



Regular Meeting of Council
Agenda

Date: September 20, 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. Terry Fox Day: September 18, 2022
 - 5.2. Franco Ontarian Day: September 24, 2022
 - 5.3. British Home Children Day: September 28, 2022
 - 5.4. Rail Safety Week: September 19 - 25, 2022
 - 5.5. National Coaches Week: September 17 - 25, 2022
 - 5.6. National Forestry Week: September 18 - 24, 2022
 - 5.7. Support United Way Month: September 2022
 - 5.8. National Seniors Day: October 1, 2022
 - 5.9. Wrongful Convictions Day: October 2, 2022

- 5.10. Childcare Worker and Early Childhood Educator Appreciation Day: October 18, 2022
- 5.11. Rett Syndrome Awareness Month: October 2022
- 5.12. Probus Club Month: October 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 July 12, 2022
- 7.2. Special meeting of Council August 4, 2022
- 7.3. Special meeting of Council September 14, 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.

- 10.1. Myles Rusak representing Sound of Music Inc. will speak regarding Sound of Music Financial Support Request (F-36-22)
- 10.2. Anne and Dave Marsden will speak regarding Burlington 150 anniversary opportunities (RCC-13-22)(SD-24-22)
- 10.3. Anne and Dave Marsden will speak regarding By-law Fine Review and Updates for Coyote Response Strategy (BB-14-22)
- 10.4. Karmel Sakran will speak regarding proposed inclusion of downtown properties on the City of Burlington Heritage Register (PL-59-22)

11. Petitions:

12. Recommendations from Standing Committees:

12.1. Audit Committee meeting of September 12, 2022

a. Evaluation of external auditors (F-26-22)

Receive and file finance department report F-26-22 providing an evaluation of the external auditors.

b. Financial highlights for the period ended June 30, 2022 (F-28-22)

Receive and file finance department report F-28-22 providing financial highlights as at June 30, 2022.

c. Aldershot Village Business Improvement Area Update (F-32-22)

Receive and file finance department report F-32-22 providing an update on Aldershot Village Business Improvement Area (Aldershot BIA) 2021 financial statements and review of internal control policies and procedures.

d. Summary of In-Progress Management Action Plans (CA-07-22)

Receive and file office of the city auditor report CA-07-22 providing a summary of the Management Action Plans in progress as identified in Appendix A.

e. Quarterly Dashboard for Office of the City Auditor (CA-08-22)

Receive and file office of the city auditor report CA-08-22 providing a quarterly dashboard of City Auditor Key Performance Indicators (KPI's).

12.2. Community Planning, Regulation & Mobility meeting of September 13, 2022

a. Official Plan and Zoning By-law amendments for 4103 Palladium Way (PL-50-22)

Direct staff to continue to proceed with the processing of the submitted Official Plan amendment and Zoning By-law amendment application for 4103 Palladium Way, including evaluating and incorporating any/all comments received by committee and the public at the statutory public meeting, as well as the comments received through the ongoing technical review of this application by agency partners and internal departments.

b. Official Plan and Zoning By-law amendments for 3110 South Service Road (PL-62-22)

Direct staff to continue to proceed with the processing of the submitted Official Plan amendment and Zoning By-law amendment application for 3110 South Service Road, including evaluating and incorporating any/all comments received by committee and the public at the statutory public meeting, as well as the comments received through the ongoing technical review of this application by agency partners and internal departments.

- c. Official Plan and Zoning By-law amendment applications for 1396 Guelph Line (PL-65-22)

Receive and file community planning department report PL-65-22 regarding Official Plan and Zoning By-law amendment applications for 1396 Guelph Line.

- d. Official Plan and Zoning By-law amendment applications for 1989 Appleby Line (PL-66-22)

This Item was referred to the Environment, Infrastructure and Community Services Committee meeting of September 15, 2022.

Refer community planning department report PL-66-22 regarding Official Plan and Zoning By-law amendment applications for 1989 Appleby Line to the Environment, Infrastructure and Community Services Committee meeting of September 15, 2022.

- e. PRESTO Contactless Payment (TR-02-22)

Authorize the Mayor and City Clerk to sign the Amending Agreement for the 905 Agencies and Metrolinx related to Open Payment, referred to as the PRESTO Contactless Payment, with content satisfactory to the Director of Transit and in a form satisfactory to the Executive Director of Legal Services and Corporation Counsel; and

Approve the recommended changes to the rates and fees for the Transit Department include PRESTO Contactless payment as a payment option for transit at the current cash rate of \$3.50; and

Enact the By-law to amend By-law 61-2021, to implement PRESTO Contactless payment options, attached as Appendix "A" to transit department report TR-02-22, which has been prepared in a form satisfactory to the Executive Director of Legal Services and Corporation Counsel.

- f. CUTRIC/CUTZEB™ Joint Procurement Initiative (TR-04-22)

Receive transit department report TR-04-22 which outlines the key deliverables and planning activities to be developed by the Canadian Urban Transit Research & Innovation Consortiums (CUTRIC) Zero-Emissions Bus CUTZEB™ Joint Procurement Initiative to support the development of the

Zero-Emission Bus Fleet Implementation and Rollout Plan, capital funding application(s) and joint procurement services for the supply of Zero Emission Buses (ZEBs), chargers, power supply services and infrastructure development services for Burlington Transit for the years 2023 to 2026; and Direct the Director of Transit to confirm Burlington's participation in the CUTZEB™ joint procurement initiative at an estimated cost of \$92,500 plus HST, using existing funds received from the Provincial Gas Tax and authorize the Mayor and City Clerk to execute on behalf of the Corporation of the City of Burlington the necessary contracts with CUTZEB™, to the satisfaction of the Executive Director of Legal Services and the Director of Transit.

- g. Request to amend Heritage Designation Bylaw for 38 Frontier Trail (formerly 398 Mountain Brow Road East) (PL-61-22)

State an intention to amend By-law 44-2009 pursuant to Part IV of the Ontario Heritage Act, section 30.1 (1), as shown in the draft amending by-law and revised statement of significance attached as Appendix C to community planning department report PL-61-22; and

Direct the Director of Community Planning to provide notice of Council's intention to amend By-law 44-2009, in accordance with section 29 (3) and 29 (4) of the Ontario Heritage Act; and

Direct the City Clerk to present the draft amending by-law to Council for approval within 120 days after the date of publication of the notice of intention to amend By-law 44-2009, provided there is no objection or withdrawal; and

Direct the City Clerk to take the necessary actions in the event of any objection to the statement of intention to amend By-law 44-2009 pursuant to Part IV of the Ontario Heritage Act, sections 29 (5) and 29 (6); and

Direct the City Solicitor to take necessary steps to implement the following amendments to the existing Heritage Conservation Easement Agreement, registered on title for the heritage property at 398 Mountain Brow Road, Instrument No. HR1518674 (the "HEA"), dated April 29th, 2009:

- a. Replace the Statement of Significance attached to the HEA under Schedule "C" with the revised statement of significance attached as Appendix C to community planning department report PL-61-22
- b. Make any required amendments to the HEA to remove references to the demolished house and accurately reflect the existing condition of the property to the satisfaction of the Director of Community Planning
- c. Introduce any necessary bylaw in Council to amend the HEA.

- h. Future of City of Burlington Outdoor Patio Program - update for Q3 2022 (PL-67-22, SD-22-22)

Receive and file community planning department report PL-67-22 regarding the future of the City of Burlington Outdoor Patio Program update for Q3 2022; and

Direct the Director of Community Planning to deliver an interim report to the Community Planning, Regulation & Mobility Committee meeting of December 6, 2022, regarding the future of outdoor patios outlining progress to date and draft policy directions for the 2023 patio season.

- i. New Zoning By-law Review Project - Terms of Reference (PL-60-22, SD-23-22)

Endorse the proposed Terms of Reference for the City's New Zoning By-law Project attached as Appendix A to community planning department report PL-60-22; and

Authorize the Director of Community Planning to engage consultants through a Request for Proposal process to carry out the work, in accordance with the above noted proposed Terms of Reference; and

Direct the Director of Community Planning to finalize the Engagement Plan based on the draft Engagement Plan attached as Appendix C to community planning department report PL-60-22; and

Direct the Director of Community Planning to provide quarterly update reports on the New Zoning By-law Project including community engagement, budget and other matters. (SD-23-22)

- j. Draft Plan of Subdivision at 4375 Millcroft Park Drive (PL-64-22)

Approve the application submitted by Salotto Building Group Inc. to draft approve a residential plan of subdivision consisting of 30 lots and a public road at 4375 Millcroft Park Drive, Block 133 of Plan 20M-811, as shown in Appendix A of community planning department report PL-64-22, subject to the conditions contained in Appendix B of that report.

- k. Zoning By-law amendment for 2154 Walker's Line (PL-63-22)

Approve the Zoning By-law amendment application for the property located at 2154 Walker's Line to permit nine (9) townhouse units of two (2) storeys in height to be developed on a private road; and

Approve Zoning By-law 2020.445, attached as Appendix D of community planning report PL-63-22, which rezones the lands at 2154 Walker's Line from 'R3.2' zone to 'RM2-517'; and

Deem that the amending zoning 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.

12.3. Corporate Services, Strategy, Risk & Accountability meeting of September 14, 2022

- a. Investigation report from Burlington Ombudsman MUN-14027-0621 (CL-35-22)

Receive and file office of the city clerk report CL-35-22 regarding the investigation from the Ombudsman, file MUN-14027-0621.

- b. Vision to Focus integrated reporting update as of June 30, 2022 (CS-10-22)

Receive and file the Vision to Focus (V2F) integrated reporting update as of June 30, 2022 as contained in Appendix A of corporate strategy report CS-10-22.

- c. Financial status report as at June 30, 2022 (F-29-22)

Receive and file finance department report F-29-22, financial status report as at June 30, 2022.

- d. Mid-year 2022 operating budget performance report (F-30-22)

Direct the Chief Financial Officer to report back on the city's year-end strategy upon confirmation of the 2022 year-end actual.

- e. Appointment to Aldershot Business Improvement Area Board (CL-33-22)

Appoint Lorna Hainsworth-Popper to the Aldershot Business Improvement Board of Management for a term to expire on November 14, 2022, or upon appointment of their successor.

- f. Halton Digital Access Strategy implementation (CM-21-22)

Receive and file city manager's office report CM-21-22 providing an update regarding the Halton Digital Access Strategy review; and

Approve, in principle, an implementation plan for a one-window plan to support the implementation of 5G technology in Burlington, as part of a region-wide approach, "Halton Digital Access Strategy Implementation Plan"; and

Delegate authority to the City Manager to negotiate and present for future Council consideration, the governance framework, associated multiyear financial plan, including incremental net revenue forecast, and related operating and other agreements in consultation with the Executive Director

of Legal Services and Corporation Counsel and the Chief Financial Officer;
and

Forward a copy of this report to the Town of Halton Hills, the Town of Milton,
Town of Oakville, Halton Region and Burlington Hydro, for their information.

- g. Designing and evolving our organization – updated department functional design and management structures (CM-24-22)

Receive and file city manager’s office report CM-24-22, regarding designing and evolving our organization – updated department functional design and management structures.

- h. Confidential legal report - Committee of Adjustment appeal regarding 5002 DesJardines Drive (L-28-22)

Pursuant to section 239(2)(e) of the Municipal Act, litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board.

- i. Confidential legal report - update regarding 5111 New Street (L-42-22)

Pursuant to section 239(2)(e) of the Municipal Act, litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board.

Instruct the Executive Director of Legal Services and Corporation Counsel or her designate to proceed in accordance with the instructions sought in confidential legal department report L-42-22.

12.4. Environment, Infrastructure & Community Services meeting of September 15, 2022

- a. Public tree removal - 4385 Mainway Blvd (RPF-24-22)

Approve the request by the applicant to remove three (3) public trees to proceed with the proposed site plan application file no. 535-010-21 as outlined in roads, parks & forestry department report RPF-24-22; and

Instruct the applicant, Jason Menkes on behalf of Menkes Barrett Burlington II Inc., to provide compensation for the public tree removals by providing cash-in-lieu of replacement totaling \$3,500.00; and

Direct that a tree permit be obtained for the public trees 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 and

the contractor hired to remove the trees will require approval by the Manager of Urban Forestry or designate.

b. Public tree removal - 1294 Coric Ave (RPF-25-22)

Approve the request by the applicant to remove five (5) public trees in order to proceed with the proposed two-storey single family detached dwelling (ZC-501/21) as outlined in roads, parks & forestry department report RPF-25-22; and

Instruct the applicant, Konstantin Alekseev on behalf Constant Shape Design Studio, to provide compensation for the public tree removals by providing cash-in-lieu of replacement totaling \$8,500.00; 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 and the contractor hired to remove the trees will require approval by the Manager of Urban Forestry or designate.

c. Public tree removal - 320 Pine Cove Road (RPF-27-22)

Approve the request by the applicant to remove one (1) public tree in order to proceed with the proposed two-storey dwelling as outlined in roads, parks & forestry department report RPF-27-22; and

Instruct the applicant, Gerardo Castillo on behalf of Keystone Home Designs Inc., to provide compensation for the public tree removal by providing cash-in-lieu of replacement totaling \$3,500.00; 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 and the contractor hired to remove the trees will require approval by the Manager of Urban Forestry or designate.

d. Burlington 150 anniversary opportunities (RCC-13-22)(SD-24-22)

Direct the Director of Recreation, Community and Culture to bring forward options to consider during the 2023 budget, working with all departments and local boards on potential activities to celebrate Burlington's

sesquicentennial. (SD-24-22)

e. Burlington Climate Action Plan update (EICS-11-22)

Council requests Burlington Hydro to prepare a Sustainability Plan by the end of Q2 2024 with the following information:

- current and planned actions by Burlington Hydro to support the programs and the target outlined in the City's Climate Action Plan to be a net carbon neutral community by 2050;
- infrastructure investments required to support electric mobility (electric vehicles, electrification of fleets, electric transit buses and bi-directional charging), electrification of thermal energy (air source heat pumps), solar energy and battery storage;
- Burlington Hydro's investment plans to improve resiliency of the local distribution grid given increasing frequency and intensity of severe weather events, as identified through Climate Resilient Burlington – a plan for adapting to our warmer, wetter and wilder weather; and
- a process for stakeholder and community engagement.

f. Electric Mobility Strategy (EICS-16-22)

Receive and file environment, infrastructure and community services department report EICS-16-22 regarding the Electric Mobility Strategy as presented in Appendix A; a strategy to provide guidance to the city and local stakeholders to take action and accelerate electric mobility adoption in the community.

g. Health Protection and Air Quality By-law (CM-22-22)(SD-25-22)

Receive and file city manager's office report CM-22-22 providing a response to staff direction SD-06-21 regarding the review of the feasibility of a city-wide Health Protection and Air Quality By-law; and

Direct the City Manager to consider options and methods to systematically monitor the performance of emitters of odours and air pollution to ensure that regulators are actively engaged on achieving sustainable, compliant, safe air quality and report back in Q2 2023. (SD-25-22)

Direct the City Manager to consider options and methods to systematically monitor the performance of emitters of odours and air pollution to ensure that regulators are actively engaged on achieving sustainable, compliant, safe air quality and report back in Q2 2023. (SD-25-22)

- h. Proposed public access/ongoing maintenance agreement for Burlington Canal Pier with Hamilton Oshawa Port Authority (ES-43-22)

Authorize the City Manager to proceed with negotiating an agreement with the Hamilton-Oshawa Port Authority for public use and ongoing maintenance of the Burlington Bay Canal shipping pier under terms as generally outlined in engineering services department report ES-43-22; and

Direct the City Manager to report back to the Environment, Infrastructure and Community Services Committee following negotiations to provide a status update and recommendations related to the proposed public access and maintenance agreement.

- i. Official Plan and Zoning By-law amendment applications for 1989 Appleby Line (PL-66-22)

Direct staff to continue to process the submitted applications for Official Plan and Zoning By-law amendments for 1989 Appleby Line, including evaluating and incorporating comments received by committee and the public at the statutory public meeting, as well as the comments received through the ongoing technical review of this application by agency partners and internal departments

13. Motion to Approve Standing Committee Minutes:

Approve the following minutes:

- 13.1. Audit Committee meeting minutes of September 12, 2022
- 13.2. Community Planning, Regulation and Mobility meeting minutes of September 13, 2022
- 13.3. Corporate Services, Strategy, Risk and Accountability meeting minutes of September 14, 2022
- 13.4. Environment, Infrastructure and Community Services meeting minutes of September 15, 2022

14. Urgent Business:

- 14.1. Confidential Labour Relations Update (HR-08-22)

Pursuant to section 239(2)(d) of the Municipal Act, labour relations or employee negotiations.
- 14.2. Breach of Solicitor-Client Privileged Information involving an On-going Litigation Matter (L-46-22)

Pursuant to Section 239(2)(f), advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

14.3. Financial Support for Sound of Music Inc.

Approve a short-term loan to Sound of Music Inc. in the upset amount of \$200,000 to provide interim financial support for the remainder of 2022.

Direct the Chief Financial Officer to advance the Sound of Music Inc.'s 2023 base budget of \$100,093 in January 2023 to provide financial support in the early part of 2023.

Authorize the execution of any documentation (agreements) necessary to secure the City's interests, subject to the satisfaction of the Executive Director of Legal Services and Corporation Counsel.

14.4. Proposed inclusion of downtown properties on the City of Burlington Heritage Register (PL-59-22)

Note: this item was referred from the September 15, 2022, Environment, Infrastructure and Community Services Committee

Direct the Director of Community Planning to add the following list of properties to the Municipal Heritage Register and provide notice to the owner of the property within 30 days, pursuant to section 27(5) of the Ontario Heritage Act, R.S.O. 1990, c. O.18:

353-355 Brant Street
357 Brant Street
359 Brant Street
372-374 Brant Street
380 Brant Street
422 Burlington Avenue
426 Burlington Avenue
437 Burlington Avenue
437 Elizabeth Street
441 Elizabeth Street
468 Elizabeth Street
404-408 John Street
1415 Lakeshore Road
2003 Lakeshore Road
458 Locust Street
488 Locust Street
492 Locust Street
513 Locust Street

524 Locust Street
2010 Maria Street
1445 Ontario Street
431 Pearl Street
435 Pearl Street
436 Pearl Street; 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 0.18 and report back no later than 120 days after notices are sent out presenting all of the objections received; and

Following study completion, direct the Director of Community Planning to re-assess the eligibility of the above listed properties for continued inclusion on the Heritage Register and report back to City Council with a recommendation.

14.5. By-law Fine Review and Updates for Coyote Response Strategy (BB-14-22)

Approve the recommended changes to By-law 49-2022 being “A By-law to Repeal and Replace Lot Maintenance By-law 59-2018”, and By-law 60-2005 being “A by-law to regulate the licensing and keeping of dogs and other animals”, as amended, intended to clarify definitions, regulations related to powers of entry for Animal Control Officers and increase the limits for fines issued in accordance with the Municipal Act and enable collection of defaulted fines through tax roll, detailed in the proposed amending by-laws attached as ‘Appendix A’ and ‘B’ to report BB-14-2022; and

Enact the By-law to amend By-law No. 49-2022 and By-law to amend By-law 60-2005, substantially as attached in ‘Appendix A’ and ‘B’ to report BB-14-2022, in a form satisfactory to the Executive Director of Legal Services and Corporation Counsel.

15. Motions of Members:

16. Council Information Package:

- 16.1. Council Information Package July 22, 2022
- 16.2. Council Information Package July 15, 2022
- 16.3. Council Information Package July 29, 2022
- 16.4. Council Information Package August 5, 2022
- 16.5. Council Information Package August 19, 2022

- 16.6. Council Information Package August 26, 2022
- 16.7. Council Information Package September 2, 2022
- 16.8. Council Information Package September 9, 2022

17. Motion to Receive and File Information Items:

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

- 17.1. Correspondence from EMSHiH regarding Proposed inclusion of downtown properties on the Heritage Register (PL-59-22)

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. 69-2022: A by-law to authorize a request for the issuing of debentures by the Regional Municipality of Halton for the Skyway Community Centre.

Report EICS-15-22, Special Council meeting of August 4, 2022
- 20.2. 70-2022: A by-law to appoint Municipal Law Enforcement Officers for the City of Burlington and to repeal By-law 64-2022.

Report CL-34-22, Delegated authority report DA-85-22
- 20.3. 71-2022: A by-law to assume parcels of land in the City of Burlington as Public Highway.
- 20.4. 72-2022: A by-law to amend 60-2005 being a by-law to regulate the licensing and keeping of dogs and the keeping of all other animals.

Report BB-14-22, Council meeting September 20, 2022
- 20.5. 73-2022: A by-law to amend By-law 49-2022 being a by-law to regulate exterior property maintenance including vegetation, refuse and graffiti.

Report BB-14-22, Council meeting September 20, 2022
- 20.6. 2020.445: A by-law to amend By-law 2020, as amended; 2154 Walker's Line.

Report PL-63-22, Community Planning, Regulation and Mobility Committee meeting

of September 13, 2022

21. Confirmatory By-law:

Enact and pass By-law Number 74-2022 being a by-law to confirm the proceedings of Council at its meeting held September 20, 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.