

Regular

Council meets in formal session this day at 5:15 o'clock p.m., in the Council Chambers to consider the **2012 Capital Budget**.

Members Present:

Mayor Francis
Councillor Dilkens
Councillor Gignac
Councillor Halberstadt
Councillor Hatfield
Councillor Jones
Councillor Maghnieh
Councillor Marra
Councillor Payne
Councillor Sleiman
Councillor Valentinis

Members Absent:

None.

Call to Order

The meeting is called to order at 5:15 o'clock p.m.

Disclosures of Pecuniary Interest and the General Nature Thereof

Councillor Hatfield discloses an interest and abstains from voting on Communication No. 6, being the report of the City Engineer dated March 27, 2012 entitled "Bus Bay Program", as his spouse is an elected trustee and Chair of the Greater Essex County District School Board.

Councillor Marra discloses an interest and abstains from voting on any Capital budget item affecting 75 Riverside Drive East, as he is an owner in the subject building.

Minutes

Moved by Councillor Dilkens, seconded by Councillor Gignac,
That the Minutes of the regular meeting of Council held May 22, 2012, **BE ADOPTED**
as presented.

Carried.

Notice of Proclamations

None presented.

Committee of the Whole

Moved by Councillor Halberstadt, seconded by Councillor Hatfield,

That Council do now rise and move into Committee of the Whole with the Mayor presiding for the purpose of dealing with:

- (a) communication items;
- (b) consent agenda;
- (c) hearing requests for deferrals or referrals of any items of business;
- (d) hearing presentations and delegations;
- (e) consideration of business items;
- (f) consideration of Committee reports:
 - (i) **Report of Special In-Camera Meeting or other Committee as may be held prior to Council** (if scheduled)
 - (ii) **Report of the Striking Committee of its meeting held June 18, 2012**
- (g) consideration of by-laws 70-2012 through 73-2012 (inclusive).

Carried.

Communications

Moved by Councillor Jones, seconded by Councillor Maghnieh,

M262-2012 That the following Communication Items 1 to 4 and 6 to 11 inclusive, as set forth in the Council Agenda **BE REFERRED** as noted except Communication No. 5 which is dealt with as follows:

Communication No. 5:

Moved by Councillor Gignac, seconded by Councillor Marra,

M263-2012 That the report of the City Engineer dated April 3, 2012 entitled "Response to CQ23-2011 and CQ56-2011 (Intersection of Jefferson Blvd. And South National)" **BE RECEIVED** for information; and further that Administration **BE DIRECTED** to request Transportation Canada to undertake a Grade Crossing Safety Assessment.

Carried.

AFB/11050 SW2012 MTR2012

Item	From	Description
1	Government of Canada - Canada News Centre	Government of Canada to Work with Partners on a New Long-Term Infrastructure Plan. Note & File AFB/11050 GF2012
2	Federation of Canadian Municipalities (FCM)	Municipalities mobilize to meet looming 2014 funding expiry (03/06/2012). Note & File AFB/11050 MMF2012
3	City Engineer	Parking On Erie Street East. Note & File AFB/11050 MI2012

4	City Engineer	CQ71 – Pelissier Street – Erie Street to Wyandotte Street Rehabilitation CQ72 – Willistead Crescent Road & Curb Rehabilitation. Note & File AFB/11050 SW2012
5	City Engineer	Response to CQ23-2011 and CQ56-2011 (Intersection of Jefferson Blvd. and South National). Note & File AFB/11050 SW2012 MTR2012
6	City Engineer	Bus Bay Program. Note & File AFB/11050 SW2012
7	City Engineer	CQ59-2011: Feasibility of Baseball Lights at Walker Homesites. Note & File AFB/11050 SR2012
8	City Engineer	Deficient Roads – Responses to CQ3-2012 and CQ7-2012. (<i>Enlarged copy of appendices is enclosed for Mayor & Council only</i>) Note & File AFB/11050 SW2012
9	City Solicitor	Ward Meeting Update – Potential Ward Priorities for Capital Budget Consideration. Note & File AFB/11050 SPL2012
10	City Engineer	CQ18-2011 – Plowing of Alleys Note & File SW2012, Livelink 15900
11	City Engineer	Letter to Waterfront Regeneration Trust regarding Waterfront Trail – City of Windsor Note & File MB/5331

Carried.

Councillor Hatfield discloses an interest and abstains from voting on Communication No. 6.

Consent Agenda

Moved by Councillor Marra, seconded by Councillor Payne,

That the following Consent Agenda and the recommendations contained in the administrative reports **BE APPROVED** as amended:

- Item 3 Capital Project Variance Report as at December 31, 2011
- Item 4 Downtown Windsor Business Improvement Area Request for Extension to Repay Streetscaping Contribution
- Item 6 2012 Sewer Surcharge Budget Update / Measures to Mitigate Basement Flooding
- Item 7 Removal of Non-Compliant Playground Equipment
- Item 9 Reallocation of Facilities Capital Projects Funds

- Item 10 Tree Removals (including stumps) 400 more or less
Item 11 Request for Improvements at McHugh near Aspenshore Retirement Home
Item 12 Let's Get Windsor-Essex Moving Initiative, Windsor-Detroit Canadian Tunnel Plaza Improvements –
Advanced Utility Contract
Item 13 Award of RFP 46-12: Orchestra Shell and Stage Extension at the Capitol Theatre
Item 16 Training Facility Feasibility Study
Item 17 Mackenzie Hall Parking Lot; Alternatives for Continued Use
Item 19 Windsor Justice Facility Exterior Seals Refurbishment
Item 20 West Nile Virus-Larviciding Requirement 2012
Carried.

Deferrals and/or Referrals and Withdrawals

None.

Presentations & Delegations:

DELEGATIONS

Report No. 73 of the Executive Committee (Response to CQ50-2011 Willistead Manor Inc.)

Stephen Marshall, Chair of Willistead Manor Inc.

Stephen Marshall, Chair of Willistead Manor Inc., appears before Council to speak in support of any funding opportunities available for the Manor, and is available for questions regarding additional capital works funding for improvements that are required.

(For final disposition of this matter see **M264-2012**)

Report No. 76 of the Executive Committee (Children's Safety Village of Windsor & Essex County)

Michael Lucier, Executive Director; and Shawn Boutette, Chair, Board of Directors; Children's Safety Village of Windsor & Essex County;

Michael Lucier, Executive Director and Shawn Boutette, Chair, Board of Directors, appear before Council to provide a brief overview as to the importance of the Community Crime Reduction Initiative (CCRI) and conclude by requesting funding for the CCRI totaling \$91,250.00 for 2012.

Moved by Councillor Marra, seconded by Councillor Halberstadt,
M265-2012 That **Report No. 76 of the Executive Committee** of its meeting held February 27, 2012 regarding the 2012 budget submission from the Children's Safety Village of Windsor & Essex County pertaining to the Community Crime Reduction Initiative (CCRI) **BE RECEIVED**, and further, that Council **APPROVE** funding for the Children's Safety Village in 2012 in the amount of \$91,250. to **BE FUNDED** from the Budget Stabilization Reserve Fund (BSR), and that for 2013, this item **BE INCLUDED** as a line item for consideration as part of the Parks and Facility Operating Budget.

Carried

Ottawa Street BIAArnold Blaine, President, Ottawa Street BIA

Arnold Blaine, President, Ottawa Street BIA, appears before Council to express concern to Council with regards to perceived lack of attention and funding earmarked for Ottawa Street and concludes by requesting capital works funding for an additional five blocks of streetscaping improvements on Ottawa Street.

MI2012 AFB/11050 14

(For final disposition of this matter, see Clause **CR136/2012** in Schedule "A" attached hereto.)

CAPITAL BUDGET ISSUESGary Regnier, resident Ward 5 along with Ryan Regnier, Travis Badder, John Kobersi, Kyle Bortolon and Father Chris Gevaert, Pastor, Most Precious Blood Parish (east side skateboard park)

Gary Regnier, resident Ward 5 along with Ryan Regnier, Travis Badder, John Kobersi, Kyle Bortolon and Father Chris Gevaert, Pastor, Most Precious Blood Parish (east side skateboard park), appear before Council requesting that Council approve capital works funding for an east side skateboard park to be located in Central Windsor at the Ford Test Track, stating that it provides a safety alternative for youth in the area.

Mayor Francis leaves the meeting at 6:40 o'clock p.m. and Councillor Gignac assumes the Chair.

Mayor Francis returns to the meeting at 6:42 o'clock p.m. and Councillor Gignac returns to her seat at the Council table.

Moved by Councillor Marra, seconded by Councillor Sleiman,
M266-2012 That the presentation by Gary Regnier (Ward 5 resident), Ryan Regnier, Travis Badder, John Kobersi, Kyle Bortolon and Father Chris Gevaert (Most Precious Blood Parish) requesting capital funding for a skateboard park at the Ford Test Track **BE RECEIVED**, and that Administration **BE DIRECTED** to coordinate with Father Gevaert and representatives from Windsor Police Services an application for the "Safer and Vital Communities Grant" and to ensure that this application is **SUBMITTED** by the June 25, 2012 deadline as set forth by the Ministry of Community Safety and Correctional Services.

Carried.

Councillor Payne was absent from the meeting when the vote was taken on this matter.

Tessa Mancini, Erie Street BIA; Rick Spencer and Carl DiGiacomo (re: Erie Street)

Tessa Mancini, Erie Street BIA; Rick Spencer and Carl DiGiacomo, appear before Council to reiterate that the Erie Street BIA is in full support of the completion of Phase 1B: Reconstruction, Rehabilitation and Streetscaping of Erie Street, and conclude by requesting that this be approved as part of the 2012 capital budget.

Moved by Councillor Valentinis, seconded by Councillor Halberstadt,
M276-2012 That consideration for Phase 1B of the Erie Street BIA Streetscaping project originally scheduled for 2017 **BE CONSIDERED** in the 2013 Capital Budget Deliberations.

Carried.

AFB/11050

Kate Tapak, resident of Ward 4 (re: city roads)

Kate Tapak, resident of Ward 4 (re: city roads), appears before Council requesting that additional capital funding be earmarked for roads throughout the City, suggesting that many residential roads are in poor condition, and that the time has come to “Smooth our Roads”, as the percentage of roads rated now deficient has risen.

Mayor Francis leaves the meeting at 7:33 o’clock p.m. and Councillor Gignac assumes the chair.

Mayor Francis returns to the meeting at 7:36 o’clock p.m. and Councillor Gignac returns to her seat at the Council table.

Robin Easterbrook, resident of Ward 4 (re: street improvements on Willistead Crescent)

Robin Easterbrook, resident of Ward 4 (re: street improvements on Willistead Crescent), appears before Council to request that Willistead Crescent street improvements begin immediately, suggesting that the road and curbs on that Crescent are in poor condition.

Keri Gignac, representing Windsor Bicycling Committee and Rob Rieveley, President, Bike Friendly Windsor-Essex

Keri Gignac, representing Windsor Bicycling Committee along with Rob Rieveley, President, Bike Friendly Windsor-Essex, appear before Council to speak in support of consideration for Capital Budget funding for cycling infrastructure and network development, suggesting that increased bike lanes are required in the City in order to promote cycling, and conclude by requesting that an update to the Bicycle Use Master Plan (BUMP) be undertaken, in the form of \$1 million allocation per year.

Mayor Francis leaves the meeting at 8:11 o’clock p.m. and Councillor Gignac assumes the chair.

M327-2011 – Sewer Replacement, 2300-2600 Blocks of Princess Avenue**Greg Schneitzer, resident of Ward 8**

Greg Schneitzer, resident of Ward 8, appears before Council to request that Council reject the administrative recommendation to simply receive the administrative report for information regarding sewer replacement for 2300 – 2400 blocks of Princess Avenue, suggesting that numerous complaints have indeed been filed regarding the sewer issues in the area, and concludes by requesting that Council approve the replacement of sewers for that portion of Princess Avenue, due to excessive flooding and backflow issues.

Ray Ouellette, resident of Ward 8

Ray Ouellette, resident of Ward 8, appears before Council to request that Council reject the administrative recommendation to simply receive the report for information, regarding sewer replacement for 2300 – 2400 blocks of Princess Avenue, suggesting that the sewer system in the area is in poor condition, and concludes by requesting that Council approve the replacement of sewers for that portion of Princess Avenue due to excessive flooding and backflow issues, as well as costs for eeling of tree roots.

Cathy Dupuis, resident of Ward 8

Cathy Dupuis, resident of Ward 8, appears before Council reject the administrative recommendation to simply receive the report for information, suggesting that the sewer system in the area is in poor condition, and concludes by requesting that Council approve the replacement of sewers for the 2300-2400 block of Princess Avenue due to excessive flooding and backflow issues.

Mayor Francis returns to the meeting at 8:18 o'clock p.m. and Councillor Gignac returns to her seat at the Council table.

ACO/11189 AFB/11050 15

(For final disposition of this matter, see **Clerk's Note** in Schedule "A" attached hereto.)

Former Sandwich Fire Hall #6 and Stable**Mary Ann Cuderman, Chair, Olde Sandwich Towne BIA and Dr. Greg Hanaka, Board of Directors, Olde Sandwich Towne BIA**

Mary Ann Cuderman, Chair, Olde Sandwich Towne BIA and Dr. Greg Hanaka, Board of Directors, Olde Sandwich Towne BIA, appear before Council to request that Council reject the administrative recommendations to sell the property located at 363 Mill Street (former Sandwich Fire Hall) or issue a Request for Proposal to gauge external interest in the property, suggesting that the City must maintain ownership of the Heritage building, and conclude by urging Council to restore the building to alleviate any further deterioration.

Z/8581 AFB/11050 1

(For final disposition of this matter, see **Clerk's Note** in Schedule "A" attached hereto.)

Mayor Francis leaves the meeting at 8:39 o'clock p.m. and Councillor Gignac assumes the chair.

Mayor Francis returns to the meeting at 8:40 o'clock p.m. and Councillor Gignac returns to her seat at the Council table.

Response to CQ52-2011 regarding Wi-Fi on waterfront**Lloyd Burrige, Zone 1 Director and Executive Board Member of Municipal Retirees Organization of Ontario**

Lloyd Burrige, Zone 1 Director and Executive Board Member of Municipal Retirees Organization of Ontario, appears before Council to speak in support of the administrative recommendation to note and file the report, regarding Wi-Fi on the Waterfront, suggesting that technology is constantly changing and tax dollars would be wasted approving a capital project for a managed Wi-Fi solution along the waterfront.

MI/11342 AFB/11050 5

(For final disposition of this matter, see Clause **CR127/2012** in Schedule "A" attached hereto.)

Request for Waiver of Fees for Canada Day and Santa Claus Parades**David Grimaldi and Maggie Durocher, Windsor Parade Corporation**

David Grimaldi and Maggie Durocher, Windsor Parade Corporation appear before Council and are available for questions regarding their request for the waiver of fees for the Canada Day and Santa Claus Parades.

SR2012 21

(For final disposition of this matter, see Clause **CR143/2012** in Schedule "A" attached hereto.)

Surplus Parkland Disposition**Lloyd Burrige, Zone 1 Director and Executive Board Member of Municipal Retirees Organization of Ontario**

Lloyd Burrige, Zone 1 Director and Executive Board Member of Municipal Retirees Organization of Ontario, appears before Council to provide insights with respect to potential surplus parkland disposition, stating that the parks system is a community gem, and that any appropriate disposition be undertaken for the highest value possible.

SR2012 AFB/11050 8

(For final disposition of this matter, see Clause **CR130/2012** in Schedule "A" attached hereto.)

2012 5-Year Capital Plan**David Hanna, resident of Ward 1**

David Hanna, resident of Ward 1, appears before Council to provide feedback on certain components of the 2012 Capital Budget that Council should pay close attention to, and concludes by highlighting the Capital Budget item concerning the War of 1812.

AFB/11050 2

(For final disposition of this matter, see Clause **CR124/2012** in Schedule "A" attached hereto.)

Moved by Councillor Halberstadt, seconded by Councillor Hatfield,

That an **INCREASE** of \$50,000.00 **BE ADDED** to the Bike Way budget for additional bike lanes.

The motion is **put** and is **lost**

Aye Votes: Councillors Halberstadt and Hatfield

Nay Votes: Councillors Dilkens, Gignac, Jones, Maghnieh, Marra, Payne, Sleiman, and Valentinis.

Moved by Councillor Marra, seconded by Councillor Dilkens,

M264-2012 That **Report No. 73 of the Executive Committee** of its meeting held February 27, 2012 regarding Report No. 46 of the Executive Committee pertaining to CQ50-2011 (Willstead Manor) **BE RECEIVED**, and further, that Administration **BE DIRECTED** to fund Improvements at Willstead in the amount of \$150,000. per year for the next ten years, with the first five years (\$750,000) to be funded from the 2016 Debt Reduction Levy.

Carried.

Moved by Councillor Marra, seconded by Councillor Jones,
M267-2012 That a \$1.5 Million **placeholder** in the 2012 Capital Budget pending detailed reports from Administration to **BE ALLOCATED** as follows:

1. Bus Bays		\$100,000.00
2. Riverside Vista from Lauzon to Solidarity	Road Rehabilitation	\$275,000.00
3. Mitchell Park	Park Security Upgrades	\$ 10,000.00
4. Former Sandwich Fire Hall #6	Pay and Display Lot	\$120,000.00
5. Ganatchio Trail	Extension from McHugh to McNorton	\$ 63,000.00
6. Firgrove		\$ 12,500.00
7. Splash Pad	Ward 9	\$275,000.00
8. Wigle Park	Upgrades	\$100,00.00
9. Alleyways	Alley Rehabilitation	\$100,000.00
10. Events	Bid Preparation	\$300,000.00
11. Contingency		\$144,500.00

Carried.

Moved by Councillor Dilkens, seconded by Councillor Gignac,
M270-2012 That Administration **BE DIRECTED** to proceed in accordance with the solution agreed upon with the Windsor Essex Parkway and that pathways **BE INSTALLED** along Spring Garden Road, to **BE FUNDED** through existing capital funds.

Carried.

Moved by Councillor Marra, seconded by Councillor Maghnieh,
M271-2012 That Administration **BE DIRECTED** to re-allocate \$400,000 (\$40,000/Per Ward) from the Corporate Provision for Strategic Initiatives Operating Budget as a one-time allocation for “ward fund”, and furthermore, that \$250,000 from that Budget **BE ALLOCATED** towards ward funds on an annual basis, (subject to Annual Budget Approval) in the form of \$25,000 per ward, and that Administration **BE DIRECTED** to prepare a report outlining criteria for use of ward funds; and that \$60,388 – of remaining one time funds from the Corporate Provision for Strategic Initiatives Operating Budget **BE MAINTAINED** for administrative costs relating to Neighbourhood Advisory Council meetings.

Carried.

Moved by Councillor Dilkens, seconded by Councillor Halberstadt,
M272-2012 That the City of Windsor **CONTRIBUTE** \$10,000 to the Detroit Parade Company, to offset costs related to the 54th Annual Target Fireworks to be held on Monday, June 25, 2012.

Carried.

[Treasurer’s Note: To BE FUNDED from \$1.5 M placeholder.]

Moved by Councillor Marra, seconded by Councillor Jones,
M273-2012 WHEREAS expenditures for Watermain on County Road #42 in the amount of \$4.2 million will be paid in full by Windsor Utilities Commission by August 2012; and
 WHEREAS there will be a surplus in the Capital Budget account for this project;
THEREFORE BE IT RESOLVED that surpluses in this account
BE RE-ALLOCATED towards those projects that are currently in a deficit position, and that Administration
BE DIRECTED to prepare a report outlining the number of projects that are in surplus or deficit as it relates to pay as you go.

Carried.

[Treasurer's Note: While \$4.2 Million will be available ,Windsor Utilities Commission would be paying their actual cost.]

Regular Business Items (for final disposition of these matters see Schedule "A" attached)

Item 18 350 City Hall Square – Conditions Report Update and Options

Consideration of Committee Reports

Moved by Councillor Dilkens, seconded by Councillor Gignac,
M274-2012 That the **Report of the special In-camera** meeting held June 18, 2012, **BE ADOPTED**
 as presented.

Carried.

ACO2012

Moved by Councillor Dilkens, seconded by Councillor Gignac,
M275-2012 That the **Report of the Striking Committee** of its meeting held June 18, 2012
BE ADOPTED as presented.

Carried.

ACO2012

By-laws

Moved by Councillor Halberstadt, seconded by Councillor Hatfield,
 That the following By-laws No. 70-2012 through 73-2012 (inclusive), be introduced and read a first and second time:

70-2012 "A BY-LAW TO AMEND BY-LAW 150-2009 BEING A BY LAW TO CLOSE, STOP UP AND CONVEY THE 4.3 METRE (14') WIDE EAST/WEST ALLEY SOUTH OF WYANDOTTE STREET EAST FROM EASTLAWN AVENUE TO BELLE ISLE VIEW BOULEVARD, CITY OF WINDSOR"

71-2012 "A BY-LAW TO PROHIBIT THE POSSESSION OF ALCOHOL ON THE PARK LANDS AND CLOSED PUBLIC RIGHTS-OF-WAY (AN ALCOHOL FREE ZONE, AS SHOWN ON THE ATTACHED DRAWING C-2850), AND TO TEMPORARILY CLOSE TO VEHICULAR TRAFFIC ALL NORTH-SOUTH, EAST-WEST STREETS WITHIN THE AREA ZONED ALCOHOL FREE FOR THE PURPOSE OF STAGING THE "SUMMERFEST 2012 FIREWORKS NIGHT""

72-2012 “A BY-LAW TO FURTHER AMEND BY-LAW NUMBER 9023 BEING A BY-LAW TO REGULATE VEHICULAR PARKING WITHIN THE LIMITS OF THE CITY OF WINDSOR ON MUNICIPAL STREETS MUNICIPAL PARKING LOTS AND PRIVATE PROPERTIES FOR THE PURPOSE OF STAGING “SUMMERFEST 2012 AND FIREWORKS NIGHT””,

73-2012 “A BY-LAW TO CONFIRM THE PROCEEDINGS OF THE COUNCIL OF THE CORPORATION OF THE CITY OF WINDSOR AT ITS MEETING HELD ON THE 18th DAY OF JUNE, 2012”

Carried.

Moved by Councillor Jones, seconded by Councillor Maghnieh,

That the Committee of the Whole does now rise and report to Council respecting the business items considered by the Committee:

- 1) Communication Items (as amended)
- 2) Consent Agenda (as amended)
- 3) Items Deferred
Items Referred
- 4) Consideration of the Balance of Business Items (see Schedule “A”)
- 5) Committee Reports (as amended)
- 6) By-laws given first and second readings (as presented)

Carried.

Notices of Motion

Councillor Dilkens gives notice that he intends to introduce a motion for consideration at the July 9, 2012 meeting of Council regarding changes to the Traffic Calming Policy as it relates to the vertical traffic calming measures to allow for a pilot program for speed cushions.

Moved by Councillor Dilkens, seconded by Councillor Marra,

M268-2012 That Rule 13.9 of the Procedure By-law regarding business not already before Council **BE WAIVED** to permit the introduction of a motion for consideration without prior notice regarding Development Charges for 3970 Roseland Drive.

Carried.

Moved by Councillor Dilkens, seconded by Councillor Sleiman,

M269-2012 That Administration **BE DIRECTED** to reimburse the Development Charge in the total amount of \$16,648.00 to the property owner of 3970 Roseland Drive.

Carried.

Third Reading of By-laws

Moved by Councillor Marra, seconded by Councillor Payne,

That the following By-laws No. 70-2012 through 73-2012 (inclusive), having been read a first and second time be now read a third time and finally passed and that the Mayor and Clerk **BE AUTHORIZED** to sign and seal the same notwithstanding any contrary provision of the Council.

Carried.

Petitions

None presented.

Council Questions

Moved by Councillor Payne, seconded by Councillor Jones,

M277-2012 That the following Council Question by Councillor Payne **BE APPROVED**, and that Administration **BE DIRECTED** to proceed with the necessary actions to respond to the Council Question in the form of a written report, consistent with Council's instructions, and in accordance with Section 17.1 of the Procedure By-law 98-2011:

CQ12-2012

Asks that a report be prepared on a petition received from residents on Osaka Circle objecting to the proposed construction of a sidewalk on the street.

SW2012

Carried.

Adjournment

Moved by Councillor Halberstadt, seconded by Councillor Hatfield,

That this Council meeting stand adjourned until the next regular meeting of Council or at the call of the Mayor.

Carried.

Accordingly, the meeting is adjourned at 10:25 o'clock p.m.

MAYOR

DEPUTY CITY CLERK

THIS IS A DRAFT COPY

SUPERVISOR OF COUNCIL SERVICES/ DEPUTY CITY CLERK

Clerk's Note: For final resolution of this matter see **M267-2012**, specifically the placeholder of the \$120,000.00 for Pay and Display lot.

Report Number **15984 Z/8581 AFB/11050 1**

Marra
Payne

CR124/2012

THAT Council **RECEIVE** the 2012 5-Year Capital Plan Documents; and

THAT Council **APPROVE** the 2012 total Capital Expenditures of \$88,039,000 **AS AMENDED** (inclusive of \$10,300,000 in projects previously considered).

THAT Council **APPROVE IN PRINCIPLE** the 2013 to 2016 capital expenditures subject to Council's strategic decisions related to the non-traditional capital budget expenditures contained in those years' preliminary allocations.

Carried.

Report Number **15949 AFB/11050 2**

Marra
Payne

CR125/2012

THAT Council **RECEIVE FOR INFORMATION** the 2011 Life-to-Date Capital Project Variance Report as at December 31, 2011 from the Chief Financial Officer and City Treasurer (refer to Appendix A); and

THAT Council **RECEIVE FOR INFORMATION** the financial capital project status update on the Infrastructure Stimulus Funding (ISF)/Recreation Infrastructure Canada (RInC) initiatives (refer to Appendix B); and

THAT Council **APPROVE** the transfer of \$126,507 from the Fire Apparatus Hoist Repair/Maintenance project (#7074071) to the Pay-As-You-Go Reserve Fund (Fund 169); and

THAT Council **APPROVE** the transfer of \$174,618.47 from the Fleet Replacement Reserve (Fund #136) to the 2011 Fleet Replacement project #7111028;

THAT Council **APPROVE** the balancing of and transfers of capital projects, as detailed in Appendix C.

Carried.

Report Number **15935 AFB/11050 C3**

Marra
Payne

CR126/2012

THAT City Council **APPROVE** the Downtown Windsor Business Improvement Area (DWBIA) request for an extension to repay its contribution towards the DWBIA streetscaping enhancement project from two years to four years, interest-free.

Carried.

Report Number **15966 MD8639 AFB/11050 C4**

Marra
Valentinis

CR127/2012

That the report of the Executive Director of Information Technology dated April 16, 2012 entitled "Response to Council Question CQ52-2011 regarding Wi-Fi on waterfront" **BE NOTED AND FILED.**

Carried.

Report Number **15953 MI/11342 AFB/11050 5**

Marra
Payne

CR128/2012

- I. THAT Council **RECEIVE** the 2012 Sewer Surcharge Budget Update report from the City Treasurer and;
- II. THAT the updated 5-Year Sewer Surcharge Forecasts (2012-2016) **BE RECEIVED** for information as presented in *Appendix A* of the report and;
- III. THAT, effective July 1, 2012, the Sewer Surcharge Rates **BE INCREASED** in accordance with Option 3 as detailed in this report and set at the following levels:
 - Residential Fixed Rate..... 66%
 - Residential Consumption Rate..... 487%
 - Commercial Rate..... 167%
- IV. That Council **APPROVE** (in principle, subject to annual Capital Budget approval) \$2,000,000 in 2013, \$400,000 in 2014, \$220,000 in 2015 and \$330,000 in 2016 as part of the respective Capital Budget for expansion of the downspout disconnection program to be funded from the Sewer Surcharge; and
- V. That Council **AUTHORIZE** Administration to retain contractors and/or temporary staffing (if required) to disconnect and document downspout disconnections in accordance to the downspout disconnection program; and
- VI. That the City Engineer **BE AUTHORIZED** to proceed to issue an RFP for a consultant or firm to perform flow monitoring and hydraulic modelling of the City's sewer system which will help in developing a Master Plan for storm and sanitary sewers; subject to meeting project specifications and being within the 2012 recommended budget of \$250,000 for capital project ECP 004-09 "Stormwater and Sanitary Master Plan"; and subject to the terms and conditions of the City's Purchasing By-law 400-2004 (as amended); and
- VII. That subject to the results of the hydraulic modelling and Master Plans that the City Engineer **REPORT** to Council, as part of a future Capital Budget deliberations, provide a report with recommendations for remedial works; and
- VIII. That Council **APPROVE** \$300,000 to be drawn from the Lou Romano Water Reclamation Plant Reserve (Fund 131) for the purpose of purchasing permanent flow monitoring equipment that will assist the City's treatment plants in making decisions which will optimize system capacity; and

- IX. That Council **PRE-COMMIT** \$200,000 in 2013, Capital Budget for smoke and dye testing to be used for assessing sewer conditions in targeted areas to be funded from Sewer Surcharge; and
- X. That Council **APPROVE** \$50,000 drawn from the Lou Romano Water Reclamation Plant Reserve (Fund 131) for the purpose of proceeding with updating the Rainfall Intensity Duration and Frequency (IDF) curves through the Essex Region Conservation Authority in partnership with interested local municipalities at a cost to the City not to exceed \$50,000; and
- XI. THAT the Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign any RFP's, RFT's, contracts or agreements arising out of recommendations V, VI, VII, VIII, IX and X approved as to technical content by the City Engineer, financial content by the City Treasurer and Chief Financial Officer, and as to legal content by the City Solicitor.

Carried.

Report Number **15652 SW2012 AFB/11050 C6**

Marra
Payne

CR129/2012

That City Council **AUTHORIZE** Administration to proceed with the removal of playground equipment as outlined in Project #PFO-017-12 in the amount of \$100,000 in 2012, and that it **BE ALLOCATED** as follows:

- 1) \$44,000 **BE USED** for an independent safety audit of all playground equipment, and that the Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign a contract in technical content and form to the City Solicitor, in financial content to the City Treasurer and in technical content to the satisfaction of the City Engineer;
- 2) \$56,000 **BE USED** to remove playground equipment in the priority noted in this report.

Carried.

Report Number **15932 SR2012 AFB/11050 C7**

Gignac
Dilkens

CR130/2012

- I) That Council **DIRECT** Administration to begin the public process of surplus parkland disposition as identified in the attached report and that in 2012, Long Park and Tilston Park South dispositions **BE UNDERTAKEN**; and
- II) That Administration **REPORT BACK** on the disposition of each surplus park after the public meeting process and plans for the disposed parkland; and
- III) That City Council allow funds from the sale of surplus parkland to **BE ALLOCATED** also to the removal and installation of playground equipment and the necessary policies **BE AMENDED** to reflect this.

Carried.

Councillor Sleiman was absent from the meeting when the vote was taken on this matter.

Report Number 15908 SR2012 AFB/11050 8

Appendices
Report

Marra
Payne

CR131/2012

1. That Council **APPROVE the close out of** City Hall Office Renovations (Project # 7062042 surplus \$383,127) and City Hall Council Chambers (Project #7081006 surplus \$121,555) for a total surplus of \$504,682; AND
2. A) That Council **APPROVE** the funding of \$105,720 from the 400 CHS Reserve to Capital Project 7101017 – Staff Accommodation Plan to cover 400 CHS costs already incurred related to Base Building adjustments as outlined in this report ; AND

B) The Council **APPROVE** the transfer of \$56,365 from Project # 7062042- City Hall Office Renovations to Capital Project 7101017 – Staff Accommodation Plan to cover additional costs incurred in relocation of staff and for ergonomic issues not previously contemplated, as outlined in this report; AND
3. That Council **APPROVE** the transfer of \$236,736 from Project # 7062042- City Hall Office Renovations to Project # 7086007 – Corporate Health and Safety to fund the deficit in this account; AND
5. The Council **APPROVE** the transfer of the balance of \$211,581 from Project # 7062042- City Hall Office Renovations and Project 7081006- City Hall Council Chambers to Fund the projects listed in Chart B of Appendix A accompanying this report.

Carried.

Report Number 15975 APM/9120 AFB/11050 C9

Marra
Payne

CR132/2012

That the tender as submitted by Landgraff Forestry Ltd., **BE EXTENDED** for an additional (1) one year term, in accordance with the terms and condition of the original tender call in accordance with Purchasing Policies and Procedures, By-law No. 400-2004, Section 29, Exercise of Contract Renewal Options, and further, that the City Solicitor **AMEND** the agreement for an additional (1) one year term.

Carried.

Report Number 15941 SR2012 AFB/11050 C10

Marra
Payne

CR133/2012

That the petition from the late Reverend Charles Payne **BE FORWARDED** to the Windsor Accessibility Advisory Committee for consideration, along with this report, to determine if any of the requests should be funded.

Carried.

Report Number **15851 ACO/11248 AFB/11050 C11**

Marra
Payne

CR134/2012

- I- That Administration **BE AUTHORIZED** to undertake the construction of the Advanced Utility Contract for the Windsor-Detroit Tunnel Canadian Plaza Improvements on behalf of the Ministry of Transportation with all costs (internal/external) recovered under the Let's Get Windsor-Essex Moving agreement between the Corporation of the City of Windsor and Her Majesty the Queen, and
- II- That Administration **BE AUTHORIZED** to issue a tender for the construction of the Advanced Utility Contract for the Windsor-Detroit Tunnel Canadian Plaza Improvements on behalf of the Ministry of Transportation; and,
- III- That the Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign a contract with the low tenderer, satisfactory in technical content to the City Engineer, in financial content to the Chief Financial Officer/City Treasurer, and in form to the City Solicitor.

Carried.

Report Number **15951 MTW/1137 AFB/11050 C12**

Marra
Payne

CR135/2012

That Council **ACCEPT** the submission by the Wenger Corporation to design, fabricate, deliver and install an orchestra shell and stage extension at the Capitol Theatre, in accordance with their submission in response to RFP 46-12 at a cost not to exceed \$194,113 plus HST, subject to the finalization of the lease agreement with the Windsor Symphony Orchestra; and

THAT the Chief Administrative Officer and the City Clerk **BE AUTHORIZED** to sign a contract with the winning proponent, Wenger Corporation satisfactory in form to the City Solicitor, in technical content to the Executive Director of Parks & Facilities and in financial content to the City Treasurer and Chief Financial Officer.

Carried.

Report Number **15952 APM/9485 AFB/11050 C13**

Jones
Marra

CR136/2012

That Council **APPROVE** a \$1.285 M placeholder to be approved and funded from the Federal Fuel Tax, subject to a report back to Council – (in addition to the existing \$500K placeholder approved in 2011) and that \$1.5M funding for the St. Rose 2012 Road Rehabilitation Project **BE RE-ALLOCATED** from Federal Fuel Tax to Sewer Surcharge.

Carried.

Report Number **15884 MI2012 AFB/11050 14**

Marra
Halberstadt

Clerk's Note: Administration is conducting a sewer assessment and maintenance and will report back in 2013.

Report Number **15674 ACO/11189 AFB/11050 15**

Marra
Payne

CR138/2012

THAT City Council **AUTHORIZE** Windsor Fire & Rescue Services to participate in a Joint Feasibility Study with All Essex County Fire Departments and the City of Windsor, to determine the viability, cost, and future needs of a joint fire training facility within the Windsor-Essex County area. Using a multi-departmental approach, this project is designed to enhance the City and County's ability to prevent, mitigate, plan, respond and recover from disasters and emergencies, while ensuring continuation of core services. A multi-municipal Steering Committee will be established to oversee and approve the project's deliverables. A Working Group will be established to develop and implement the project's deliverables, in accordance with terms of reference document approved by the County CAO for this feasibility study AND;

THAT City Council **AUTHORIZE** Windsor Fire & Rescue to incur upfront cost to a maximum of \$20,000 associated with the Joint Feasibility Study (net City cost of up to \$2300 or 1/9th share), to be offset by recoveries of up to \$2,300 from each of the participating County Fire Departments, this amount to **BE FUNDED** from the Training Facility Location Capital Project 7032090.

Carried.

Report Number **15807 SF2012 AFB/11050 C16**

Marra
Payne

CR139/2012

I. That **APPROVAL BE GIVEN** to Administration to enter into discussions with representatives of Infrastructure Ontario for the continuing lease, licence and/or acquisition of the parking lot currently owned by the Province and used by the City for parking at Mackenzie Hall; and

II. That Administration **BE DIRECTED** to report back to Council the results of the discussions with Infrastructure Ontario.

Carried.

Report Number **15970 APM2012 AFB/11050 C17**

Jones
Gignac

CR140/2012

That the report of the Executive Director of Parks & Facilities dated May 31, 2012 regarding the condition and options for 350 City Hall Square **BE RECEIVED** for information; and further,

That Administration **BE AUTHORIZED** to complete a full financial analysis, including a business case to support a recommendation to Council of the following option related to the building located at 350 City Hall Square:

Construct a new building with other entities as tenants – to be sought out and returned to Council;

AND That Administration, through the delegation of authority process, **BE AUTHORIZED** to obtain appraisals, building condition reports and other reports, inspections, or testing which it deems necessary to assist in the financial analysis of this option, with an upset limit of \$150,000.00 (being the CAO authority under the Purchasing bylaw), and that those costs **BE FUNDED** from the Capital Expenditure Reserve – Fund 160; and

That the Chief Administrative Officer **BE DELEGATED** the authority to explore options to lease, for purposes of the 350 City Hall Square building (“350 CHS”) project, in order that the City can obtain the most cost effective leasing arrangements for the temporary relocation of Administration, if such relocation should be deemed necessary.

Carried.

Report Number **15978 APM/9120 AFB/11050 18**

Marra
Payne

CR141/2012

That **APPROVAL BE GIVEN** to retain the services of Tower Restoration Ltd. for \$239,500 to **BE FUNDED** from fund 403 (JJF Capital Maintenance Trust), to carry out the exterior wall sealant replacement at the Windsor Justice Facility in accordance with their Bid in response to City of Windsor RFT Number 38-12 and; further,

That the City Solicitor **BE AUTHORIZED** to prepare a contract for those services; and further,

That the Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign the contract, satisfactory in form to the City Solicitor, in technical content the Executive Director of Parks and Facility Operations, and financial content the City Treasurer.

Carried.

Report Number **15974 APM11491 C19**

Marra
Payne

CR142/2012

That the results of the email poll conducted by the City Clerk on June 5, 2012 approving the following **BE CONFIRMED AND RATIFIED**:

1. That City Council **APPROVE** the recommended procedure for larviciding and mosquito monitoring program for 2012, as determined by the Medical Officer of Health; and
2. That City Council **APPROVE** future West Nile larviciding requirements as determined by the Medical Officer of Health through CAO Delegation of Authority.
3. That the Chief Administrative Officer **BE AUTHORIZED** to sign the letter of support for the larviciding program to the Ministry of Environment.

Carried.

Report Number **15985 MH/7417 C20**

Hatfield
Valentinis

CR143/2012

That the request of the Windsor Parade Corporation for a waiver of fees for the Canada Day Parade to be held on July 1, 2012 and for future Santa Claus and Canada Day Parades for the remaining term of this Council **BE APPROVED**; and further, that the costs **BE CHARGED** to Waiver of Fees Department ID 0131691 with an offsetting credit to the respective departments.

Carried.
Councillor Gignac voting nay.

Report Number **15991 SR2012 21**

ADOPTED by Council at its meeting held June 18, 2012 [M274-2012]
SV/bm

SPECIAL MEETING OF COUNCIL – IN CAMERA
June 18, 2012

Meeting called to order at: 3:03 p.m.

Members in Attendance:

Mayor E. Francis
Councillor D. Dilkens
Councillor R. Jones
Councillor A. Halberstadt
Councillor F. Valentinis
Councillor B. Marra (arrives at 3:25 p.m.)
Councillor P. Hatfield
Councillor J. Gignac
Councillor A. Maghnieh (arrives at 3:08 p.m.)
Councillor H. Payne
Councillor E. Sleiman

Also in attendance:

H. Reidel, Chief Administrative Officer
M. Sonego, City Engineer and Corporate Leader Environmental Protection and Transportation
G. Wilkki, City Solicitor and Corporate Leader Economic Development and Public Safety
S. Vlachodimos, Deputy Clerk
O. Colucci, Chief Financial Officer/City Treasurer and Corporate Leader Finance and Technology
M. Nazarewich, Senior Legal Counsel (Item 4)
M. Stamp, Property Supervisor (Items 5 and 6)
C. Glassford, Legal Counsel (Item 5)
P. Brode, Senior Legal Counsel (Item 1)
J. Miceli, Executive Director of Parks and Facilities (Item 5)
J. Guthrie, Deputy Treasurer Taxation and Financial Projects (Item 5)

**Verbal Motion is presented by Councillor Sleiman, seconded by Councillor Gignac,
to move in Camera for discussion of the following item(s):**

<u>o.</u>	<u>Subject</u>	<u>– Pursuant to Municipal Act, 2001, as amended</u>
1.	property matter – claim	239(2)(e)(f)

2.	ty/legal matter – claim	239(2)(c)(e)
3.	al matter – about identifiable individuals	239(2)(b)
4.	matter – litigation	239(2)(e)(f)
5.	ty matter – agreement	239(2)(a)(c)(e)(f)
6.	ty = sale of land	239(2)(c)
7.	ty matter – disposition of property – verbal report	239(2)(c)

Motion Carried.

Declarations of Pecuniary Interest:

None declared.

Discussion on the items of business. (Items 1, 2, 3, 4, 5, 6 and 7)

Verbal Motion is presented by Councillor Marra, seconded by Councillor Sleiman, that Rule 3.3 (c) of the *Procedure By-law, 98-2011*, BE WAIVED to add the following Agenda item:

8. **Border Update – update on Legal matters (Section 239(2)(a)(c)(e)(f), *Municipal Act*)**

Motion Carried.

Discussion on the item of business. (Item 8)

Verbal Motion is presented by Councillor Marra, seconded by Councillor Hatfield, to move back into public session.

Motion Carried.

Moved by Councillor Dilkens, seconded by Councillor Jones, THAT the Clerk BE DIRECTED to transmit the recommendation(s) contained in the report(s) discussed at the In-Camera Council Meeting held June 18, 2012 directly to Council for consideration at the next Regular Meeting.

1. That the recommendation contained in the in-camera report from the City Engineer and Corporate Leader Environmental Protection and Transportation, City Solicitor and Corporate Leader Economic Development

and Public Safety and Chief Financial Officer/City Treasurer and Corporate Leader Finance and Technology respecting a legal/property matter - claim **BE APPROVED**.

2. That the recommendation contained in the in-camera report from the City Engineer and Corporate Leader Environmental Protection and Transportation, City Solicitor and Corporate Leader Economic Development and Public Safety and Chief Financial Officer/City Treasurer and Corporate Leader Finance and Technology respecting a property/legal matter - claim **BE APPROVED**.

3. That the recommendation contained in the in-camera report from the Senior Manager Pollution Control, Executive Director of Operations, City Engineer and Corporate Leader Environmental Protection and Transportation, Chief Financial Officer/City Treasurer and Corporate Leader Finance and Technology and City Solicitor and Corporate Leader Economic Development and Public Safety respecting a personal matter about identifiable individuals **BE APPROVED**.

Councillors Jones and Hatfield voting nay.

4. That in-camera report from Senior Legal Counsel, City Solicitor and Corporate Leader Economic Development and Public Safety, City Engineer and Corporate Leader Environmental Protection and Transportation and Chief Financial Officer/City Treasurer and Corporate Leader Finance and Technology respecting a legal matter - litigation **BE REFERRED** to Administration and that they **PROCEED** in accordance with the verbal instructions of Council.

5. That the confidential report from the Property Supervisor, Legal Counsel, Deputy Treasurer, Taxation and Financial Projects Executive Director of Parks and Facilities, City Solicitor and Corporate Leader Economic Development and Public Safety and Chief Financial Officer/City Treasurer and Corporate Leader Finance and Technology respecting a property matter – agreement **BE RECEIVED** and further that Administration **BE AUTHORIZED** to proceed in accordance with the verbal direction of Council.

Councillors Halberstadt, Payne and Hatfield voting nay.

6. That the recommendation contained in the in-camera report from the Property Supervisor, City Solicitor and Corporate Leader Economic Development and Public Safety, Executive Director of Parks and Facility Operations, City Engineer and Corporate Leader Environmental Protection and Transportation and Chief Financial Officer/City Treasurer and Corporate Leader Finance and Technology respecting a property – sale of land **BE APPROVED**.

7. That the confidential verbal report respecting a property matter – disposition of property **BE RECEIVED** and further that Administration **BE AUTHORIZED** to proceed in accordance with the verbal direction of Council.

8. That the verbal report from the Mayor regarding a border update – legal matters **BE RECEIVED**.

Motion Carried.

**Moved by Councillor Dilkens, seconded by Councillor Jones,
That the special meeting of council held June 18, 2012 BE ADJOURNED.
(Time: 4:45 p.m.)**

Motion Carried.

ADOPTED by Council at its meeting held June 18, 2012 [M275-2012]

SV/bm

Windsor, Ontario, June 18, 2012

REPORT OF THE STRIKING COMMITTEE
of its meeting held
June 18, 2012

PRESENT: Mayor E. Francis
Councillor J. Gignac
Councillor R. Jones
Councillor B. Marra
Councillor F. Valentinis
Councillor P. Hatfield
Councillor E. Sleiman
Councillor A. Halberstadt
Councillor H. Payne
Councillor D. Dilken

ABSENT: None

Declarations of Pecuniary Interest:

None declared.

Your Committee submits the following recommendations:

1. That the resignation of Councillor Payne on the *Windsor Public Library Board* **BE ACCEPTED** and that Councillor Hatfield **BE APPOINTED** to the Board for the term expiring November 30, 2014 to fill the vacancy of Councillor Payne.

(2) That Councillor Payne **BE APPOINTED** to the *Social Development, Health and Culture Standing Committee* for the term expiring November 30, 2014 to fill the vacancy of Councillor Maghnieh.

CHAIR

CITY CLERK