Limited, dated June 28, 2022 and contained as Appendix A to community planning department report PL-10-22, to prepare area-specific plans and draft Official Plan policies to the Burlington Official Plan (2020) (new policies, modifications and/or additions); and

Direct the Director of Community Planning to explore the next steps for further technical study related to land use compatibility for the Appleby GO MTSA and complete any required study; and

Receive the technical documents completed as of June 28, 2022 (Appendices D&E) as follows:

- MTSA Planning Areas Market Analysis (June 2022), as prepared by Watson & Associates Economists Ltd, and contained in Appendix D of community planning department report PL-10-22; and
- Air Quality Assessment Report (November 2021), as prepared by Wood, and contained in Appendix E of community planning department report PL-10-22; and

Direct the Director of Community Planning to re-examine the Burlington GO Central Precinct with respect to requirements related to achieving maximum height permissions on a given site, alongside the provision of community amenities, affordable housing and community facilities commensurate with those maximum height permissions and the supporting policies and policy directions.

h. GO investment corridor economic vision (ECDEV-01-22)

Receive and file Burlington Economic Development report ECDEV-01-22, GO investment corridor economic vision and associated appendix.

i. Zoning By-law amendment at 4063 Upper Middle Road (PL-42-22)

Approve the application for a Zoning By-law amendment for the property located at 4063 Upper Middle Road for the development of an 8-storey, 32-unit residential building; and

Enact amending Zoning By-law 2020.428, rezoning the lands at 4063 Upper Middle Road from “D” to “RH3-508” and “O2” as contained in Appendix D to community planning department report PL-42-22; and

Enact a Holding (H) provision as part of amending Zoning By-law 2020.428, to be removed at such time as the “O2” are dedicated to public ownership; and

Deem that By-law 2020.428 conforms to the Official Plan for the City of Burlington.

j. Proposed Downtown Cultural Heritage Landscapes Study (PL-49-22)

Authorize the Director of Community Planning to retain a qualified consultant, through a competitive procurement process, to undertake the Downtown Cultural Heritage Landscapes Study consistent with the Terms of Reference contained in Appendix B of community planning department report PL-49-22; and

Approve an upset limit of \$150,000 for the study, funded from the Policy Initiatives Reserve Fund; and

Direct the Director of Community Planning to provide notice of the commencement of the study to affected property owners, the local business association and other affected stakeholders identified in the Terms of Reference (Appendix B); and

Direct the Director of Community Planning to add 2012 Victoria Avenue, 518 Brant Street, 524 Brant Street, 530 Brant Street, 574 Brant Street, 600 Brant Street, 612 Brant Street and 620 Brant Street to the Municipal Heritage Register and provide notice to owners of the properties within 30 days, pursuant to section 27(5) of the Ontario Heritage Act, R.S.O. 1990, c. O.18; and

Authorize the City Clerk to take necessary action if there are any objections in accordance with Section 27(7) of the Ontario Heritage Act, R.S.O. 1990, Chapter O.18; and

Direct the Director of Community Planning to report back following the completion of the Downtown Cultural Heritage Landscapes Study by Q3 of 2023 with study results, follow-up recommendations and a recommendation to remove 2012 Victoria Avenue, 518 Brant Street, 524 Brant Street, 530 Brant Street, 574 Brant Street, 600 Brant Street, 612 Brant Street or 620 Brant Street from the Municipal Heritage Register if they do not qualify for heritage designation; and

Direct the Director of Community Planning to connect with the Heritage Burlington Advisory Committee to reconvene and review each property in the cultural landscapes to determine which should be added to the Municipal Register; and

Report back to the Community Planning, Regulation & Mobility Committee meeting on September 13, 2022.

k. Zoning By-law amendment for 5030-5045 Tico Creek Common (PL-51-22)

Approve the Zoning By-law amendment application for the property located at 5030-5045 Tico Creek Common to permit an increase in the maximum building floor area as well as to expand retail store permissions for two (2) proposed 1-storey buildings; and

Approve Zoning By-law 2020.443, attached as Appendix D to community planning department report PL-51-22, which amends the site-specific “MXE-452” zone of the lands at 5030-5045 Tico Creek Common; and

Deem that the proposed by-law will conform to the Official Plan of the City of Burlington and that there are no applications to alter the Official Plan with respect to the subject lands.

- I. New Burlington Official Plan recommended modifications for ROPA 48 conformity (PL-52-22)

Endorse the recommended modifications to the Burlington Official Plan, 2020, attached as Appendix A to community planning department report PL-52-22; and

Direct the Executive Director of Legal Services and Corporation Counsel, and the Director of Community Planning to advance the recommended modifications through the Ontario Land Tribunal's consideration of the appeals to the Burlington Official Plan, 2020.

12.3. Audit Committee meeting of July 6, 2022

- a. Risk to Strategy – Vision 2040 final report (CS-06-22)

Receive and file corporate strategy report CS-06-22 providing the Risks to Strategy Vision 2040 Strategic Plan for the corporation of the City of Burlington.

- b. 2022 Annual IT Audit Committee report (IT-03-22)

Receive and file information technology services department report IT-03-22 providing an annual information technology assurance update.

- c. Quarterly dashboard for office of the city auditor (CA-05-22)

Receive and file city auditor's office report CA-05-22 providing a quarterly dashboard of City Auditor Key Performance Indicators (KPI's).

- d. Quality assurance provider for office of the city auditor (CA-06-22)

Receive and file city auditor's office report CA-06-22 providing an update on the quality assurance provider for office of the city auditor.

12.4. Environment, Infrastructure & Community Services meeting of July 7, 2022

- a. Single source report – road patrol software (RPF-15-22)

Approve extending the single source agreement with Burnside Mobile for two years with annual subscription costs of \$27,850.00 inclusive of HST for 2023, and \$27,100.00 including HST for 2024, bringing the total cost spent under the duration of this contract to \$151,148.24 including HST as outlined in roads, parks and forestry department report RPF-15-22.

- b. Single source report – two-way radios (RPF-21-22)

Approve the single source purchase of two-way radios from Motorola Solutions, including in-cab vehicle radios and handheld two-way radios on an ongoing basis, with a 2022 upset purchase price of \$400,000 (including net HST) as outlined in roads, parks and forestry department report RPF-21-22; and

Approve the standardization of Motorola Solutions for two-way radios to align with Halton Regional Police Services (HRPS) radio system standard until a competitive procurement process is required by HRPS.

- c. Public tree removal report – 2243-269 Fairview St & 864 Drury Lane – Phase 1 (535-001-20) (RPF-17-22)

Approve the request by the applicant to remove (5) public trees in order to proceed with the proposed site plan application file no. 535-001-20 as outlined in roads, parks & forestry department report RPF-17-22; and

Instruct the applicant, Thomas Maxwell (Multiplex Construction Canada Ltd) on behalf of Fairview Limited Partnership c/o OZ Drewniak, CLV Group Inc., to provide replacement tree compensation for the public tree removals totaling \$11,000; and

Direct that a tree permit be obtained for the public tree removals and pay the associated tree permit fees as outlined in the City's Rates and Fees By-law; and

Direct that all associated costs with respect to the removal of the public trees (including stump removal) will be the responsibility of the applicant. The contractor hired to remove the trees will require approval by the Manager of Urban Forestry or designate.

- d. Public tree removal report – 31, 33 & 35 Fairwood Pl. W (RPF-20-22)

Approve the request by the applicant to remove three (3) public trees in order to proceed with the proposed development of new single-family dwellings at 31, 33 & 35 Fairwood Pl. W. as outlined in roads, parks and forestry department report RPF-20-22; and

Instruct the applicant, John Nesbitt (Country Green Homes Inc.) on behalf of O'Malley Enterprises Limited, to provide compensation for the public tree removals by providing cash-in-lieu of replacement totaling \$7,000.00; and

Direct that a tree permit be obtained for the public tree removals and pay the associated tree permit fees as outlined in the City's Rates and Fees By-law; and

Direct that all associated costs with respect to the removal of the public trees (including stump removal) will be the responsibility of the applicant. The contractor hired to remove the trees will require approval by the Manager of Urban Forestry or designate.

e. Public tree removal report 2082 James St (535-007-20) (RPF-18-22)

Approve the request by the applicant to remove 34 public trees in order to proceed with the proposed site plan application file no. 535-007-20 as outlined in roads, parks & forestry department report RPF-18-22 and associated appendices; and

Instruct the applicant, Helen Xie on behalf of Mattamy James Street GP Inc., to provide compensation for the public tree removals by planting public trees in accordance with the overall streetscape design for the site plan application, and by providing replacement tree compensation fees totaling \$20,000 for those remaining trees that could not be planted due to space limitations; and

Direct that a tree permit be obtained for the public tree removals and pay the associated tree permit fees as outlined in the City's Rates and Fees By-law; and

Direct that all associated costs with respect to the removal of the public trees (including stump removal) will be the responsibility of the applicant. The contractor hired to remove the trees will require approval by the Manager of Urban Forestry or designate.

f. Improving pedestrian linkages to schools during the winter season – disposition of staff directions SD-27-21 and SD-28-21 (RPF-19-22)

Receive and file roads, parks and forestry department report RPF-19-22

regarding improving pedestrian linkages to schools during the winter season and disposition of related staff directions; and

Authorize the Mayor and City Clerk to execute the winter maintenance agreement with the Halton District School Board for winter maintenance of pathways on school property, with the content satisfactory to the Director of Roads, Parks and Forestry and in a form satisfactory to the Executive Director of Legal Services and Corporation Council; and

Authorize the Mayor and City Clerk to execute the winter maintenance agreement with the Halton Catholic District School Board for winter maintenance of pathways on school property, with the content satisfactory to the Director of Roads, Parks and Forestry and in a form satisfactory to the Executive Director of Legal Services and Corporation Council.

g. Contract award for Central Park leash free area construction (ES-33-22)

Award the tender for contract ES-22-29 Central Park leash free area construction to Oakridge Group Inc. for \$142,052.87 including HST; and

Authorize the Manager of Procurement Services to issue an internal purchase order; and

Authorize the Mayor and City Clerk to sign any required agreements with the bidder named above, subject to the satisfaction of the Executive Director of Legal Services and Corporation Counsel; and

Approve the total cost of \$155,000 (Net HST) to be charged to Capital Order PD0236 and funded as outlined in the financial matters section of engineering services department report ES-33-22 and authorize \$35,000 of additional funding from the Capital Purposes Reserve Fund to support the Central Park leash free area construction.

h. Park Dedication Bylaw Amendment (ES-06-22)

Refer engineering services report ES-06-22 regarding Park Dedication By-law amendment to the Corporate Services, Strategy, Risk and Accountability Committee meeting on September 14, 2022.

i. Climate Resilient Burlington: A plan for adapting to our warmer, wetter and wilder weather (EICS-12-22)

Approve environment, infrastructure and community services department report EICS-12-22 regarding Climate Resilient Burlington: A plan for adapting to our warmer, wetter and wilder weather as presented in Appendix

A.

j. Municipal Accommodation Tax (MAT) (RCC-12-22)

Approve the implementation of a Municipal Accommodation Tax at a rate of 4% effective October 1, 2022 as outlined in recreation, community and culture department report RCC-12-22; and

Approve the Municipal Accommodation Tax (MAT) bylaw 56-2022 substantially in the form attached as Appendix A to recreation, community and culture department report RCC-12-22 and in a form satisfactory to the Executive Director of Legal Services and Corporation Counsel; and

Approve Option 3 as outlined in recreation, community and culture department report RCC-12-22 to implement and direct funds; and

Approve the City MAT Reserve Fund bylaw 57-2022 for the City portion of Municipal Accommodation Tax substantially in the form attached as Appendix B to recreation, community and culture department report RCC-12-22 and in a form satisfactory to the Executive Director of Legal Services and Corporation Counsel; and

Approve the Tourism MAT Reserve Fund bylaw 58-2022 for the Tourism portion of Municipal Accommodation Tax substantially in the form attached as Appendix C to recreation, community and culture department report RCC-12-22 and in a form satisfactory to the Executive Director of Legal Services and Corporation Counsel; and

Approve the single source engagement for collection of the Municipal Accommodation Tax to Ontario Restaurant Hotel & Motel Association (ORHMA) for the duration of the contract, including any city approved extensions or amendments; and

Authorize the Director of Recreation Community and Culture to enter into an agreement, subject to the satisfaction of the Chief Financial Officer and the Executive Director of Legal Services and Corporation Counsel, with the Ontario Restaurant Hotel & Motel Association (ORHMA) for the collection of the Municipal Accommodation Tax.

k. Storm Sewer Discharge By-law Amendment (ES-10-22)

Approve By-law 59-2022 attached as Appendix A to engineering services report ES-10-22, providing revisions to definitions and policy, new discharge parameters and a new discharge permit process; and

Rescind Storm Sewer Discharge By-law 86-2002; and

Approve By-law 60-2022 attached as Appendix B to amend the Rates &

Fees By-law 61-2021 to include the permit application fees as detailed in the financial matters section of engineering services department report ES-10-22.

13. Motion to Approve Standing Committee Minutes:

Approve the following minutes:

- 13.1. Corporate Services Strategy, Risk and Accountability meeting minutes of July 4, 2022
- 13.2. Community Planning, Regulation and Mobility meeting minutes of July 5, 2022
- 13.3. Audit Committee meeting minutes of July 6, 2022
- 13.4. Environment, Infrastructure and Community Services meeting minutes of July 7, 2022

14. Urgent Business:

- 14.1. Integrity Commissioner RFP/Contract Approval

Re-Appoint Principles Integrity as the Integrity Commissioners for the City of Burlington and its local boards pursuant to section 223.3(1) of the Municipal Act for a term to December 31, 2026.

Authorize the Mayor and City Clerk to execute an agreement and any ancillary documents between the City of Burlington and Principles Integrity for integrity commissioner services, in a form satisfactory to the Executive Director of Legal Services and Corporation Counsel.

- 14.2. Confidential verbal update regarding City Manager Performance Review

Pursuant to Section 239(2)(b) of the Municipal Act, personal matters about an identifiable individual, including municipal or local board employees.

15. Motions of Members:

16. Council Information Package:

- 16.1. Council Information Package June 24, 2022
- 16.2. Council Information Package June 30, 2022
- 16.3. Council Information Package July 8, 2022

17. Motion to Receive and File Information Items:

Receive and file Information items, having been considered by Council:

18. Motion to Consider Confidential Items:

19. Notice of Motion:

20. Motion to Approve By-Laws:

Enact and pass the following by-laws which are now introduced, entitled and numbered as indicated below:

- 20.1. 53-2022: A by-law to amend By-Law 07-2022, Schedule G, to add delegated authority to the Director of Engineering to enter into geospatial data license agreements.
- Report CL-26-22, Corporate Services, Strategy Risk and Accountability July 4, 2022.
- 20.2. 54-2022: A by-law to authorize a request for the issuing of debentures by the Regional Municipality of Halton for 2022 Local Road Resurfacing and Bartlett Court Minor Reconstruction.
- Report ES-34-22, Community Planning, Regulation and Mobility July 5, 2022.
- 20.3. 55-2022: A by-law to temporarily provide the Corporation of the City of Burlington with the ability to conduct business in the event of the Council being restricted, lame duck.
- Report CL-27-22, Corporate Services, Strategy, Risk and Accountability July 4, 2022.
- 20.4. 56-2020: A by-law to establish a Municipal Accommodation Tax.
- Report RCC-12-22, Environment, Infrastructure and Community Services July 7, 2022.
- 20.5. 57-2022: A by-law to establish a reserve fund and guidelines for the accumulation of funds collected from the Municipal Accommodation Tax for the purpose of funding Tourism related projects and initiatives.
- Report RCC-12-22, Environment, Infrastructure and Community Services July 7, 2022.
- 20.6. 58-2022: A by-law to establish a reserve fund and guidelines for the accumulation of funds collected from the Municipal Accommodation Tax for the purpose of funding Tourism initiatives.
- Report RCC-12-22, Environment, Infrastructure and Community Services July 7,

2022.

- 20.7. 59-2022: To Regulate the discharge of any matter into the Municipal Storm Sewers and to repeal By-law 86-2002, as amended.

Report ES-10-22, Environment, Infrastructure and Community Services July 7, 2022.

- 20.8. 60-2022: A by-law to amend By-law 61-2021, being a by-law to establish and impose certain 2022 rates and fees for services, activities or the use of property.

Report ES-10-22, Environment, Infrastructure and Community Services July 7, 2022.

- 20.9. 2020.443: Amendment to zoning by-law to permit an increase in the maximum building floor area as well as to expand Retail Store permissions for the two (2) proposed 1-storey buildings at 5030, 5035, 5045 & 5040 Tico Creek Common.

Report PL-51-22, Community Planning, Regulation and Mobility July 5, 2022.

- 20.10. 2020.444: Temporary Use by-law to Zoning Bylaw 2020 to permit entertainment and/or recreational uses on Outdoor Patios throughout the City of Burlington.

Report PL-57-22, Community Planning, Regulation and Mobility July 5, 2022.

- 20.11. 2020.428: A by-law to amend By-law 2020, as amended; 4063 Upper Middle Road.

Report PL-42-22, Community Planning, Regulation and Mobility July 5, 2022.

21. Confirmatory By-law:

Enact and pass By-law Number 61-2022, being a by-law to confirm the proceedings of Council at its meeting held Tuesday, July 12, 2022, being read a first, second and third time.

22. Statements by Members:

23. Motion to Adjourn:

Adjourn this Council now to meet again at the call of the Mayor.