DATE March 26, 2012 – 7 p.m.

Please turn off or place on non-audible all cell phones, PDAs, Blackberrys and pagers during the meeting.

O Canada – Istiana Bestar
Silent Prayer
Disclosure of Pecuniary Interest

PRESENTATION

a) Presentation of the 2012 Access Recognition Awards to:
   • Janice Centurione – Outstanding Contribution of an Adult
   • Ashley Kuchar – Outstanding Contribution of an Adult
   • Carin Headrick – Outstanding Contribution of an Adult
   • Dr. Bianca Ferenczy – Outstanding Contribution of an Adult
   • Brad Coutts – Outstanding Contribution of an Adult
   • Melissa Brooks – Outstanding Contribution of an Adult
   • John Martini – Outstanding Contribution of an Adult

b) Tim Morris, Freshwater Program Director with the Walter and Duncan Gordon Foundation (also present Lindsay Telfer, National Coordinator for Canada Water Week and Meena Jagait, Abstract Artist (donor of the painting/award): presentation of a Certificate of Recognition for the City’s contribution to Canada Water Week.

CONFIRMATION OF MINUTES (Councillor Dennis)

"THAT the minutes of the Council Meetings held February 22, 27 and March 5 and 6, 2012 and the minutes of Closed Meetings of Council held on February 27 and March 5, 2012 be confirmed as recorded and without being read."

CONSENT REPORTS/AGENDA – ITEMS TO BE EXTRACTED

The following resolutions have been prepared to facilitate Council’s consideration of the various matters and are suggested for consideration. If Council wishes to address a specific report in isolation of the Consent Reports/Agenda, please identify the item. The item will be extracted and dealt with separately. The balance of the Consent Reports/Agenda will be approved in one resolution.

Consent Reports/Agenda from:
Operations & Transit Committee

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<tr>
<th>Item</th>
<th>City Presentation</th>
<th>Delegations</th>
<th>To be Extracted</th>
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<td>OT -1</td>
<td>U-Pass Contract Renewal</td>
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Adoption of balance of Operations & Transit Committee Third Consent Report - Councillor Findlay, Chair

Planning & Building, Engineering and Environment Committee

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<tr>
<td>PBEE-1</td>
<td>148-152 Macdonell Street Brownfield Redevelopment Community Improvement Plan – Tax Increment-Based Grant Request</td>
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Adoption of balance of Planning & Building, Engineering and Environment Committee Third Consent Report - Councillor Piper, Chair

Closed Meeting of Council

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<td>COW-1</td>
<td>Citizen Appointment to the Water Conservation and Efficiency Public Advisory Committee</td>
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Adoption of balance of the Closed Meeting of Council Third Consent Report–

Council Consent Agenda

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ITEMS EXTRACTED FROM COMMITTEES OF COUNCIL REPORTS AND COUNCIL CONSENT AGENDA (Chairs to present the extracted items)

Once extracted items are identified, they will be dealt with in the following order:

1) delegations (may include presentations)
2) staff presentations only
3) all others.

Reports from:

- Operations & Transit – Councillor Findlay
- Planning & Building, Engineering and Environment – Councillor Piper
- Closed Meeting of Council –
- Council Consent – Mayor Farbridge

SPECIAL RESOLUTIONS

Councillor Bell’s Motion for which notice was given February 27, 2012

That the matter of reconsidering the City’s water/and wastewater rate policy be referred to Planning & Building, Engineering and Environment Committee with respect to the issue of water leaks causing high bills and financial hardship for residential customers.

Delegation:
- Gary Pomfret

BY-LAWS
Resolution – Adoption of By-laws (Councillor Findlay)
MAYOR’S ANNOUNCEMENTS
Please provide any announcements, to the Mayor in writing, by 12 noon on the day of the Council meeting.

NOTICE OF MOTION

ADJOURNMENT
Council convened in special session for the purpose of a strategic planning workshop at 5:30 p.m.

Present: Mayor Farbridge, Councillors Bell, Burcher, Dennis, Findlay (arrived at 5:55pm), Furfaro, Guthrie, Hofland, Kovach Laidlaw, Piper, and Wettstein

Absent: Councillor Van Hellemond

Staff Present: Ann Pappert, Chief Administrative Officer, Mr. M. Amorosi, Executive Director, Corporate and Human Resources, Dr. J. Laird, Executive Director, Planning, Engineering & Environmental Services; Mr. D. McCaughan, Executive Director, Operations and Transit; Ms. C Bell, Executive Director, Community and Social Services; Mr. B. Labelle, City Clerk; Ms. D. Jaques, General Manager of Legal and Realty Services/City Solicitor; Peter Cartwright, General Manager of Economic Development; Ms. H. Roseveare, Communications; Mr. R. Keller, General Manager, Public Works, Ms. Kerry Pletch, Organizational Development Specialist; Ms. D Nixon, Manager, Staffing/Workforce Planning and Development; Ms. B. Boisvert, Corporate Manager, Strategic Planning and Corporate Initiatives; and Ms. T. Agnello, Deputy City Clerk

STRATEGIC PLAN WORKSHOP - PART 1

Welcome

Brenda Boisvert welcomed those present and gave a brief overview of the agenda items and meeting objectives.

DECLARATIONS UNDER MUNICIPAL CONFLICT OF INTEREST ACT

There was no declaration of pecuniary interest.

Opening Remarks

Mayor Farbridge provided opening remarks and stated that an important decision point is to determine if change is required and if so what the pace of change will be.

Councillor Findlay arrived at the meeting.

Introduction to Draft Critical Issues and Business Imperatives
Ann Pappert reviewed a situational analysis spreadsheet which includes drivers, citizen survey information, a SWOT analysis, issues scoping/operational review, and findings from the budget and provided key messages for the workshop as follows:

- there needs to be agreement on where we are now
- there needs to be agreement on critical issues
- there needs to be agreement on business imperatives
- there needs to be a determination regarding how bold we want to be in achieving goals.

She defined a business imperative as something not to be avoided, which is necessary, and does not have the option of not working.

**Small Group Exercise: Validation of Draft Critical Issues and Business Imperatives**

The participants broke out in to work groups for the purpose of identifying critical issues and business imperatives.

**Setting the Stage: Corporate Strategic Plan Effort in Context**

Ann Pappert reviewed the information on whole systems thinking, delivering public service better, and bold culture change.

**Plenary Discussion**

Brenda Boisvert led the group in an exercise to determine “How bold are you prepared to be with the Corporate Strategic Plan” and at what pace do you want to implement change.

**NEXT MEETING -** March 6, 2012

**ADJOURNMENT**

The meeting adjourned at 7:45 o’clock p.m.

Minutes read and confirmed March 26, 2012.

.................................................................
Mayor

.................................................................
Deputy Clerk
Council Caucus Room  
February 27, 2012 5:30 p.m.

A meeting of Guelph City Council.

Present: Mayor Farbridge, Councillors Bell, Burcher, Dennis, Findlay, Furfaro, Guthrie, Hofland, Kovach, Laidlaw, Piper, Van Hellemont and Wettstein

Staff Present: Ms. A. Pappert, Chief Administrative Officer; Mr. M. Amorosi, Executive Director of Corporate & Human Resources; Dr. J. Laird, Executive Director of Planning & Building, Engineering and Environment; Mr. D. McCaughan, Executive Director of Operations & Transit; Ms. C. Bell, Executive Director of Community & Social Services; Ms. S. Aram, Acting Treasurer; and Mr. B. Labelle, City Clerk

1. Moved by Councillor Hofland  
   Seconded by Councillor Findlay  
   THAT the Council of the City of Guelph now hold a  
   meeting that is closed to the public with respect to:

   Labour Relations Matter  
   S. 239 (2) (d) of the Municipal Act - labour relations or  
   employee negotiations

   Shared Rental Housing  
   S. 239 (2) (f) of the Municipal Act - advice that is  
   subject to solicitor-client privilege

   Lien Claim  
   S. 239 (2) (e) of the Municipal Act - litigation or  
   potential litigation

   Citizen Appointment to the Water Conservation &  
   Efficiency Public Advisory Committee  
   S. 239 (2) (b) of the Municipal Act - personal matters  
   about identifiable individuals

   Carried

The meeting adjourned at 5:31 o’clock p.m.

.................................................................................  
Mayor

.................................................................................  
Clerk
Council Caucus Room  
February 27, 2012 5:32 p.m.

A meeting of Guelph City Council closed to the public.

Present: Mayor Farbridge, Councillors Bell, Burcher, Dennis, Findlay, Furfaro, Guthrie, Hofland, Kovach, Laidlaw, Piper, Van Hellemont and Wettstein

Staff Present: Ms. A. Pappert, Chief Administrative Officer; Mr. M. Amorosi, Executive Director of Corporate & Human Resources; Dr. J. Laird, Executive Director of Planning & Building, Engineering and Environment; Mr. D. McCaughan, Executive Director of Operations & Transit; Ms. C. Bell, Executive Director of Community & Social Services; and Mr. B. Labelle, City Clerk

DECLARATIONS UNDER MUNICIPAL CONFLICT OF INTEREST ACT

There were no declarations.

Labour Relations Matter

Staff provided an update with respect to a labour relations matter.

Shared Rental Housing

Staff provided information with respect to Council waiving their solicitor-client privilege and closed meeting confidentiality with respect to the Shared Rental Housing Matter.

1. Moved in amendment by Councillor Piper  
   Seconded by Councillor Burcher  
   THAT the Report of Legal & Realty Services and the City Clerk’s Department be received and;

   THAT staff be directed to publish a report on the March 5, 2012 open session agenda of Council Planning with respect to providing information in relation to the following matters which were considered by Council at its closed meeting on January 30, 2012 and were subject to solicitor-client privilege and closed meeting confidentiality:

   - Costs to date
   - Costs of Proceeding to a Full Hearing
   - Ontario Human Rights Commission
   - Benefits of Repealing the Amendment
• Implications for the Interim Control By-law
• Site Specific Committee of Adjustment OMB Appeals

Carried

Lien Claim

Staff provided an overview and status report with respect to ongoing legal matters in relation to a lien claim.

2. Moved in amendment by Councillor Findlay
   Seconded by Councillor Burcher
   That staff be given direction with respect to a litigation matter involving a lien claim.

Carried

Citizen Appointment to the Water Conservation & Efficiency Public Advisory Committee

3. Moved by Councillor Guthrie
   Seconded by Councillor Hofland
   That staff be given direction with respect to a citizen appointment to the Water Conservation & Efficiency Public Advisory Committee.

Carried

The meeting adjourned at 6:38 o’clock p.m.

Clerk

Council Chambers
February 27, 2012

Council reconvened in formal session at 7:00 p.m.

Present: Mayor Farbridge, Councillors Bell, Burcher, Dennis, Findlay, Furfaro, Guthrie, Hofland, Kovach, Laidlaw, Piper, Van Hellemont and Wettstein
Staff Present: Ms. A. Pappert, Chief Administrative Officer; Mr. M. Amorosi, Executive Director of Corporate & Human Resources; Dr. J. Laird, Executive Director of Planning & Building, Engineering and Environment; Mr. D. McCaughan, Executive Director of Operations & Transit; Ms. C. Bell, Executive Director of Community & Social Services; Ms. S. Aram, Acting Treasurer; Mr. B. Labelle, City Clerk; and Ms. J. Sweeney, Council Committee Coordinator

Youthopia, Youth for Inclusion choir lead the singing of O’Canada.

DECLARATIONS UNDER MUNICIPAL CONFLICT OF INTEREST ACT

There was no declaration of pecuniary interest.

PRESENTATIONS

Susan Ratcliffe on behalf of Heritage Guelph, in recognition of “Heritage Week”, assisted the Mayor in the presentation of Heritage Designation Plaques to the following:

- 60 Manitoba Street – Ben Polley
- 9 Douglas Street – Anne Forestell
- 81 Farquhar Street – Jeff Bousfield
- 340 Woolwich Street – Joe Gummerson and Bradly Butts (were not present)
- 344 Woolwich Street – Linda Migliaccio
- 348 Woolwich Street – Michael Crawley
- 12 Mont Street – Michael Crawley

1. Moved by Councillor Bell
   Seconded by Councillor Hofland
   THAT the minutes of the Council meetings held on January 30 and February 6, 2012 and the minutes of the Council meeting held in Committee of the Whole on January 25, 30 and February 6, 2012 be confirmed as amended, to correct the spelling of Labour on the January 25th minutes and to include the Mover and Seconders for Resolutions #1 in the January 30th and February 6th Council minutes.

   VOTING IN FAVOUR: Councillors Bell, Burcher, Dennis, Findlay, Furfaro, Guthrie, Hofland, Kovach, Laidlaw, Piper, Van Hellemond, Wettstein and Mayor Farbridge (13)

   VOTING AGAINST: (0)

   Carried
CONSENT REPORTS AND AGENDAS

The following item was extracted from the Community & Social Services Committee First Consent Report to be voted on separately:

- CSS-1  Proposed Change to Non-Prescribed (Discretionary) Social Services Funeral Rates

The following item was extracted from the Operations & Transit Committee Second Consent Report to be voted on separately:

- OT-1  Commemorative Tree Plaques

The following item was extracted from the Planning & Building, Engineering and Environment Committee Second Consent Report to be voted on separately:

- PEES-3  Brooklyn and College Hill Heritage Conservation District Designation Process – Summary of Phase One and Recommendation to Proceed to Phase Two

Councillor Piper presented the balance of the Planning & Building, Engineering and Environment Committee Second Consent Report.

2. Moved by Councillor Piper
Seconded by Councillor Burcher
THAT the balance of the February 27, 2012 Planning & Building, Engineering and Environment Committee Second Consent Report as identified below, be adopted:

a) Sign By-law Variance for 60 Woodlawn Road East (Village of Riverside Glen Retirement Residence)

Dr. J. Laird  
Mr. B. Poole

THAT Report 12-13 regarding a sign variance for 60 Woodlawn Road East from Planning & Building, Engineering and Environment dated February 21, 2012 be received;

AND THAT the request for a variance from the Sign By-law for 60 Woodlawn Road East to permit four mobile signs per year be approved.

b) Sign By-law Variance for 130 Macdonell Street (Co-operators)

Dr. J. Laird  
Mr. B. Poole

THAT Report 12-15 regarding a sign variance for 130 Macdonell Street from Planning & Building, Engineering and Environment, dated February 21, 2012, be received;
AND THAT the request for a variance from the Sign By-law for 130 Macdonell Street to permit a temporary banner sign for one year be approved.

VOTING IN FAVOUR: Councillors Bell, Burcher, Dennis, Findlay, Furfaro, Guthrie, Hofland, Kovach, Laidlaw, Piper, Van Hellemond, Wettstein and Mayor Farbridge (13)

VOTING AGAINST: (0)

Carried

Councillor Kovach presented the Council as Committee of the Whole Second Consent Report.

3. Moved by Councillor Kovach
   Seconded by Councillor Guthrie
   THAT the February 27, 2012 Council as Committee of the Whole Consent Report as identified below, be adopted:

   a) **Citizen Appointments to the Elliott Community Board of Trustees**

   Mr. B. Labelle

   THAT Council confirm the re-appointment of Stephanie Kibbee and Randall Wilson to the Elliott Community Board of Trustees for a three year term expiring November 2014;

   AND THAT Dr. Clare Rennie and Dr. Hugh Rose be re-appointed to the Elliott Community Board of Trustees for a term of six (6) months.

   b) **Citizen Appointment to the Accessibility Advisory Committee**

   Mr. B. Labelle

   THAT Melissa Tolton be appointed to the Accessibility Advisory Committee for a term ending November 2012.

   VOTING IN FAVOUR: Councillors Bell, Burcher, Dennis, Findlay, Furfaro, Guthrie, Hofland, Kovach, Laidlaw, Piper, Van Hellemond, Wettstein and Mayor Farbridge (13)

   VOTING AGAINST: (0)

   Carried

Councillor Hofland presented the Nominating Committee First Consent Report.
4. Moved by Councillor Hofland  
   Seconded by Councillor Burcher  
   THAT the February 27, 2012 Nominating Committee First  
   Consent Report as identified below, be adopted:  

   a) **Councillor Appointments to the Wellington-Dufferin-Guelph Board of Health**  

   Ms. A. Rayburn  
   Coun. Burcher  
   Coun. Hofland  
   Counc. Wettstein  
   Ms. A. Pappert  

   THAT Councillors Burcher, Hofland and Wettstein be appointed to the Wellington-Dufferin Guelph Board of Health for a term expiring November 2012.  

   VOTING IN FAVOUR: Councillors Bell, Burcher, Dennis, Findlay, Furfaro, Guthrie, Hofland, Kovach, Laidlaw, Piper, Van Hellemond, Wettstein and Mayor Farbridge (13)  

   VOTING AGAINST: (0)  

   Carried  

**Consent Agenda**  

The following item was extracted from the February 27, 2012 Consent Agenda to be voted on separately:  

- A-1 Award Contract no. 11-199 – Supply and Distribution of Carts and Kitchener Catchers  

5. Moved by Councillor Piper  
   Seconded by Councillor Dennis  
   THAT the balance of the February 27, 2012 Council Consent Agenda as identified below, be adopted:  

   a) **22 Mason Court – Upcoming Municipal Board Hearing (File A-105/11) – Ward 5**  

   Dr. J. Laird  
   Ms. D. Jaques  

   THAT Report 12-20 dated February 27, 2012 regarding an appeal from the Committee of Adjustment Decision A-105/11 refusing a minor variance to Interim Control By-law Number (2010)-19019 to recognize an existing 64.6 m² accessory apartment in a semi-detached dwelling at 22 Mason Court, City of Guelph, from Planning & Building, Engineering and Environment be received;  

   AND THAT the City not be a party at any upcoming OMB proceedings regarding an appeal from the Committee of Adjustment’s decision A-105/11 refusing a minor variance to Interim Control By-law Number (2010)-19019 to recognize an existing 64.6 m² accessory apartment in a semi-detached dwelling at 22 Mason Court.
b) **29 Curzon Crescent – Upcoming Ontario Municipal Board Hearing (File A-103/11) – Ward 4**

Dr. J. Laird
Ms. D. Jaques

THAT Report 12-23 dated February 27, 2012 regarding an appeal from the Committee of Adjustment Decision A-103/11 refusing a minor variance to permit a 6.58 metre wide driveway, which constitutes 87.73% of the front yard of a semi-detached dwelling at 29 Curzon Crescent, City of Guelph, from Planning & Building, Engineering and Environment be received;

AND THAT the City be a party at any upcoming OMB proceedings regarding an appeal from the Committee of Adjustment’s decision A-103/11 refusing a minor variance to permit a 6.58 metre wide driveway, which constitutes 87.73% of the front yard of a semi-detached dwelling at 29 Curzon Crescent, City of Guelph, and that appropriate staff attend any future Ontario Municipal Board proceedings to support Council’s direction.

VOTING IN FAVOUR: Councillors Bell, Burcher, Dennis, Findlay, Furfaro, Guthrie, Hofland, Kovach, Laidlaw, Piper, Van Hellemont, Wettstein and Mayor Farbridge (13)

VOTING AGAINST: (0)

Carried

**Brooklyn and College Hill Heritage Conservation District Designation Process – Summary of Phase 1 and Recommendation to Proceed to Phase 2**

Councillor Piper presented Clause 3 that was extracted from the Planning & Building, Engineering and Environment Committee Second Consent Report.

6. Moved by Councillor Piper
   Seconded by Councillor Burcher
   THAT the Brooklyn and College Hill Heritage Conservation District Study – Heritage Assessment Report (February 2012) be received;

AND THAT staff be directed to proceed with the second phase of the Brooklyn and College Hill Heritage Conservation District designation process for the purposes of creating a Draft Brooklyn and College Hill Heritage Conservation District Plan and Design Guidelines according to Part V, Section 40(1) of the Ontario Heritage Act;
AND THAT the proposed Heritage Conservation District boundary, as Attachment 1 of the report, recommended by the consultant in the Brooklyn and College Hill Heritage Conservation District Study – Heritage Assessment Report (February 2012 - Attachment 2) be acknowledged and that staff be directed to report back to Council with a final recommended Heritage Conservation District boundary during the second phase of the Brooklyn and College Hill Heritage Conservation District designation process.

Mr. David Cuming of MHBC Planning outlined the boundary guidance for the Brooklyn and College Hill Heritage Designation. He advised of the mapping used from the 1860’s and 1920’s to identify historical features. He also advised that an inventory of streetscapes, riverscapes, open space & parks and architecture built form was created.

Mr. Stephen Robinson, Senior Heritage Planner highlighted the rationale for proceeding to Phase 2 and this phase will provide more opportunity for the community to express their opinions and will provide more detail on what the conservation district would consist of.

DELEGATIONS

Mr. Michael Lackowicz, Guelph resident, expressed concern regarding the four per cent response rate and composition of questions associated with a questionnaire sent out to residents within and adjacent to the subject area. He advised that he would be willing to assist the City in doing a door-to-door survey. He requested that phase two of the Heritage Conservation District study be deferred to allow for more citizen involvement with respect to some of the general concerns raised as part of the public consultation process.

Ms. Robin-Lee Norris, on behalf of the Jamieson family, owners of the majority share of James Street East properties, advised that the owners are opposed to the inclusion of James Street East within the Heritage Conservation District. She expressed concerns regarding the lack of time available with which to properly review and provide an assessment of the consultant’s study noting that materials referenced therein were flawed. Ms. Norris requested a one month deferral to allow for a Heritage Planner retained by the Jamieson’s to complete a peer review of the study.

Mr. John Gruzleski representing the Old University Neighbourhood Residents Association, spoke in support of
the study and urged Council to move into the second phase as he indicated that it would address many of the outstanding concerns.

Council posed various questions to staff for clarification and follow up and discussed the matter in detail.

It was requested that the clauses be voted on separately.

7. Moved by Councillor Piper  
Seconded by Councillor Burcher  
THAT the Brooklyn and College Hill Heritage Conservation District Study – Heritage Assessment Report (February 2012) be received.

AND THAT staff be directed to proceed with the second phase of the Brooklyn and College Hill Heritage Conservation District designation process for the purposes of creating a Draft Brooklyn and College Hill Heritage Conservation District Plan and Design Guidelines according to Part V, Section 40(1) of the Ontario Heritage Act.

AND THAT the proposed Heritage Conservation District boundary, as Attachment 1 of the report, recommended by the consultant in the Brooklyn and College Hill Heritage Conservation District Study – Heritage Assessment Report (February 2012 - Attachment 2) be acknowledged and that staff be directed to report back to Council with a final recommended Heritage Conservation District boundary during the second phase of the Brooklyn and College Hill Heritage Conservation District designation process.

8. Moved in Amendment by Councillor Bell  
Seconded by Councillor Guthrie  
THAT the boundaries for the Brooklyn and College Hill Heritage Conservation District be adjusted slightly by removing James Street East.

VOTING IN FAVOUR: Councillors Bell, Furfaro, Guthrie, Kovach, Van Hellemont and Wettstein (6)

VOTING AGAINST: Councillors Burcher, Dennis, Findlay, Hofland, Laidlaw, Piper and Mayor Farbridge (7)

Defeated

9. Moved in Amendment by Councillor Burcher  
Seconded by Councillor Hofland  
THAT staff report back to the April 16, 2012 meeting of the Planning, Building, Engineering and Environment
Committee to present a timeline to address the outstanding boundary issues.

VOTING IN FAVOUR: Councillors Bell, Burcher, Dennis, Findlay, Furfaro, Guthrie, Hofland, Kovach, Laidlaw, Piper, Van Hellemond, Wettstein and Mayor Farbridge (13)

VOTING AGAINST: (0)

Carried

10. Moved in Amendment by Councillor Furfaro
    Seconded by Council Van Hellemo
THAT staff report back to the April 16, 2012 meeting of the Planning, Building, Engineering and Environment Committee on a proposed public consultation program to be carried out as part of the second phase of the Heritage Conservation District designation process.

VOTING IN FAVOUR: Councillors Bell, Burcher, Dennis, Findlay, Furfaro, Guthrie, Hofland, Kovach, Laidlaw, Piper, Van Hellemo, Wettstein and Mayor Farbridge (13)

VOTING AGAINST: (0)

Carried

11. Moved by Councillor Piper
    Seconded by Councillor Burcher
THAT the Brooklyn and College Hill Heritage Conservation District Study – Heritage Assessment Report (February 2012) be received.

VOTING IN FAVOUR: Councillors Bell, Burcher, Dennis, Findlay, Furfaro, Guthrie, Hofland, Laidlaw, Piper, Wettstein and Mayor Farbridge (11)

VOTING AGAINST: Councillors Kovach and Van Hellemo (2)

Carried

12. Moved by Councillor Piper
    Seconded by Councillor Burcher
THAT staff be directed to proceed with the second phase of the Brooklyn and College Hill Heritage Conservation District designation process for the purposes of creating a Draft Brooklyn and College Hill Heritage Conservation District Plan and Design Guidelines according to Part V, Section 40(1) of the Ontario Heritage Act.
VOTING IN FAVOUR: Councillors Bell, Burcher, Findlay, Furfaro Guthrie, Hofland, Laidlaw, Piper, Wettstein and Mayor Farbridge (10)

VOTING AGAINST: Councillors Dennis, Kovach and Van Hellemondt (3)

Carried

13. Moved by Councillor Piper
   Seconded by Councillor Burcher
   THAT the proposed Heritage Conservation District boundary, as Attachment 1 of the report, recommended by the consultant in the Brooklyn and College Hill Heritage Conservation District Study – Heritage Assessment Report (February 2012 - Attachment 2) be acknowledged and that staff be directed to report back to Council with a final recommended Heritage Conservation District boundary during the second phase of the Brooklyn and College Hill Heritage Conservation District designation process.

VOTING IN FAVOUR: Councillors Burcher, Dennis, Findlay, Hofland, Laidlaw, Piper and Mayor Farbridge (7)

VOTING AGAINST: Councillors Bell, Furfaro, Guthrie, Kovach, Van Hellemondt and Wettstein (6)

Carried

14. Moved by Councillor Piper
   Seconded by Councillor Burcher
   Dr. J. Laird
   Mr. T. Salter
   Coun. L. Piper
   THAT the Brooklyn and College Hill Heritage Conservation District Study – Heritage Assessment Report (February 2012) be received;

   AND THAT staff be directed to proceed with the second phase of the Brooklyn and College Hill Heritage Conservation District designation process for the purposes of creating a Draft Brooklyn and College Hill Heritage Conservation District Plan and Design Guidelines according to Part V, Section 40(1) of the Ontario Heritage Act;

   AND THAT the proposed Heritage Conservation District boundary, as Attachment 1 of the report, recommended by the consultant in the Brooklyn and College Hill Heritage Conservation District Study – Heritage Assessment Report (February 2012 - Attachment 2) be acknowledged and that staff be directed to report back to Council with a final recommended Heritage Conservation District boundary during the second phase of the Brooklyn and College Hill Heritage Conservation District designation process;
AND THAT staff report back to the April 16, 2012 meeting of the Planning, Building, Engineering and Environment Committee to present a timeline to address the outstanding boundary issues;

AND THAT staff report back to the April 16, 2012 meeting of the Planning, Building, Engineering and Environment Committee on a proposed public consultation program to be carried out as part of the second phase of the Heritage Conservation District designation process.

VOTING IN FAVOUR: Councillors Bell, Burcher, Dennis, Findlay, Furfaro, Guthrie, Hofland, Laidlaw, Piper, Van Hellemond and Mayor Farbridge (11)

VOTING AGAINST: Councillors Kovach and Wettstein (2)

Carried

Councillor Burcher retired from the meeting at 9:45 p.m.

**Proposed Change to Non-Prescribed (Discretionary) Social Services Funeral Rates**

Councillor Dennis presented Clause 1 of the Community & Social Services Committee First Consent Report.

15. Moved by Councillor Dennis
    Seconded by Councillor Laidlaw

THAT City funding for non-prescribed (discretionary) social services funeral rates be increased by 20% retroactively to January 1, 2012 to align with the County of Wellington’s Funeral Directors Fees and to more closely reflect actual costs for funeral services;

AND THAT the process for subsequent rate increases be negotiated as part of an agreement on social services between the City and County of Wellington as Consolidated Municipal Service Manager.

VOTING IN FAVOUR: Councillors Bell, Dennis, Findlay, Furfaro, Guthrie, Hofland, Kovach, Laidlaw, Piper, Van Hellemond, Wettstein and Mayor Farbridge (12)

VOTING AGAINST: (0)

Carried
Commemorative Tree Plaques

Councillor Findlay presented Clause 1 of the Operations & Transit Committee Second Consent Report.

16. Moved by Councillor Findlay  
   Seconded by Councillor Hofland  
   THAT the Operations & Transit Committee Report  
   OT021205 Commemorative Tree Plaques be received;

AND THAT commemorative tree plaques be permitted for a maximum display period of ten years;

AND THAT current commemorative tree plaques (including those in application status) be exempt from the maximum display period.

17. Moved by Councillor Guthrie  
   Seconded by Councillor Laidlaw  
   Mr. D. McCaughan  
   THAT the matter of Commemorative Tree Plaques be referred to staff to develop a method of commemoration that could be retained in perpetuity but at the same time be less obtrusive in parks than current methods.

VOTING IN FAVOUR: Councillors Bell, Findlay, Furfaro, Guthrie, Hofland, Kovach, Laidlaw, Van Hellemond and Wettstein (9)

VOTING AGAINST: Councillors Dennis, Piper and Mayor Farbridge (3)

Carried

Award Contract No. 11-199 – Supply and Distribution of Carts and Kitchen Catchers

In response to questions from Council, Mr. Dean Wyman, General Manager of Solid Waste Resources, highlighted the funding associated with Contract No. 11-199.

18. Moved by Councillor Hofland  
    Seconded by Councillor Laidlaw  
    Dr. J. Laird  
    Ms. S. Aram  
    THAT Council award contracts to:  
    • IPL Inc. for the supply of waste collection carts in the amount of $4,918,290;  
    • Toter Incorporated for the supply of kitchen catchers in the amount of $179,100;  
    • Delta Global Logistics Inc. for product distribution and exchange in the amount of $330,600, all exclusive of taxes;
AND THAT the 2012 Capital Budget be amended to reflect moving $1.2 million forward to 2012 from the 2013 Capital Budget.

VOTING IN FAVOUR: Councillors Bell, Dennis, Findlay, Furfaro, Hofland, Laidlaw, Piper, Van Hellemond, Wettstein and Mayor Farbridge (10)

VOTING AGAINST: Councillors Guthrie and Kovach (2)

Carried

SPECIAL RESOLUTION

19. Moved by Councillor Bell
   Seconded by Councillor Furfaro
   THAT the matter of “Mobile Street Vending Contract” to serve the bus users be referred to the Operations & Transit Committee to be resolved before the bus terminal opens.

VOTING IN FAVOUR: Councillors Bell, Dennis, Findlay, Furfaro, Guthrie, Hofland, Kovach, Laidlaw, Piper, Van Hellemond, Wettstein and Mayor Farbridge (12)

VOTING AGAINST: (0)

Carried

BY-LAWS

20. Moved by Councillor Laidlaw
    Seconded by Councillor Hofland
    THAT By-laws Numbered (2012)-19337 to (2012)-19345, inclusive, are hereby passed.

VOTING IN FAVOUR: Councillors Bell, Dennis, Findlay, Furfaro, Guthrie, Hofland, Kovach, Laidlaw, Piper, Van Hellemond, Wettstein and Mayor Farbridge (12)

VOTING AGAINST: (0)

Carried

MAYOR’S ANNOUNCEMENTS

Mayor Farbridge advised that Council, in closed session, had waived solicitor-client privilege and closed meeting confidentiality by way of directing staff to publish a report on the March 5, 2012 Council Planning agenda in order to provide context with respect to a previous decision of Council to repeal the zoning by-law amendments related
to Shared Rental Housing. She noted that the report would also provide next steps in addressing Shared Rental Housing concerns in the community.

**NOTICE OF MOTION**

Councillor Bell advised that he will be presenting a notice of motion at a future meeting with respect to waste water charged at the condominium located at 308 Watson Street.

**ADJOURNMENT**

The meeting adjourned at 10:10 o’clock p.m.

Minutes to be confirmed on March 26, 2012.

..................................................
Mayor

..................................................
Clerk
March 5, 2012

An Open Meeting of Guelph City Council

Present: Mayor Farbridge, Councillors Bell, Burcher, Dennis, Findlay, Furfaro, Guthrie, Hofland, Laidlaw (vacated at 9:30pm), Piper, Van Hellemont and Wettstein

Absent: Councillor Kovach

Staff Present: Ms. A. Pappert, Chief Administrative Officer; Mr. M. Amorosi, Executive Director of Corporate & Human Resources; Dr. J. Laird, Executive Director of Planning & Building, Engineering and Environment; Mr. D. McCaughan, Executive Director of Operations & Transit; Ms. C. Bell, Executive Director of Community & Social Services; Ms. S. Aram, Acting Treasurer; and Mr. B. Labelle, City Clerk

1. Moved by Councillor Guthrie
   Seconded by Councillor Dennis
   THAT the Council of the City of Guelph now hold a meeting that is closed to the public with respect to:

   **Property Acquisition**
   S. 239 2 (c) of the Municipal Act - proposed or pending acquisition or disposition of land

   **Wellington Terrace Litigation**
   S. 239 2 (e) of the Municipal Act - litigation or potential litigation

   **Labour Relations Update**
   S. 239 2 (d) of the Municipal Act - labour relations or employee negotiations

   Carried

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Mayor

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Clerk
A Closed Meeting of Guelph City Council

Present: Mayor Farbridge, Councillors Bell, Burcher, Dennis, Findlay, Furfaro, Guthrie, Hofland, Laidlaw, Piper, Van Hellemond and Wettstein

Absent: Councillor Kovach

Staff Present: Ms. A. Pappert, Chief Administrative Officer; Mr. M. Amorosi, Executive Director of Corporate & Human Resources; Dr. J. Laird, Executive Director of Planning & Building, Engineering and Environment; Mr. D. McCaughan, Executive Director of Operations & Transit; Ms. C. Bell, Executive Director of Community & Social Services; Ms. S. Aram, Acting Treasurer; and Mr. B. Labelle, City Clerk

DECLARATIONS UNDER MUNICIPAL CONFLICT OF INTEREST ACT

There was no declaration of pecuniary interest.

Property Acquisition

1. Moved by Councillor Findlay
   Seconded by Councillor Dennis

   THAT Council rise and report a motion as a special resolution during the March 5, 2012 Council open session.

   Carried

Wellington Terrace Litigation

2. Moved by Councillor Findlay
   Seconded by Councillor Burcher

   THAT staff proceed as directed by Council.

   Carried

Labour Relations Update

3. Moved by Councillor Laidlaw
   Seconded by Councillor Burcher

   THAT staff proceed as directed by Council.

   Carried
The meeting adjourned at 6:58 p.m.


Mayor


Clerk
An Open Meeting of Guelph City Council

Present: Mayor Farbridge, Councillors Bell, Burcher, Dennis, Findlay, Furfaro, Guthrie, Hofland, Laidlaw (vacated at 9:30pm), Piper, Van Hellemend and Wettstein

Absent: Councillor Kovach

Staff Present: Dr. J. Laird, Executive Director of Planning & Building, Engineering and Environment; Mr. T. Salter, Acting General Manager, Building & Planning Services; Mr. A. Hearne, Acting Manager of Development & Parks Planning; Ms. T. Agnello, Deputy Clerk; and Ms. D. Black, Assistant Council Committee Co-ordinator

DECLARATIONS UNDER MUNICIPAL CONFLICT OF INTEREST ACT

There was no declaration of pecuniary interest.

Consent Agenda

The following items were extracted from the March 5, 2012 Consent Agenda to be voted on separately:

- A-3 Shared Rental Housing

1. Moved by Councillor
   Seconded by Councillor
   THAT the balance of the March 5, 2012 Council Consent Agenda as identified below, be adopted:

   a) Watson East Subdivision (23T-98501) Request for an Extension of Draft Plan Approval – Ward 1

Ms. N. Shoemaker
Dr. J. Laird
Mr. T. Salter

THAT Report 12-10 dated March 5, 2012 regarding a request for a Draft Plan Approval extension for the final phase of the Watson East Subdivision (Draft Plan 23T-98501) from Planning & Building, Engineering and Environment, be received;

AND THAT the application by Black, Shoemaker, Robinson and Donaldson Limited for a five (5) year Draft Plan Approval extension to the Watson East
Residential Subdivision (23T-98501) on lands legally described as Part of Lot 6, Concession 3, Division “C”, City of Guelph be approved to an extended lapsing date of March 20, 2017, subject to the previously approved conditions, as revised.

VOTING IN FAVOUR: Councillors Bell, Burcher, Dennis, Findlay, Furfaro, Guthrie, Hofland, Laidlaw, Piper, Van Hellemond and Wettstein and Mayor Farbridge (12)

VOTING AGAINST: (0)

Carried

PLANNING PUBLIC MEETING

Mayor Farbridge announced that in accordance with The Planning Act, Council was now in a public meeting for the purpose of informing the public of various planning matters. The Mayor asked if there were any delegations in attendance with respect to planning matters listed on the agenda.

148-152 Macdonell Street: Proposed Official Plan & Zoning By-law Amendment (FilesOP1104/ZC1114) – Ward 1

Ms. Stacey Laughlin, Senior Development Planner, advised the applicant is requesting the maximum residential density be changed from 200 units per hectare to 408. The Zoning By-law amendments requested are to permit a maximum building height of 18 storeys, an increased angular plane from the centerline of the street and a change in the height requirements for the building within 15 meters of the street allowance.

Ms. Krista Walkey, Stantec Engineering, provided an overview of the site conditions, technical studies and process. She outlined the proposed site concept, and stated that an increased angular plane is necessary. She explained that there is a third floor patio, step backs, all four sides of the building have a view, commercial space at grade level on the southeast corner and no parking at grade level. Ms. Walkey also advised that there will be views from all sides and shadowing impacts will only impact two residences across the river on December 31 at approximately 4pm.

Mr. Adam Carapella, on behalf of Tricar, believes the development will be a catalyst to revitalize the downtown core. He said the target demographics are retirees and professionals. The tax assessment base will increase from
$35,000 to $600,000. He believes there will be minimal shadowing and traffic impacts. He stated the ground floor commercial area and patio will help connect to the downtown and surrounding amenity buildings and could include an art component. He explained the plans to fully remediate this brownfield site and address environmental issues. He said the transit infrastructure is already in place and they are exploring the possibility of a district energy system to heat/cool the building.

Mr. Jason Ashdown, Partner of Skyline, manages properties in the downtown core and supports downtown development. He stated density is preferable to sprawl and the 130 suites could lead to decreased retail and commercial vacancies, better maintained properties and an increase in street level business.

Mr. Tom Lammer, representing his family who own properties downtown, stated they support Tricar’s development plan. He said it will enhance the downtown and strikes a good balance between public and private use. He sees the project increasing the viability of the urban growth zone and stated the Downtown Secondary Plan will encourage similar developments. He believes that if the plan, the project and the people all align, then development will be successful.

Mr. Dan Lawson, Chairman of the Board, Guelph Chamber of Commerce, advised they support the project. He stated it is an excellent opportunity to develop both a brownfield site and infill project. He stated the Chamber of Commerce believes that this site meets the vision for downtown by increasing the number of residential and employment opportunities, providing infill and brownfield development and providing easy access to the transit hub.

Mr. Marty Williams, Downtown Guelph Business Association (DGBA), advised they are in support of this project as well as the Downtown Secondary Plan and believes the exemptions requested will be in keeping with the new Downtown Secondary Plan. He stated that all areas in the downtown have some issues and if this site is well developed, it would encourage others. He said the current built form properties will not draw enough residents, many sites have deteriorated and space is rare so this development will help meet the goals of establishing a vibrant downtown core.

Ms. Barbara Turley-McIntyre, The Co-operators, provided history on the sale of the property and stated they sold to Tricar because they believe Tricar will assist with downtown intensification and revitalization. She stated
the downtown needs to attract young professionals and empty nesters and new businesses.

Mr. Doug Minett, Chair of the Downtown Advisory Committee, stated they have developed a focused business plan. He said the committee believes this development is a creative and important first step toward downtown renewal.

Mr. Dennis Deters, former Co-operators employee involved with the sale of the property, supports the proposal. He stated it makes good economic sense to attract people living and working in the downtown core to keep it vibrant. He advised there are few options in the downtown for development and this project is an opportunity that could lead to change in the downtown.

Mr. John Leacock, a resident of the downtown core, and downtown realtor, supports the development. He foresees people moving into this building to downsize, which in turn would make their homes available for sale, keeping the real estate market vibrant. He encouraged the City to approve the application.

Ms. Maria Pezzano, on behalf of the Ward 1 Residents’ Association, asked that any decision on this proposal be deferred. She requested the City wait until the adoption of the Downtown Secondary Plan to ensure that major decisions affecting significant changes in the downtown can be properly addressed. They believe approval would be prejudicial to the Downtown Secondary Plan and could set a dangerous precedent.

Mr. Unto Kihlanki, a member of International Network for Traditional Building, Architecture and Urbanism, suggested that six storeys would be sufficient to meet density targets and this development would set a dangerous precedent for the downtown. He was concerned that units are being taken from other sites identified in the Downtown Secondary Plan for infill. He suggested council consider the impact of the development on the quality of the neighbouring properties. He also raised the issue of the wind problems the angular plane would create at ground level.

Mr. Norm Harrison, former planner for the City, advised he was involved with the implementation of the height by-law and successfully defended it at an OMB hearing. He stated that the Park Mall and Co-operators buildings were grandfathered. He does not believe there is enough demand to warrant more than one high density building in the downtown and said the height should be no more than
12 storeys so it is on par with the height of adjacent structures. He stated that if the City will not adhere to the current height by-law, then the by-law should be repealed.

Dr. Hugh Whiteley asked council to give consideration to a cumulative effect of all high-rise proposals. He wanted consideration given to potential interaction with the neighbouring properties such as the parkade and the carwash. He stated attention needs to be given to the Community Energy Plan, particularly, heat-loss aspects. He advised that the property is outside of any sensitive Greenland areas. He generally supports the proposal as long as cumulative aspects are considered.

Ms. Barbara Mann, an area resident, stated that people move to Guelph for the culture and its community focus and to get away from tall structures. She does not see the need for such a high building with five storeys being dedicated to parking and heating/cooling systems.

Councillors raised the following issues for staff to consider:

- minimizing traffic impact during road construction at the corner of Woolwich and Macdonell;
- timing of the approval of the Downtown Secondary Plan and the development;
- feasibility of increasing green space and inclusion of a community garden;
- landscaping or other design options to mitigate graffiti;
- determine if the orientation of the tower in correlation with the streetscape could be realigned;
- feasibility of a stepped frontage on Woolwich Street;
- examine the size of the angular plan;
- feasibility of increasing retail space on the street;
- Use of the three stream garbage system;
- getting a district energy system integrated;
- feasibility of having the building piped for non-potable water;
- an architecture peer review that includes both architecture and urban design;
- provide further visual detail of the pedestrian level to indicate accessible and private components;
- review grade issues, particularly wind tunnel effect at street level;
- provide information regarding shadow impact on John Galt Park during the height of sun as it would affect pedestrian usage and the plantings requiring maximum sunlight.
2. Moved by Councillor Findlay
   Seconded by Councillor Burcher

Dr. J. Laird
Mr. T. Salter

THAT Report 12-21 regarding Official Plan and Zoning By-law Amendment applications by Stantec Consulting Ltd. on behalf of The Tricar Group, to permit the development of an 18-storey mixed use building for the property municipally known as 148-152 Macdonell Street, and legally described as Part of Lots 1, 2, 4 & 17 and Lot 3 and Part of Priory Street, Registered Plan 16 and Part of Lot 3 Registrar’s Compiled Plan No. 712, City of Guelph, from Planning & Building, Engineering and Environment dated March 5, 2012, be received.

VOTING IN FAVOUR: Councillors Bell, Burcher, Dennis, Findlay, Furfaro, Guthrie, Hofland, Laidlaw, Piper, Van Hellemont and Wettstein and Mayor Farbridge (12)

VOTING AGAINST: (0)

Carried

The meeting recessed at 9:22 p.m. and reconvened at 9:30 p.m.

Councillor Laidlaw vacated the meeting (9:30 p.m.)

180 Gordon Street: Supplementary Report
Proposed Official Plan Amendment and Zoning By-law Amendment (Files OP1106/ZC1107) – Ward 5

Mr. Bernard Luttmer, Podium Developments, provided highlights of their vision, plan, commitment to sustainability and quality. He stated that their application is an excellent use of the property. He does not believe that further public consultation will resolve any of the outstanding issues on this application.

Dr. Hugh Whiteley does not believe the project is ready for approval because the work with the neighbourhood has not been accomplished. He believes the lack of resolution of the four top issues of compatibility indicates a decision should not be made and further consultation is required.

Mr. Ian Flett, a solicitor, spoke on behalf of Ms. Karen Balcom, and 29 neighbours. They requested a decision on 180 Gordon Street be deferred to allow further public consultation. He stated that errors in the application regarding the angular plane, and the Official Plan amendment should be addressed in a public forum.
March 5, 2012

Ms. Daphne Wainman-Wood, on behalf of the Old University Neighbourhood Residents’ Association (OUNRA), requested that a decision be deferred to allow for facilitated community consultation. She stated that despite Council public meetings and a community meeting, the community believes their input has not been meaningful due to the lack of feedback and little proposed changes resulting. She also asked Council to take note of comments provided by the River Systems Advisory Committee and the Environmental Advisory Committee in Schedule 9 of the report.

3. Moved by Councillor Wettstein
   Seconded by Councillor Burcher
   THAT Report 12-02 dated February 6, 2012 regarding a proposed Official Plan Amendment and Zoning By-law Amendment for the property municipally known as 180 Gordon Street from Planning & Building, Engineering and Environment be received;

   AND THAT Supplementary Report 12-27 dated March 5, 2012 regarding a proposed Official Plan Amendment and Zoning By-law Amendment for the property municipally known as 180 Gordon Street from Planning & Building, Engineering and Environment be received;

   AND THAT the application by Podium Developments on behalf of 180 Gordon Street Ltd. for approval of an Official Plan Amendment to add a site specific policy to permit a reduced setback from the river edge affecting lands municipally known as 180 Gordon Street and legally described as Part of Lot A, Plan 302, City of Guelph, be approved in accordance with the policies as set out in Schedule 2 of Planning & Building, Engineering and Environment Report 12-02 dated February 6, 2012, attached hereto as Attachment 1;

   AND THAT the application by Podium Developments on behalf of 180 Gordon Street Ltd. for approval of a Zoning By-law Amendment to change the zoning from the C.1-19 (Convenience Commercial) Zone and FL (Floodway) Zone to a Specialized R.3A (Townhouse) Zone to permit cluster townhouses for the property municipally known as 180 Gordon Street and legally described as Part of Lot A, Plan 302, City of Guelph, be approved in the form of a Specialized R.3A (Townhouse) Zone subject to a Holding provision, in accordance with the provisions set out in Schedule 2 of Planning & Building, Engineering and Environment Report 12-02 dated February 6, 2012, attached hereto as Attachment 1.

It was requested that the clauses be voted on separately.
4. Moved by Councillor Wettstein  
Seconded by Councillor Burcher  

Dr. J. Laird  
Mr. T. Salter  

THAT Report 12-02 dated February 6, 2012 regarding a proposed Official Plan Amendment and Zoning By-law Amendment for the property municipally known as 180 Gordon Street from Planning & Building, Engineering and Environment be received.

VOTING IN FAVOUR: Councillors Bell, Burcher, Dennis, Findlay, Furfaro, Guthrie, Hofland, Piper, Van Hellemend and Wettstein and Mayor Farbridge (11)

VOTING AGAINST: (0)

Carried

5. Moved by Councillor Wettstein  
Seconded by Councillor Burcher  

Dr. J. Laird  
Mr. T. Salter  

THAT Supplementary Report 12-27 dated March 5, 2012 regarding a proposed Official Plan Amendment and Zoning By-law Amendment for the property municipally known as 180 Gordon Street from Planning & Building, Engineering and Environment be received.

VOTING IN FAVOUR: Councillors Bell, Burcher, Dennis, Findlay, Furfaro, Guthrie, Hofland, Piper, Van Hellemend and Wettstein and Mayor Farbridge (11)

VOTING AGAINST: (0)

Carried

6. Moved by Councillor Wettstein  
Seconded by Councillor Burcher  

Mr. B. Luttmer  
Dr. J. Laird  
Mr. T. Salter  
Mr. D. McCaughan  
Ms. S. Aram  

THAT the application by Podium Developments on behalf of 180 Gordon Street Ltd. for approval of an Official Plan Amendment to add a site specific policy to permit a reduced setback from the river edge affecting lands municipally known as 180 Gordon Street and legally described as Part of Lot A, Plan 302, City of Guelph, be approved in accordance with the policies as set out in Schedule 2 of Planning & Building, Engineering and Environment Report 12-02 dated February 6, 2012, attached hereto as Attachment 1.

VOTING IN FAVOUR: Councillors Burcher, Dennis, Findlay, Furfaro, Guthrie, Hofland, Wettstein and Mayor Farbridge (8)

VOTING AGAINST: Councillors Bell, Piper and Van Hellemend (3)

Carried
7. Moved by Councillor Wettstein
   Seconded by Councillor Burcher

Mr. B. Luttmer
Dr. J. Laird
Mr. T. Salter
Mr. D. McCaughan
Ms. S. Aram

THAT the application by Podium Developments on behalf
of 180 Gordon Street Ltd. for approval of a Zoning By-law
Amendment to change the zoning from the C.1-19
(Convenience Commercial) Zone and FL (Floodway) Zone
to a Specialized R.3A (Townhouse) Zone to permit cluster
townhouses for the property municipally known as 180
Gordon Street and legally described as Part of Lot A, Plan
302, City of Guelph, be approved in the form of a
Specialized R.3A (Townhouse) Zone subject to a Holding
provision, in accordance with the provisions set out in
Schedule 2 of Planning & Building, Engineering and
Environment Report 12-02 dated February 6, 2012,
attached hereto as Attachment 1.

VOTING IN FAVOUR: Councillors Bell, Burcher, Dennis,
Findlay, Furfaro, Guthrie, Hofland, Wettstein and Mayor
Farbridge (9)

VOTING AGAINST: Councillors Piper and Van Hellemond
(2)

Carried

Shared Rental Housing

Ms. Donna Haley, an appellant to the By-law and landlord
of several properties within the City, believes that if
current by-laws and regulations which address
behavioural, property and safety issues were enforced,
licensing would not be needed. She stated that if
licensing is implemented, it needs to be applied to all
forms of rental units, not just select types and questioned
the purpose of the licensing. She advised that landlords
are limited regarding handling issues due to the Human
Rights Commission and the Landlord Tenant Act and
licensing regulations could put them in an untenable
position. She stated the enhanced enforcement by the
City and University initiatives are working so there should
be no licensing. She noted that several Ontario
municipalities have abandoned licensing and she
encouraged the City to find out why before pursuing
licensing.

Mr. Pierre Sandor, a landlord in the City, supports the idea
of city-wide licensing in principle, but does not see how it
will force landlords to register. He suggested incentives
be implemented. He cautioned the City to be sensitive to
various types of family units when determining number
restrictions. He stated that the role of landlords needs to
be clarified.
Ms. Daphne Wainman-Wood, on behalf of OUNRA, questioned why the Shared Rental Housing matter was handled in closed session. She is concerned that the issue has been dismissed too easily. She believes a proper cost analysis should be done and feels a lot of money and effort has been wasted. She understands that the involvement of the Ontario Municipal Board and the Human Rights Commission has led to repealing the by-law but stated the issue should have been addressed in a public meeting. She asked that something be done to protect neighborhoods.

8. Moved by Councillor Burcher
   Seconded by Councillor Hofland

   Dr. J. Laird
   Mr. T. Salter
   Ms. D. Jaques
   Mr. M. Amorosi

   THAT Report 12-26 from Planning & Building, Engineering and Environment and Legal Services, dated March 5, 2012, presenting background information regarding the repeal of Zoning By-law Amendment Number (2010)-19076, and the repeal of the Interim Control By-law for Shared Rental Housing Number (2010)-19019 and next steps for Shared Rental Housing, be received;

   AND THAT By-law Number (2012)-19346, being a By-law to repeal By-law Number (2010)-19019, known as the Interim Control By-law for Shared Rental Housing, is hereby passed;

   VOTING IN FAVOUR: Councillors Bell, Burcher, Dennis, Findlay, Furfaro, Guthrie, Hofland, Piper, Van Hellemond and Wettstein and Mayor Farbridge (11)

   VOTING AGAINST: (0)

   Carried

9. Moved by Councillor Burcher
   Seconded by Councillor Hofland

   THAT Council suspend the Procedural By-law to permit the meeting to extend beyond 11:00 p.m.

   VOTING IN FAVOUR: Councillors Bell, Burcher, Dennis, Findlay, Furfaro, Guthrie, Hofland, Piper, Van Hellemond and Wettstein and Mayor Farbridge (11)

   VOTING AGAINST: (0)

   Carried

10. Moved by Councillor Hofland
    Seconded by Councillor Furfaro

    THAT the Council of the City of Guelph now hold a meeting that is closed to the public with respect to:
Acquisition or Disposition of Land
S. 239 (2) (c) of the Municipal Act – proposed or pending acquisition or disposition of land.

VOTING IN FAVOUR: Councillors Bell, Burcher, Dennis, Findlay, Furfaro, Guthrie, Hofland, Piper, Van Hellemend and Wettstein and Mayor Farbridge (11)

VOTING AGAINST: (0)

Carried

Council convened into a Closed Meeting at 10:57 p.m.

Property Acquisition

4. Moved by Councillor Findlay
Seconded by Councillor Dennis

THAT Council rise and report a motion as a special resolution during the March 5, 2012 Council open session.

Carried

Council reconvened into an Open Meeting at 11:04 p.m.

SPECIAL RESOLUTIONS

176 Arkell Road Proposed Offer to Sell Land for Burke Well Site Expansion

11. Moved by Councillor Findlay
Seconded by Karl Wettstein

THAT the Mayor and Clerk be authorized to execute an Offer to Sell and Agreement of Purchase and Sale for the property at 176 Arkell Road in accordance with the Closed Session Report of the Manager of Realty Services dated March 5, 2012.

VOTING IN FAVOUR: Councillors Bell, Burcher, Dennis, Findlay, Furfaro, Guthrie, Hofland, Piper, Van Hellemend and Wettstein and Mayor Farbridge (11)

VOTING AGAINST: (0)

Carried

Option to Lease City Land to Guelph Hydro Inc. (Envida Community Energy)
12. Moved by Councillor Findlay  
    Seconded by Councillor Dennis  
    Mr. R. Kerr  
    Ms. D. Jaques  
    Mr. M. Amorosi  
    THAT the Mayor and Clerk be authorized to execute an Option to Lease Agreement with Guelph Hydro Inc. (Envida Community Energy) for land adjacent to the F.M Woods Pumping Station for the purposes of presenting a committed location for a Combined Heat and Power Plant in an application to the Ontario Power Authority.”

VOTING IN FAVOUR: Councillors Bell, Burcher, Dennis, Findlay, Furfaro, Guthrie, Hofland, Piper, Van Hellemond and Wettstein and Mayor Farbridge (11)

VOTING AGAINST: (0)

Carried

ADJOURNMENT

The meeting adjourned at 11:07 p.m.

Minutes to be confirmed on March 26, 2012.

.........................................................
Mayor

.........................................................
Deputy Clerk
Policies and Provisions

The property affected by the Official Plan Amendment and Zoning By-law Amendment applications is municipally known as 180 Gordon Street and legally described as Part of Lot A, Plan 302, City of Guelph.

Official Plan Amendment
The following amendment adds a site specific policy to the City’s Official Plan for the subject property:

6.9.5 1. c) Despite the river corridor 30 metre setback provisions of 6.9.1.2, 6.9.5 1. a) and 6.9.5 1 b), the City will require buildings to be setback a minimum of 24.5 metres, and structures (including retaining walls) to be setback a minimum of 22.5 metres from the Speed River edge on lands known municipally as 180 Gordon Street.

Zoning By-law Amendment
The following zoning is proposed:

Specialized R.3A (Townhouse) Zone

Permitted Uses
- Cluster Townhouse
- Home Occupation in accordance with Section 4.19
- Accessory Use in accordance with Section 4.23

Regulations
In accordance with Section 4 (General Provisions) and Section 5.4.2 and Table 5.3.2 (Residential Townhouse Zone Regulations) of Zoning By-law (1995)-14864, as amended, with the following exceptions:

Density
The maximum permitted density shall be 70 units per hectare

Building Height
The maximum permitted building height shall be 4 storeys providing that the gross floor area of the fourth storey shall be limited to a maximum of 15m² per unit and shall not contain any habitable floor space.

Building Setbacks
The minimum rear yard setback to a cluster townhouse shall be 3m

The minimum side yard setback to a cluster townhouse shall be 1.8m
Building Coverage
The maximum building shall be 46% of the lot area

Angular Plane
Despite Section 4.16, the angular plane as applied to a river or a park shall be 82 degrees

Landscaped Open Space
The minimum landscaped open space shall be 17% of the lot area

Lot Area per Dwelling Unit
The minimum lot area per dwelling shall be 143 m²

Private Amenity Areas
Private Amenity Areas shall be provided in accordance with Section 5.3.2.5 except that the minimum distance from a side lot line shall be 1.8m

Accessory Structures
The minimum side yard setback to an accessory structure shall be 0.3m

The maximum gross floor area of an accessory structure shall be 173m²

Location of Parking Spaces and Driveways
A maximum of 2 visitor parking spaces, or parts thereof, may be located within the required front yard

A minimum setback of 0.3m to a parking area from any lot line

The minimum distance required between a surface driveway and a building entrance or window of habitable rooms shall be 2.15m

Holding Provision
Purpose:
To ensure that the property to be developed is remediated to meet the Site Condition Standards of the intended residential land use.

Permitted Interim Uses:
Those uses permitted by the C.1-19 (Convenience Commercial) Zone:
  • Vehicle Service Station including accessory sales of motor vehicles

Holding Provision Conditions:
Prior to the removal of the holding provision, the owner shall:
  1. Submit all environmental site assessment, risk assessment, remediation and monitory reports prepared in accordance with the Records of Site Condition regulation (O. Reg 153/04 as amended) describing the current conditions of the property known municipally as 180 Gordon Street to the satisfaction of the City;
2. File a Record of Site Condition (RSC) on the Ministry of the Environment (MOE) Environmental Site Registry for the property including certification by a Qualified Person as defined by O.Reg. 153/04 as amended that the environmental condition of the property meets the appropriate MOE Site Condition Standards for the intended land use; and,

3. Submit the MOE acknowledgment letters for the RSCs to the satisfaction of the City.

Conditions
The following conditions are provided as information to Council and will be imposed through site plan approval:

1. The Owner shall submit to the City, in accordance with Section 41 of the Planning Act, a fully detailed site plan, indicating the location of buildings, landscaping, parking, circulation, access, lighting, tree preservation, grading and drainage and servicing on the said lands to the satisfaction of the General Manager of Planning & Building Services and the General Manager/City Engineer, prior to the issuance of a building permit, and furthermore the Owner agrees to develop the said lands in accordance with the approved plan.
   a. Further, the Owner commits and agrees that the details of the layout and design for the development of the subject lands, including: the proposed design of the building; and the size, height and location of the accessory structure; shall be generally in conformance with the development concept plan and elevations attached as Schedule 5 to the February 6, 2012 Planning & Building, Engineering and Environment Report Number 12-02.

2. Prior to the issuance of site plan approval, the owner shall provide the City with written confirmation that the building on the subject site will be constructed to a standard that implements energy efficiency in order to support the Community Energy Initiative to the satisfaction of the General Manager of Planning and Building Services and in accordance with the letter attached as Schedule 7 to Report 12-02 from Planning & Building, Engineering and Environment dated February 6, 2012.

3. In order to avoid overlook to a sensitive land use to the south, the Owner commits and agrees that any windows located on the third storey of the south elevation of the building will be not be transparent (i.e. frosted glass) and will only open the minimum amount required by the Ontario Building Code.
4. The Owner commits and agrees that open access to the southerly side of the roof-top areas will not be provided. The proposed roof-top amenity areas will be located between the fourth storey and the northerly side of the building.

5. Prior to the issuance of site plan approval for the lands, the owner shall pay to the City, the City’s total cost of reproduction and distribution of the Guelph Residents’ Environmental Handbook, to all future households within the project, with such payment based on a cost of one handbook per residential household, as determined by the City.

6. The Owner shall pay to the City, as determined applicable by the Chief Financial Officer/City Treasurer, development charges and education development charges, in accordance with the City of Guelph Development Charges By-law (2009)-18729, as amended from time to time, or any successor thereof, and in accordance with the Education Development Charges By-laws of the Upper Grand District School Board (Wellington County) and the Wellington Catholic District School Board, as amended from time to time, or any successor by-laws thereof, prior to this issuance of any building permits, at the rate in effect at the time of the issuance of a building permit.

7. That prior to the issuance of site plan approval, the Owner shall pay to the City cash-in-lieu of parkland dedication in accordance with By-law (1989)-13410, as amended from time to time, or any successor thereof.

8. Prior to site plan approval, the owner shall have a Professional Engineer design a grading plan and stormwater management system, satisfactory to the General Manager/City Engineer.

9. Prior to any development of the lands and prior to any construction or grading on the lands, the developer shall submit a detailed Stormwater Management Report and plans to the satisfaction of the City Engineer which demonstrates how storm water will be controlled and conveyed.

10. That the developer grades, develops and maintains the site including the storm water management facilities designed by a Professional Engineer, in accordance with a Site Plan that has been submitted to and approved by the City Engineer. Furthermore, the owner shall have the Professional Engineer who designed the storm water management system certify to the City that he/she supervised the construction of the storm water management system, and that the storm water management system was approved by the City and that it is functioning properly.
11. Prior to any development of the lands and prior to any construction or grading on the lands, the developer shall construct, install and maintain erosion and sediment control facilities, satisfactory to the City Engineer, in accordance with a plan that has been submitted to and approved by the City Engineer.

12. Prior to Site Plan approval, the developer/owner shall pay to the City, their share of the actual cost of constructing municipal services on Gordon Street across the frontage of the land including roadworks, sanitary sewer, storm sewer, curb and gutter, catchbasins, sidewalks and streetlighting as determined by the City Engineer.

13. Prior to Site Plan approval, the developer/owner shall pay to the City the actual cost of existing service laterals as determined by the City Engineer.

14. The developer/owner shall pay to the City the actual cost of constructing and installing any new service laterals required and furthermore, prior to site plan approval, the developer shall pay to the City the estimated cost of the service laterals, as determined by the City Engineer.

15. The developer/owner shall pay to the City the actual cost of the construction of the new access and the required curb cut. Prior to site plan approval and prior to any construction or grading on the lands, the developer shall pay to the City the estimated cost as determined by the City Engineer of constructing the new access/private road and the required curb cut.

16. That the developer/owner constructs the new buildings at such an elevation that the lowest level of the new buildings can be serviced with a gravity connection to the sanitary sewer.

17. That the developer makes satisfactory arrangements with Union Gas for the servicing of the lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to the development of the lands.

18. That all electrical services to the lands are underground and the developer shall make satisfactory arrangements with Guelph Hydro Electric Systems Inc. for the servicing of the lands, as well as provisions for any easements and/or rights-of-way for their plants, prior to the development of the lands.

19. The Developer shall ensure that all telephone service and cable TV service in the Lands shall be underground. The Developer shall enter into a servicing agreement with the appropriate service providers for the installation of underground utility services for the Lands.
20. The developer/owner of 180 Gordon Street shall be responsible for all associated costs of the restoration of the GRCA parcel and City right-of-way, including but not limited to removal of asphalt and curb, placing topsoil and sod, install curb and gutter, and sidewalk replacement, across the frontage of 176 Gordon Street to the satisfaction of the City Engineer. Furthermore, prior to site plan approval, the developer shall pay to the City the estimated cost of the restoration, as determined by the City Engineer.

21. Prior to Site Plan approval the developer/owner must provide a reference plan for the road widening dedication along the frontage of Gordon Street, registered on title.

22. The Developer shall ensure that the height of any proposed retaining wall that abuts an existing residential property does not exceed 1.0 metre.

23. That any domestic wells, septic systems and boreholes drilled for hydrogeological or geotechnical investigations shall be properly abandoned in accordance with current Ministry of the Environment Regulations and Guidelines. The developer shall submit a Well Record to the satisfaction of the City Engineer.

24. The Owner agrees to obtain and register, prior to site plan approval, a Transfer Release and Abandonment with respect to the Easement described in Instrument No. ROS687098 which refers to the easement over 176 Gordon Street (Marianne’s Park).

25. That prior to site plan approval, the owner shall enter into a site plan control agreement with the City, registered on title, satisfactory to the City Solicitor, the General Manager of Planning & Building Services and the General Manager/City Engineer, covering the conditions noted above and to develop the site in accordance with the approved plans and reports.
Council convened a special meeting for the purpose of a strategic planning workshop at 5:30 p.m.

Present: Mayor Farbridge, Councillors Bell, Dennis, Findlay, Furfaro, Guthrie, Hofland, Piper and Wettstein

Absent: Councillors Kovach, Laidlaw, Burcher and Van Hellemond

Staff Present: Ms. A. Pappert, Chief Administrative Officer; Mr. M. Amorosi, Executive Director of Corporate & Human Resources; Dr. J. Laird, Executive Director of Planning & Building, Engineering and Environment; Mr. D. McCaughan, Executive Director of Operations & Transit; Ms. C. Bell, Executive Director of Community & Social Services; Mr. B. Labelle, City Clerk; Ms. B. Boisvert, Corporate Manager, Strategic Planning & Corporate Initiatives; Ms. D. Jacques, General Manager of Legal and Realty Services; Mr. R. Keller, General Manager, Public Works; Mr. R. Kerr, Corporate Manager, Community Energy; Ms. D. Nixon, Manager, Staffing/Workforce Planning and Development; Ms. K. Pletch, Organizational Development Specialist; Ms. K. Laursen, Executive Assistant to the Mayor; Mr. P. Cartwright, General Manager of Economic Development; Mr. I. Panabaker, Corporate Manager, Downtown Renewal

STRATEGIC PLAN WORKSHOP – PART 2

DECLARATIONS UNDER MUNICIPAL CONFLICT OF INTEREST ACT

There was no declaration of pecuniary interest.

Welcome

Ms. Brenda Boisvert welcomed those present and gave a brief overview of the agenda and meeting objectives.

Opening Remarks

The Chief Administrative Officer provided opening remarks.

Draft Corporate Strategic Plan Framework Overview

Members of the Corporate Strategic Plan Committee presented an overview of the draft strategic plan
framework. The Vision, Mission and strategic focus areas and directions where highlighted.

**Validating the Corporate Strategic Plan Framework**

In order to validate the draft strategic plan framework, individual work stations were set up to represent the key related components and facilitate discussion related thereto. Staff reported out on the input received at each station.

**Implementing the Corporate Strategic Plan and Next Steps**

The Chief Administrative Officer provided information on implementing the Corporate Strategic Plan in relation to numerous initiatives, measures and targets. She outlined the next steps in the process noting that Council would consider approval of the strategic plan framework at a forthcoming meeting.

**ADJOURNMENT**

The meeting adjourned at 8:00 p.m.

Minutes to be confirmed March 26, 2012.

........................................................................................................

Mayor

........................................................................................................

Clerk
CONSENT REPORT OF THE OPERATIONS & TRANSIT COMMITTEE

March 26, 2012

Her Worship the Mayor and Councillors of the City of Guelph.

Your Operations & Transit Committee beg leave to present their THIRD CONSENT REPORT as recommended at its meeting of March 19, 2012.

If Council wishes to address a specific report in isolation please identify the item. The item will be extracted and dealt with immediately. The balance of the Consent Report of the Operations & Transit Committee will be approved in one resolution.

1) U-Pass Contract Renewal

THAT the Operations & Transit Committee Report OT031206 U-Pass Contract Renewal dated March 19, 2012 be received;

AND THAT the Mayor and City Clerk be authorized to sign the U-Pass Agreement with the University of Guelph satisfactory to the Executive Director of Operations, Transit & Emergency Services and the City Solicitor.

All of which is respectfully submitted.

Councillor Findlay, Chair
Operations & Transit Committee

PLEASE BRING THE MATERIAL THAT WAS DISTRIBUTED WITH THE AGENDA FOR THE MARCH 19, 2012, MEETING.
SUMMARY

Purpose of Report:
To provide a summary of the recommended changes to the U-Pass pricing structure for the Spring and Fall semesters in 2012 and the Winter semester in 2013.

Committee Action:
Recommend to Council the execution of a one year U-Pass Agreement between the Corporation of the City of Guelph and the University of Guelph Central Student Association (CSA) and the City of Guelph and the Graduate Students’ Association (GSA).

RECOMMENDATION

THAT the Operations & Transit Committee Report OT031206 U-Pass Contract Renewal dated March 19, 2012 be received;

AND THAT the Mayor and City Clerk be authorized to sign the U-Pass Agreement with the University of Guelph satisfactory to the Executive Director of Operations, Transit & Emergency Services and the City Solicitor.

BACKGROUND

The City (Guelph Transit) has had a U-Pass Agreement in effect with the University of Guelph since the 1990’s to provide unlimited bus service to University undergraduate and graduate students for a set fee per student per semester. University of Guelph students are not eligible to opt out of the program and must pay this fee to the City each semester regardless of whether or not they use the services of Guelph Transit. A separate agreement is in place with the Central Student Association (CSA) and the Graduate Students’ Association (GSA).

The previous agreements were signed in 2010 covering the period from May 2010 through the end of April 2012. New agreements with revised pricing need to be approved to be effective starting May 2012.
REPORT

Although the parties to this agreement (Guelph Transit, CSA and GSA) prefer multi-year agreements, the time and resource limitations resulting from the implementation of the Transit Growth Strategy at the beginning of 2012 precluded staff from negotiating one. Multi-year agreements are more complex and often require a referendum for the students to be staged so they may vote in true democratic fashion. Any proposed increase above 5% automatically requires a referendum to be staged. The parties recommended one year agreement contains a reasonable price increase (less than 5%) that does not require a referendum vote.

It is recommended the following pricing structure per student per semester for both the CSA and GSA agreements be approved:

- Spring 2012: $86.00 (same as existing price)
- Fall 2012: $89.50
- Winter 2013: $89.50

The proposed increase for the U-Pass (4.1%) for Fall 2012 is in-line with the general fare increase that Guelph Transit will be putting into effect September 2012 (4.3%).

All other terms and conditions in the existing agreements will remain in effect until comprehensive negotiations start in Fall 2012 for new agreements to come into effect for the Spring Semester 2013. It is intended that multi-year contracts be signed at that point in time.

CORPORATE STRATEGIC PLAN

1.4 A sustainable transportation approach that looks comprehensively at all modes of travel to, from and within the community.

FINANCIAL IMPLICATIONS

Based on the projected enrollment for Fall 2012, the proposed U-Pass price increase will generate the incremental revenue estimate included in the 2012 Guelph Transit Operating Budget.

DEPARTMENTAL CONSULTATION

Legal Services
COMMUNICATIONS

N/A

ATTACHMENTS

N/A

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“original signed by Derek McCaughan”

Reviewed & Recommended By:
Derek McCaughan, Executive Director
CONSENT REPORT OF THE
PLANNING & BUILDING, ENGINEERING AND ENVIRONMENT COMMITTEE

March 26, 2012

Her Worship the Mayor and
Councillors of the City of Guelph.

Your Planning & Building, Engineering and Environment Committee beg leave to present their THIRD CONSENT REPORT as recommended at its meeting of March 19, 2012.

If Council wishes to address a specific report in isolation please identify the item. The item will be extracted and dealt with immediately. The balance of the Consent Report of the Planning & Building, Engineering and Environment Committee will be approved in one resolution.

1) 148-152 Macdonell Street Brownfield Redevelopment Community Improvement Plan – Tax Increment – Based Grant Request

THAT Planning & Building, Engineering and Environment Report 12-25 dated March 19, 2012 regarding a request for a Tax Increment-Based Grant for the property municipally known as 148-152 Macdonell Street pursuant to the Brownfield Redevelopment Community Improvement Plan be received;

AND THAT the request by Carvest Properties Ltd. for a Tax Increment-Based Grant pursuant to the Brownfield Redevelopment Community Improvement Plan be approved to an upset total limit of $1,750,700 subject to the program details set out in Attachment 4;

AND THAT staff be directed to proceed with the finalization of a Tax Increment-Based Grant agreement with Carvest Properties Ltd. or any subsequent owner(s) to the satisfaction of the General Manager of Planning Services and the General Manager of Legal and Realty Services/City Solicitor;

AND THAT the Mayor and Clerk be authorized to sign the Tax Increment-Based Grant Agreement.

All of which is respectfully submitted.

Councillor Piper, Chair
Planning & Building, Engineering and Environment Committee

PLEASE BRING THE MATERIAL THAT WAS DISTRIBUTED WITH THE AGENDA FOR THE MARCH 19, 2012 MEETING.
SUMMARY
Purpose of Report:
To seek Council’s approval of a Tax Increment-Based Grant pursuant to the Brownfield Redevelopment Community Improvement Plan for 148-152 Macdonell Street. The report identifies a total grant upset limit, and projects the pace of paying out the grant under two development scenarios.

Committee Action:
To consider staff’s recommendation to approve the applicant’s grant request; to direct staff to prepare a grant agreement; and to authorize the Mayor and Clerk to sign the agreement.

RECOMMENDATION
“THAT Planning & Building, Engineering and Environment Report 12-25 dated March 19, 2012 regarding a request for a Tax Increment-Based Grant for the property municipally known as 148-152 Macdonell Street pursuant to the Brownfield Redevelopment Community Improvement Plan be received;

AND THAT the request by Carvest Properties Ltd. for a Tax Increment-Based Grant pursuant to the Brownfield Redevelopment Community Improvement Plan be approved to an upset total limit of $1,750,700 subject to the program details set out in Attachment 4;

AND THAT staff be directed to proceed with the finalization of a Tax Increment-Based Grant agreement with Carvest Properties Ltd. or any subsequent owner(s) to the satisfaction of the General Manager of Planning Services and the General Manager of Legal and Realty Services/City Solicitor;

AND THAT the Mayor and Clerk be authorized to sign the Tax Increment-Based Grant Agreement.”
BACKGROUND

Guelph’s Brownfield Redevelopment Community Improvement Plan (CIP)
The City’s Brownfield Redevelopment CIP was approved by the Minister of Municipal Affairs and Housing in March of 2004 and amended by Council on July 7, 2008. The purpose of the CIP and its financial incentive programs is to stimulate investment in remediation, reuse and redevelopment of brownfield sites that otherwise would not be redeveloped. The premise of the CIP is that City investment in the remediation and redevelopment of brownfield sites will result in proportionally greater improvements to environmental and neighbourhood conditions while creating additional tax revenues in the long-term that would not otherwise be realized if the brownfield site remained vacant or underutilized. Additional rationale for providing financial incentives to brownfield redevelopment is presented in Attachment 1.

Site Background
The subject property is known municipally as 148-152 Macdonell Street (Site). The Site also includes the property known as 16 Priory Street, a closed road allowance. The 0.32 hectare Site is within Downtown at the northwest corner of Macdonell Street and Woolwich Street (see Attachment 2).

The Site has historically been used for residential and commercial purposes, including tire and battery repair, foundry supply, offices and, most recently, as a daycare.

The Site is designated Central Business District in the Official Plan and zoned CBD.1 which permits a broad range of commercial and institutional uses and residential uses as part of a mixed-use building to a maximum of 64 units and a maximum height of 6 storeys (See Attachment 3).

The City has received an application to amend the Official Plan and Zoning By-law to permit an 18 storey building with residential 130 units and 335 m$^2$ of commercial space. Additional details can be found in Council Report 12-21, entitled 148-152 Macdonell Street Proposed Official Plan Amendment & Zoning Bylaw Amendment (Files OP1104 & ZC1114) Ward 1 and dated March 5, 2012.

REPORT
Carvest Properties Ltd. has applied for a Tax Increment-Based Grant (TIBG) pursuant to the Brownfield Redevelopment CIP for the Site to offset eligible costs associated with the remediation of contaminants in soil and groundwater beneath the Site (see Attachment 4 for program details). Under the TIBG program, the City can provide annual grants that are based on the increase in the municipal tax levy (tax increment), which is defined as the difference between pre and post-development municipal taxes for a site. Once development is complete and property value is reassessed, taxes are paid in full by the future property owner(s). Under this program, 80 percent of the municipal portion of the tax increment is issued to the applicant (or designate) as an annual grant for a maximum of 10 years or until eligible remediation costs are reimbursed. The remaining 20 per cent of the tax increment is directed to the City’s Brownfield Reserve Fund and used to fund the Brownfield Redevelopment CIP programs.
**Calculation of Potential Maximum Tax Increment-Based Grant (TIBG)**
The calculation of the potential maximum TIBG is based on current and proposed zoning scenarios. Building the maximum permitted by the current zoning (Scenario A) would result in a maximum annual $174,517 grant or $1,745,165 over ten years. The maximum annual grant under the proposed development (Scenario B) is $315,995 or $3,159,947 over ten years. Attachment 5 provides detailed annual grant allocations and assumptions used in calculating maximum potential TIBG.

The estimates above are provided to assist Council in considering the grant request, but the ultimate tax increment and resulting grant is calculated using the actual reassessment that occurs after building permits are issued. The TIBG does not require nor presume any outcome for Carvest Properties Ltd’s planning application. This report’s recommendations are applicable irrespective of the ultimate planning approvals for the Site.

**Eligible Costs**
Carvest Properties Ltd has submitted a Remedial Work Plan that sets out the actions necessary to make the site suitable for residential development and to file a Record of Site Condition with the Ministry of the Environment. The eligible costs related to site remediation is estimated to be $1,750,700 as outlined in Attachment 6). Staff recommend that this estimate serve as the upset limit for the TIBG since the grant cannot exceed the eligible costs.

Engineering staff have reviewed the Remedial Work Plan and are satisfied with the cost estimates provided. The applicant has proposed a proven approach to site remediation which includes excavation and off-site disposal of contaminated soil and pumping/treatment of contaminated groundwater. Upon completion of the remediation, the applicant will file a Record of Site Condition with the Ministry of the Environment.

No TIBG will be provided until remediation and redevelopment is complete and reassessment of the development phase results in an increase in assessed value.

**Projected Annual Municipal Taxes and Grants**
In Scenario A the remediation costs are approximately $5,000 greater than the potential maximum so the Grant would be the potential maximum of $1,745,165. In Scenario B, the eligible costs are less than the maximum potential grant as calculated above and the grant would be capped by the eligible costs. Larger annual grants would be paid under scenario B. Accordingly, eligible costs would be reimbursed sooner and a larger portion of taxes that could be retained by the City.

**Relationship to Downtown Guelph CIP**
To date the City has not received an application for financial incentives under the Downtown Guelph Community Improvement Plan (DGCIP) for 148-152 Macdonell Street, however, this reports considers the potential relationship between Brownfield TIBG and DGCIP incentive applications for Council’s information.
The DGCIP was adopted in 2010 and amended on November 7, 2011. Draft Implementation Guidelines were presented to the Corporate Administration, Finance & Emergency Services Committee and are expected to be brought to Council for adoption in April 2012. The Guidelines speak to the need for coordination among Brownfield Redevelopment CIP, Downtown Guelph CIP and heritage grant programs.

The Site is within the Downtown Guelph Community Improvement Project Area, and the proposed development may be eligible for a Major Downtown Activation Grant (DAG). The Implementation Guidelines specify:

- That there can be no ‘double dipping’ to offset the same cost under different CIP programs;
- that the total grants pursuant to the Brownfield (including 20% Brownfield reserve contribution) and Downtown tax increment programs cannot exceed the 10-year tax increment;
- that where projects are eligible under both CIPs, they will proceed first under the Brownfield Redevelopment CIP; and
- the total grants provided to all projects in the City cannot exceed the total Brownfield, Heritage and Downtown Redevelopment Grant Program Budget.

Subject to Council approval, annual grants of up to 80% of the increment would be provided under the Brownfield TIBG until the upset limit is reached, the remaining 20% would be retained by the City. Should any of the 10-year tax increment remain after Brownfield grants are awarded and subject to council approval that amount could be available to fund Major DAGs. Unlike the Brownfield TIBG where 80% of the tax increment is available for grants, 100% of the tax increment is available to offset Major DAG eligible costs.

**Recommendation and Summary**

Staff recommend that Council approve Carvest Properties Ltd’s application for a TIBG to an upset limit of $1,750,700.

It should be noted that while the program would result in up to $1,750,700 of municipal taxes being granted back to the owner over the term of the grant and that current taxpayers would have to cover the additional service costs of this growth during this period, there would be significant tax revenue generated for the City when compared to the status quo. Once the redevelopment of the site is complete and the grant period is over, the City would collect additional annual municipal taxes of $218,146 or $394,993 depending on the nature of the development.

**CORPORATE STRATEGIC PLAN**

Goal 1: An attractive, well-functioning and sustainable city
Goal 2: A healthy and safe community where life can be lived to the fullest
Goal 6: A leader in conservation and resource protection/enhancement
FINANCIAL IMPLICATIONS
The upset limit for this Brownfield TIBG agreement will be $1,750,700, which is the estimated gross eligible cost of the brownfield redevelopment. It is only upon completion of the improvement and property reassessment (expected about three years from now) that the annual grant payments will begin, limited by the actual property tax increment collected in any given year, but the full grant commitment will be recognized at that time as a long-term liability of the City much like a debt issue. The City’s total debt as a percentage of operating fund revenue would increase by about 1% in the year when the grant commitment is recognized for this project.

This agreement is one of a series of Brownfield TIBG agreements which, in turn, are part of a set of strategic incentives for heritage, brownfield, and downtown redevelopment. Financial incentives are offered to developers to encourage the City’s desired type of redevelopment, but these incentives involve large grant amounts over an extended period. Although the redevelopment produces increased property assessment and tax revenue, the increased population produces increased operating costs required because of an increased need for services. As the increased tax revenue from the additional property assessment is foregone to fund the redevelopment grants, it is not available to fund increased operating costs, which must then be funded from the general tax levy during the grant period. The incremental tax levy impact is estimated to be approximately 0.02% each year for ten years under scenario A and approximately 0.04% each year for six years under Scenario B.

Brownfield TIBG agreements provide for annual grants calculated at 80% of the property tax increment and allow for contributions to the Brownfield Strategy Reserve calculated at 20% of the tax increment. This reserve is used to fund environmental study grants consistent with the parameters established in the Brownfield CIP.

Other heritage, brownfield, and downtown redevelopment agreements, whether for the same property or other properties, must be taken into consideration by the City in determining the total cost of redevelopment grants and how they can best be accommodated in the City’s financial planning, ideally by restricting the total grant funding amount and timing for all these programs combined. In order to address this issue, staff are preparing a combined program budget for Heritage, Brownfield and Downtown tax increment based grants and expect to bring this to Council for consideration in spring 2012. Although it would be preferable to adopt this budget prior to Council’s consideration of the 148-152 Macdonell Street Brownfield TIBG, given the time sensitivity of this application (the property owner wishes to commence remediation work in April 2012), it is considered appropriate to bring the grant request forward for consideration at this time.

DEPARTMENTAL CONSULTATION
Financial Services
Downtown Renewal
COMMUNICATIONS
N/A

ATTACHMENTS
Attachment 1 – The Value of Brownfield Redevelopment
Attachment 2 – Location Map
Attachment 3 – Zoning Map
Attachment 4 – Tax Increment-Based Grant Program Details
Attachment 5 – Estimated Annual Tax Increment-Base Grant Payments
Attachment 6 – Remedial Work Plan - Eligible Costs

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Attachment 1 - The Value of Brownfield Redevelopment

Importance of Brownfield Redevelopment

The City’s records indicate that there are approximately 420 potential brownfield properties within the City. Historically, there has been little interest in redeveloping brownfield sites due to the uncertainty surrounding the extent of contamination and the potential cost of cleanup. Furthermore, brownfield sites pose a potential threat to the quality of Guelph’s groundwater-based drinking water supply and surface waters.

The Brownfield Redevelopment CIP provides financial incentives to undertake the studies and remedial work necessary to redevelop brownfield sites and eliminate the potential negative impacts to the City’s water supply and the water quality of the City’s rivers, which are important for sustaining fisheries, as well as aesthetic and recreational resources.

There are a number of additional benefits to the redevelopment of brownfield sites. For example, they are often located within existing built up areas of the City where hard and soft infrastructure services are already available, and additional infrastructure expenditure will not be required to service them. The redevelopment of brownfields sites can help reduce the stigma attached to both the subject and nearby properties thereby increasing their property values. Furthermore, redevelopment can bring the long-term benefits of increased tax revenue contributing the fiscal sustainability of the City.

As the City moves forward with the implementation of its Growth Management Strategy, Draft Downtown Secondary Plan, Community Energy Initiative and Source Water Protection planning, the redevelopment of brownfield sites will play an increasingly important role in the achievement of the City’s strategic goals and in particular the intensification targets for the built-up areas in General and the Downtown in particular.

The Value of Cleanup and Redevelopment of 148-152 Macdonell Street

Cleanup and redevelopment of the Site has several strategic benefits in addition to those listed above:

- Site is within the Urban Growth Centre (Downtown), identified as a focal point for major population and employment growth in the Official Plan
- Redevelopment will lead to the remediation of any contamination of City property that originated from the subject property
- Redevelopment from existing uses to higher density residential and commercial uses leads to increase in tax revenues
- Redevelopment will contribute to the vibrancy Downtown
Attachment 2 – Location Map
Attachment 3 – Zoning Map

148-152 Macdonell Street
SUBJECT PROPERTY
Existing Zoning: CBD.1

Zoning 148-152 Macdonell St
Attachment 4 – Tax Increment-Based Grant Program Details
Excerpted from the City of Guelph Brownfield Redevelopment Community Improvement Plan

Schedule 2. Tax Increment-Based (or Equivalent) Grant Program

Legislative Authority:
- Section 28 of the Planning Act

Application:
- City-wide

Theme:
- Reducing financial barriers

Purpose:
- To stimulate private sector investment in redevelopment
- To reimburse private sector clean-up costs without incurring debt to the municipality
- To increase the long-term municipal tax base
- To reward remediation and redevelopment of brownfield properties

Rationale:
Without redevelopment, the City would not be receiving increased tax revenue. Once the grant period ceases, the City collects the full amount of municipal taxes for the redeveloped property. To encourage lending institutions to provide site assessment and remediation loans for brownfields projects, the tax increment-based grant may be used to secure those loans through an agreement between the City, the land owner and the lending institution.

Departments:
- Finance (calculate and disburse tax rebates)
- Planning (lead: coordination)
- Legal (prepare agreements)

Priority:
- Year 1 – Prepare community improvement plan
- Year 2 - Implementation

Costs:
- Staff time
- In the event that brownfield redevelopment takes place, the municipal tax base will grow more slowly.

Details:
- Grants are based on the future increase in tax assessment and consequent increase in property tax revenues resulting from redevelopment of eligible brownfields properties. As property assessment rises, taxes payable on a property also rise. The developer will pay the increased taxes to the City as normal, and will subsequently be provided a tax increment-based grant from the Municipal portion of the increase. The total value of the grant provided under this program shall not exceed the total value of the work done under the Eligible Brownfield Rehabilitation Costs, as set out below.
- The total value of any tax increment-based grant shall not exceed the total value of work done under the Eligible Brownfield Rehabilitation Costs set out below, or shall not exceed the maximum grant time horizon of 10 years, whichever is the lesser amount. Tax increment-based grants will only be available when building permits have been issued and the assessed value of the property increases. The program is intended to encourage the remediation and redevelopment of contaminated properties.
- The total value of any tax increment-based grant shall not exceed the total value of work done under Eligible Brownfield Rehabilitation Cost as set out below, or shall not exceed the maximum grant time horizon of 10 years, whichever is the lesser amount. Tax increment-based grants will only be available when building permits have been issued and the assessed value of the property increases. This program is intended to encourage the remediation and redevelopment of contaminated properties.

Eligible Brownfield Rehabilitation Costs

Eligible costs include:
- Phase 2 Environmental Site Assessment costs
- Costs of preparing remedial work plans
• Demolition costs
• Site rehabilitation costs
• Costs of complying with the requirements of a Certificate of Property Use
• Costs of rehabilitating building contamination for projects involving re-use of existing structures.

Process
• Both the pre-construction and post-construction property assessments are established and approved by the City. The City reserves the right to obtain an independent third party to review the proposed remediation program and costing.
• Eligible Brownfield Redevelopment Costs are identified and certified;
• The owner continues to pay the property taxes for the site at its pre-construction assessment value.
• The difference between the ‘pre-construction’ taxes and ‘post-construction’ taxes (municipal portion) is calculated.
• Reassessment must result in higher assessment.
• This difference is the portion eligible for a grant to offset the Eligible Brownfield Rehabilitation Costs incurred.
• This grant is available for a set period of time set out in an agreement between the municipality and owner for a maximum of 10 years.
• Before any tax increment-based grant is issued, a Record of Site Condition must be prepared by a qualified person certifying site remediation to appropriate contaminant levels for the intended property use, as set out in the Environmental Protection Act and supporting regulations, and submitted to the City along with a copy of the Ministry of Environment’s written acknowledgement.
• The tax increment-based grant can be issued to the property owner, or to whoever the grant is assigned by the owner.
• An agreement must be entered into by the property owner and the City, regarding the details of the tax increment-based grant.

Details:
• Tax increment grants will be provided in equal installments in the amount of 80% of the municipal portion of the property tax increase. The remaining twenty percent of the municipal portion of the property tax increase is paid by the property owner and allocated to a brownfields reserve account for municipal brownfield initiatives.
• The definition of vacant land will refer to the status of the property at the time of program approval. If subsequent demolition occurs the tax increment will be the difference between the assessment at the time of program approval and that following reassessment. It is the intent of this clause to avoid unnecessary demolitions and support adaptive re-use of architecture.
• Grant applications cannot be retroactively applied.
• It is the intent of this program that tax increment-based grants can be used to cover only the eligible Brownfield Redevelopment Costs exclusive of any other brownfield incentive provided.
• Applications for tax increment-based grants will be reviewed and approved by the Planning Department.
• The City reserves the right to independently audit Eligible Brownfield Redevelopment Costs.
• The City and the property owner will enter into an agreement. This agreement will specify the terms of the financing; the activities which will be considered Eligible Brownfield Redevelopment Costs, the duration of the grant, the owner’s obligations should the owner default on the Agreement, and any other requirements specified by the City.
## Attachment 5: Estimated Tax Increment-Based Grant Payments

<table>
<thead>
<tr>
<th>Year</th>
<th>Municipal Levy</th>
<th>Tax Increment</th>
<th>Portion Retained By City</th>
<th>Portion Granted to Applicant</th>
<th>% Eligible costs reimbursed</th>
<th>Municipal Levy</th>
<th>Tax Increment</th>
<th>Portion Retained By City</th>
<th>Portion Granted to Applicant</th>
<th>% Eligible costs reimbursed</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>$230,871</td>
<td>$218,146</td>
<td>$43,629</td>
<td>$174,517</td>
<td>10%</td>
<td>$407,719</td>
<td>$394,993</td>
<td>$78,999</td>
<td>$315,995</td>
<td>18%</td>
</tr>
<tr>
<td>2</td>
<td>$230,871</td>
<td>$218,146</td>
<td>$43,629</td>
<td>$174,517</td>
<td>20%</td>
<td>$407,719</td>
<td>$394,993</td>
<td>$78,999</td>
<td>$315,995</td>
<td>36%</td>
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<tr>
<td>3</td>
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<td>$218,146</td>
<td>$43,629</td>
<td>$174,517</td>
<td>30%</td>
<td>$407,719</td>
<td>$394,993</td>
<td>$78,999</td>
<td>$315,995</td>
<td>54%</td>
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<td>$43,629</td>
<td>$174,517</td>
<td>40%</td>
<td>$407,719</td>
<td>$394,993</td>
<td>$78,999</td>
<td>$315,995</td>
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<td>$218,146</td>
<td>$43,629</td>
<td>$174,517</td>
<td>50%</td>
<td>$407,719</td>
<td>$394,993</td>
<td>$78,999</td>
<td>$315,995</td>
<td>90%</td>
</tr>
<tr>
<td>6</td>
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<td>60%</td>
<td>$407,719</td>
<td>$394,993</td>
<td>$224,267</td>
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<tr>
<td>7</td>
<td>$230,871</td>
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<td>$174,517</td>
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<td>$407,719</td>
<td>$394,993</td>
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<td>$0</td>
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<tr>
<td>8</td>
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<td>$218,146</td>
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<tr>
<td>10</td>
<td>$230,871</td>
<td>$218,146</td>
<td>$43,629</td>
<td>$174,517</td>
<td>100%</td>
<td>$407,719</td>
<td>$394,993</td>
<td>$394,993</td>
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<td>100%</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>$436,291</td>
<td>$1,745,165</td>
<td></td>
<td>100%</td>
<td>$2,199,233</td>
<td>$1,750,700</td>
<td></td>
<td></td>
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</tbody>
</table>

### Amount Available for Downtown Major Activation Grant

<table>
<thead>
<tr>
<th>Assessment Scenario A</th>
<th>$0</th>
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</thead>
<tbody>
<tr>
<td>Assessment Scenario B</td>
<td>$1,622,655</td>
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</tbody>
</table>

### Common Parameters
- Pre assessment: $946,000
- Pre rate: 1.35%
- Pre levy: $12,725
- Eligible costs: $1,750,700

### Scenario A Parameters
- Post assessment: $18,889,318
- Post rate: 1.04%
- Post levy: $230,871
- Tax increment: $218,146

### Scenario B Parameters
- Post assessment: $38,368,928
- Post rate: 1.04%
- Post levy: $407,719
- Tax increment: $394,993

1. After brownfield CIP eligible costs are refunded, these funds may be available for a Downtown Major Activation Grant subject to Council approval.
2. Residential component only (64 units x $368,932).
3. 2012 multiple residential municipal rate.
4. Residential assessment A x 1.04% + (17,315 sq. ft. x $1.94 per sq. ft.)
5. (Post assessment A) - (Pre assessment)
## Attachment 6: Remedial Work Plan - Eligible Costs

<table>
<thead>
<tr>
<th>Type of Work</th>
<th>Estimated Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site Preparation</td>
<td>$609,500</td>
</tr>
<tr>
<td>Remedial Activities</td>
<td>$1,077,000</td>
</tr>
<tr>
<td>Post-Remediation Groundwater Monitoring Program</td>
<td>$62,300</td>
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<tr>
<td>Record of Site Condition Submission</td>
<td>$1,900</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$1,750,700</strong></td>
</tr>
</tbody>
</table>
Her Worship the Mayor and
Councillors of the City of Guelph.

Your Council as Committee of the Whole beg leave to present their Third
CONSENT REPORT as recommended at its meeting of February 27, 2012.

If Council wishes to address a specific report in isolation please identify
the item. The item will be extracted and dealt with immediately. The
balance of the Consent Report of the Council as Committee of the
Whole will be approved in one resolution.

1) CITIZEN APPOINTMENT TO THE WATER CONSERVATION AND
EFFICIENCY PUBLIC ADVISORY COMMITTEE

THAT Raheel Yousaf be appointed to the Water Conservation and Efficiency Public
Advisory Committee for a term ending November, 2012.

All of which is respectfully submitted.
CONSENT AGENDA

March 26, 2012

Her Worship the Mayor
and
Members of Guelph City Council.

SUMMARY OF REPORTS:

The following resolutions have been prepared to facilitate Council’s consideration of the various matters and are suggested for consideration. If Council wishes to address a specific report in isolation of the Consent Agenda, please identify the item. The item will be extracted and dealt with immediately. The balance of the Consent Agenda will be approved in one resolution.

A REPORTS FROM ADMINISTRATIVE STAFF

REPORT | DIRECTION
---|---
A-1) **1820 GORDON STREET – RESIDENTIAL AND COMMERCIAL DRAFT PLAN OF SUBDIVISION (23T-03507): REQUEST FOR AN EXTENSION OF DRAFT PLAN APPROVAL – WARD 6** | Approve

THAT Report 12-29 dated March 26, 2012 regarding a request for a Draft Plan Approval extension for the subdivision of the property municipally known as 1820 Gordon Street (23T-03507) from Planning & Building, Engineering and Environment, be received;

AND THAT the application by FCHT Holdings (Ontario) Inc. for an extension to the Draft Plan Approval of the subdivision at 1820 Gordon Street (23T-03507) applying to lands legally described as Part of Southwest Part Lot 11, Concession 8 (Part of Part 1, Plan 61R-10803), City of Guelph, be approved for a three (3) year period to an extended lapsing date of May 26, 2015, subject to the conditions previously endorsed by Council.

A-2) **148-152 MACDONELL STREET SERVICES RELOCATION AGREEMENT** | Approve

THAT Council authorize the Mayor and Clerk to sign the “Services Relocation Agreement” between the City of Guelph and 148-152 Macdonell Ltd. Pertaining to the construction of watermain, sanitary sewers, and storm sewers on Woolwich Street and the construction of watermain and roadway modifications on Macdonell Street as outlined in this report dated March 26, 2012.
A-3) **LITIGATION STATUS REPORT DATED MARCH 19, 2012**

THAT the report of Legal and Realty Services regarding the status of City litigation be received.

A-4) **TERRA-ALTA CONSTRUCTION LTD. – REQUEST FOR AN EXEMPTION TO THE PROCUREMENT BY-LAW**

THAT the request from Terra-Alta Construction Ltd. to be exempt from Section 20 of the Procurement By-law which currently prevents them from bidding on any City of Guelph tenders while legal action is ongoing not be approved.

B **ITEMS FOR DIRECTION OF COUNCIL**

C **ITEMS FOR INFORMATION OF COUNCIL**

attach.
SUMMARY
Purpose of Report: This report provides a staff recommendation on a request for a three year extension of the Draft Plan Approval for the subdivision at 1820 Gordon Street (23T-03507).

Council Action: Council is being asked to approve the Draft Plan Approval extension request to an extended lapsing date of May 26, 2015.

RECOMMENDATION
“THAT Report 12-29 dated March 26, 2012 regarding a request for a Draft Plan Approval extension for the subdivision of the property municipally known as 1820 Gordon Street (23T-03507) from Planning & Building, Engineering and Environment, be received;

AND THAT the application by FCHT Holdings (Ontario) Inc. for an extension to the Draft Plan Approval of the subdivision at 1820 Gordon Street (23T-03507) applying to lands legally described as Part of Southwest Part Lot 11, Concession 8 (Part of Part 1, Plan 61R-10803), City of Guelph, be approved for a three (3) year period to an extended lapsing date of May 26, 2015, subject to the conditions previously endorsed by Council.”

BACKGROUND
Application Details:
(See Attachment 1 for Location Map and Attachment 2 for Approved Draft Plan)

Draft Plan Approval Date: May 26, 2006
Lapse Date: May 26, 2012 (1 previous 3 year extension approved)
Site Area: 3 hectares (Phase 2 lands)
Proposed Uses: The Phase 2 portion of Draft Plan 23T-03507 that remains to be registered, as shown in Attachment 2, currently includes:

- 4 on-street townhouse blocks (Blocks 3-6)
- 1 cluster townhouse block (Block 7)
- 1 park block (Block 8)
- 1 stormwater management block (Block 9)
- 1 open space/wildlife corridor (Block 10)

Recently, applications have been submitted for a redline amendment and zoning by-law amendment that apply to these remaining Phase 2 lands. These new planning applications will be subject to the full development review process and will be brought forward to a future statutory Public Meeting at Council.

Surrounding Uses:

- Community Commercial Shopping Centre (Clairfields Common) at the northwest corner of the intersection of Gordon Street and Clair Road
- Partially developed Community Commercial lands at the northeast corner of the intersection of Gordon Street and Clair Road
- Primarily single detached rural residential located east and south along Clair Road and Gordon Street

REPORT

Request: The Owners wish to proceed with the registration of the remaining Phase 2 lands, which represents the residential component of the overall draft plan. However, a redline amendment and zone change application was submitted on January 9, 2012 to revise the draft plan affecting these Phase 2 lands. The Owner has requested this 3 year draft plan extension to allow the required redesign of the plan to be pursued through the review of these applications. Section 51 (33) of the Planning Act allows the municipality to grant an extension of draft plan approval.

Recommendation: Planning staff recommend approval of the three year draft plan extension to May 26, 2015 for the following reasons:

- Draft Plan extension will provide the necessary time to review the new applications for a redline amendment and zoning by-law amendment.
- Draft plan continues to conform to the land use policies of the Official Plan.
- Draft plan was developed in coordination with the adjacent lands to the east and south to ensure that the necessary road and servicing connections are provided.
• Conditions of draft plan approval remain relevant in association with the current draft plan of subdivision and include all of the conditions previously endorsed by City Council. Staff would bring forward any recommended changes to the draft plan conditions through Council’s consideration of the new applications.

CORPORATE STRATEGIC PLAN
Urban Design and Sustainable Growth Goal #1: An attractive, well-functioning and sustainable City.

FINANCIAL IMPLICATIONS
None arising from this report.

DEPARTMENTAL CONSULTATION
The request for the proposed extension of draft plan approval was circulated to City departments. No objections received.

ATTACHMENTS
Attachment 1 – Location Map
Attachment 2 – Approved Draft Plan of Subdivision 23T-03507 and Details

Prepared By:  Recommended By:
Chris DeVriendt  Allan C. Hearne
Senior Development Planner  Acting Manager of Development Planning
519-837-5616, ext 2360  519-837-5616, ext 2362
chris.devriendt@guelph.ca  al.hearne@guelph.ca

Recommended By:  Recommended By:
Todd Salter  Janet L. Laird, Ph.D.
Acting General Manager  Executive Director
Planning Services  Planning & Building, Engineering and Environment
519-837-5616, ext 2395  519-822-1260, ext 2237
todd.salter@guelph.ca  janet.laird@guelph.ca

“original signed by Todd Salter”  “original signed by Janet Laird”
ATTACHMENT 1
Location Map
ATTACHMENT 2
Original Draft Plan of Subdivision 23T-03507
(approved May 26, 2006)
TO Guelph City Council

SERVICE AREA Planning & Building, Engineering and Environment

DATE March 26, 2012

SUBJECT 148-152 Macdonell Street Services Relocation Agreement

REPORT NUMBER

SUMMARY

Purpose of Report:
For Council to authorize the Mayor and Clerk to sign the “Services Relocation Agreement” between the City of Guelph and 148-152 Macdonell Ltd.

Council Action:
That Council authorize the Mayor and Clerk to sign the “Services Relocation Agreement” between the City of Guelph and 148-152 Macdonell Ltd.

RECOMMENDATION

“THAT Council authorize the Mayor and Clerk to sign the “Services Relocation Agreement” between the City of Guelph and 148-152 Macdonell Ltd. pertaining to the construction of watermain, sanitary sewers, and storm sewers on Woolwich Street and the construction of watermain and roadway modifications on Macdonell Street as outlined in this report dated March 26, 2012.”

BACKGROUND

As described in the Information Report dated January 19, 2012, the Wellington-Woolwich corridor includes significant downtown redevelopment sites on either side of the Speed River, including 5 Arthur Street (former W.C. Woods site), 150 Wellington Street (former Marsh Tire site), and 148-152 Macdonell Street (former Co-operators Daycare). The redevelopment of these sites requires relocation and replacement of existing municipal services.

The “Services Relocation Agreement” in this present report dated March 26, 2012 pertains to the relocation of existing watermain, sanitary sewers and storm sewers from the former “Priory Street” road allowance (extending along 148-152 Macdonell Street property and City owned lands further north) to Woolwich Street and the replacement of an existing watermain and roadway modifications on Macdonell Street.
REPORT
The property at 148-152 Macdonell Street is identified as one of the redevelopment sites in the City’s draft Downtown Secondary Plan. The property is also a brownfield site which requires remediation prior to redevelopment. In order to complete the remediation work, the relocation of existing watermain, sanitary sewers, and storm sewers currently located within a former road allowance on the property is required. The relocation of services is independent of the current planning applications for the 148-152 Macdonell Street property and will transfer municipal services from private property and abandoned road allowance to Woolwich Street road allowance.

Staff have prepared a Services Relocation Agreement to outline the scope and responsibilities of the City and the property owner regarding the design, construction and inspection of the required infrastructure. The Services Relocation Agreement provides for the following:

• Permanent relocation/replacement of existing watermain, sanitary sewers and storm sewers within the property and on Woolwich Street;
• Replacement of an existing local watermain on Macdonell Street with a new trunk distribution watermain;
• Modifications to the east-bound Macdonell Street right-turn lane at Wellington Street to allow for additional space for pedestrian traffic and improved traffic flow for buses and large trucks; and
• Apportionment of costs between the City and the property owner.

Following the Agreement, the City will proceed to construction of the replacement municipal services and roadway modifications. The estimated cost of relocation/replacement of the municipal services is $1,094,055.94 of which the City’s share is $514,821.27, being the cost of relocation involving City-owned lands and roadway modifications.

CORPORATE STRATEGIC PLAN
This project supports:
• Goal #1: An attractive, well functioning and sustainable city
• Goal #2: A healthy and safe community where life can be lived to the fullest

FINANCIAL IMPLICATIONS
The City’s share of the cost relocation of municipal services $514,821.27 will be allocated from approved Capital Budget accounts WD0015, SC0013 and RD0168.

DEPARTMENTAL CONSULTATION
The “Services Relocation Agreement” was prepared with input from Legal and Realty Services, Downtown Renewal and Engineering Services.
COMMUNICATIONS
N/A

ATTACHMENTS
N/A

Prepared By:
Colin Baker, P.Eng.
Environmental Engineer
(519) 822-1260, ext. 2282
colin.baker@guelph.ca

"original signed by Richard Henry"

Recommended By:
Richard Henry, P.Eng.
General Manager/City Engineer
Engineering Services
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richard.henry@guelph.ca

"original signed by Janet Laird"

Recommended By:
Janet L. Laird, Ph.D.
Executive Director
Planning & Building, Engineering and Environment
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janet.laird@guelph.ca
SUMMARY

Purpose of Report:
To provide information regarding the current status of the litigation the City is involved in.

Council Action:
To receive the report of Legal and Realty Services.

RECOMMENDATION

That the report of Legal and Realty Services regarding the status of City litigation be received.

BACKGROUND

Legal and Realty Services reports on the status of the litigation involving the City on a semi-annual basis.

REPORT

The attached chart sets out the details of the litigation the City is in involved in and the resolutions which have occurred since the last report in September, 2011.

In late 2011, Legal Services began managing the claims being defended by the City’s insurers, Frank Cowan Insurance (the “insurable claims”).
Cowan’s retains lawyers to act on their behalf in defending the insurable claims. New to this report is the list of insurable claims. This does not include claims involving the Police Services Board.

CORPORATE STRATEGIC PLAN

2.3 Provide accountability, transparency and engagement.

FINANCIAL IMPLICATIONS

N/A

DEPARTMENTAL CONSULTATION

N/A

COMMUNICATIONS

N/A

ATTACHMENTS

Litigation Status Report dated March 19, 2012

“original signed by Donna Jaques”

Prepared By:
Donna Jaques
General Manager Legal & Realty Services/City Solicitor
X 2288
donna.jaques@guelph.ca

“original signed by Mark Amorosi”

Submitted By:
Mark Amorosi
Executive Director, Corporate and Human Resources
x 2281
mark.amorosi@guelph.ca
<table>
<thead>
<tr>
<th>Matter</th>
<th>Description</th>
<th>History</th>
<th>Current Status</th>
<th>Counsel</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Urbancon Buildings Group Corp. v. City of Guelph</strong>&lt;br&gt;Ontario Superior Court of Justice&lt;br&gt;Court File No. 866/08 (main action)</td>
<td>• On September 19, 2008, the City terminated the contract of Urbancon for the construction of City Hall and the POA Court.&lt;br&gt;• Urbancon commenced a claim against the City seeking damages in the amount of $12,164,181.71 (this being the amount of the construction lien registered against the new City Hall property on September 26, 2008) and damages for alleged delay, loss of revenue and profits, unjust enrichment, punitive and other damages of $7,000,000.00.&lt;br&gt;• City served a Statement of Defence and Counterclaim seeking $5,000,000 in damages for breach of contract.</td>
<td>• October 9, 2008 – Served with Statement of Claim&lt;br&gt;• October 29, 2008 – City’s Statement of Defence and Counterclaim served on Urbancon&lt;br&gt;• October 8, 2010 to January 25, 2012 – Case Management Supervision meetings held approximately every six months&lt;br&gt;• August, 2011 – Final examinations for Discovery completed</td>
<td>• Undertakings by all parties to be complied with by March 31, 2012&lt;br&gt;• Damages Briefs and Experts Reports of all parties to be completed by May 31, 2012.&lt;br&gt;• Mediation to be held by October 31, 2012.&lt;br&gt;• Trial on the issue of liability to commence January 2013.</td>
<td>Simpson Wigle</td>
</tr>
<tr>
<td><strong>Subcontractors Construction Lien Claims</strong></td>
<td>• Subcontractors to Urbancon who were not paid registered liens against City land and commenced actions to recover the money owed.&lt;br&gt;• These claims were reviewed by a vetting committee.&lt;br&gt;• The court ordered the City pay into court $3.2 million representing the minimum holdback amount the City is required to have.</td>
<td>• July 19, 2010 – Order for the partial distribution of holdback money to subcontractors.&lt;br&gt;• January 3, 2012 – Order for payment of holdback money to Swan</td>
<td>• Case managed along with the main action</td>
<td>Simpson Wigle</td>
</tr>
<tr>
<td><strong>City of Guelph v. Urbancon Buildings Group Corp.</strong>&lt;br&gt;Ontario Superior Court of Justice&lt;br&gt;Court File No. 705/09</td>
<td>• Subsequent to the termination of Urbancon’s contract, the City directly paid 19 subcontractors money they were owed by Urbancon, for a total amount of $4,825,807.92.&lt;br&gt;• On August 21, 2009, the City commenced an action against Urbancon to recover this and other expenses.</td>
<td>• Urbacon has defended this proceeding.</td>
<td>• Case managed along with the main action</td>
<td>Simpson Wigle</td>
</tr>
<tr>
<td><strong>City of Guelph v. Aviva Insurance Company of Canada</strong>&lt;br&gt;Ontario Superior Court of Justice&lt;br&gt;Court File No. 1002/08</td>
<td>• Following the termination of Urbancon’s contract, the City made a claim against the performance bond issued by Aviva. Aviva refused to acknowledge its obligations</td>
<td>• November 20, 2008 – City served Statement of Claim on Aviva&lt;br&gt;• January 13, 2009 – Statement of Defence of Aviva was received</td>
<td>• Case managed along with the main action.</td>
<td>Simpson Wigle</td>
</tr>
<tr>
<td><strong>City of Guelph v. Moriyama &amp; Teshima Architects</strong>&lt;br&gt;Ontario Superior Court of Justice&lt;br&gt;Court File No. 09-14746</td>
<td>• On September 21, 2009, the City commenced a $2 million claim against the architects involved as consultants on the Urbancon project alleging negligence in their project management and seeking contribution</td>
<td>• June 30, 2011 – Statement of Claim served on Defendants&lt;br&gt;• September 14, 2011 – Statement of Defence of MTA received</td>
<td>• Case managed along with the main action</td>
<td>Simpson Wigle</td>
</tr>
<tr>
<td>Matter</td>
<td>Description</td>
<td>History</td>
<td>Current Status</td>
<td>Counsel</td>
</tr>
<tr>
<td>--------</td>
<td>-------------</td>
<td>---------</td>
<td>----------------</td>
<td>---------</td>
</tr>
</tbody>
</table>
| **Erica Davis v. The City of Guelph**  
Supreme Court of Canada  
Court File No. 564/09 | Ms. Davis appealed the order of the Property Standards Committee requiring Ms. Davis to make structural repairs to the swimming pool at 8 Terrace Lane, Guelph to the Superior Court of Justice.  
The City successfully appealed the order of the Superior Court of Justice to the Court of Appeal, obtaining an order restoring the decision of the Property Standards Committee and for $12,000 in costs.  
Ms. Davis has requested leave to appeal the Court of Appeal decision to the Supreme Court of Canada  
February 18, 2011 – Decision of Superior Court of Justice released  
March 11, 2011 – City filed Notice of Appeal  
October 24, 2011 – Matter heard at Ontario Court of Appeal  
December 6, 2011 - Decision of Court of Appeal received  
January, 2012 – Ms. Davis filed application for leave to appeal to the Supreme Court of Canada  
March 2, 2012 – City filed response to leave to appeal application | Waiting for decision of the Supreme Court of Canada on the leave to appeal application | Legal Services |
| **Wyndham Corporate Centre Inc. v. City of Guelph**  
Ontario Superior Court of Justice  
Court File No. CV 09 09638600 | The Plaintiff commenced an action seeking damages from the City in the amount of $225,000 and aggravated damages in the amount of $150,000 relating to the alleged failure of the City to remove carpets from the property at 2 Wyndham Street following expiration of the lease.  
September 29, 2009 – City served with Statement of Claim  
October 15, 2010 - City served Statement of Defence | City waiting on response from Plaintiff | Madorin Snyder |
| **County of Wellington v. City of Guelph**  
Ontario Superior Court of Justice  
Court File No. CV 09 00374309 | The City and County agreed in 1996 that the City would fulfill its obligation to have a municipal long-term care home by assisting with the maintenance of the County’s municipal home, Wellington Terrace.  
In 2009, the County of Wellington commenced an action claiming $4,000,000.00 for breach of contract by the City in failing to pay amounts owing from 2006 in respect of Wellington Terrace.  
October 14, 2009 – City served with Notice of Action and Statement of Claim  
January 4, 2010 – City’s Notice of Intent to Defend served  
May 25, 2010 – City’s Statement of Defence and Counterclaim served  
April 14, 2011 – City received Plaintiff’s Reply and Defence to Counterclaim  
April 25, 2011 – City’s Reply to Defence to Counterclaim served | Discovery Plan is being negotiated between the parties. | Weir Foulds |
| **1266304 et al. v. City of Guelph**  
Ontario Superior Court of Justice  
Court File No. 90/10 | Action commenced by 14 builders/developers for damages in the amount of $2,000,000 for breach of contract (subdivision agreements), negligent misrepresentation, unjust enrichment and breach of trust relating to allegations of “additional” development charges  
February 8, 2010 – City served with Statement of Claim  
March 10, 2010 – City’s Statement of Defence served  
November 8, 2010 – Summary Judgment motion brought by the | Discovery Process is underway  
Possible motion for production of documents | Aird & Berlis |
# COURT ACTIONS

<table>
<thead>
<tr>
<th>Matter</th>
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</thead>
<tbody>
<tr>
<td>(continued) 1266304 et al. v. City of Guelph</td>
<td>being improperly imposed for “hard” services.</td>
<td>City heard – not successful  • January 17, 2011 – City Motion for leave to Appeal heard - not successful</td>
<td></td>
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</tr>
<tr>
<td>City of Guelph v. Terra-Alta Construction Ltd. &amp; Braun Consulting Engineers Ltd. Ontario Superior Court of Justice Court File No. 302/11</td>
<td>• Action commenced by the City against Terra-Alta and Braun for damages in the amount of $150,000 relating to deficiencies in the construction of the water and wastewater services in the Pine Meadows subdivision.  • Further issues with other locations were discovered after the commencement of the action, which caused the City to increase its claim for damages to $500,000.</td>
<td>• April 21, 2011 – City issued Statement of Claim  • November 1, 2011 – Pleadings complete. Braun and Terra-Alta cross-claimed against each other. Braun and Terra-Alta each issued a Third Party Claim against Naylor Engineering.  • March 5, 2012 – City issued Amended Statement of Claim</td>
<td>• Discoveries to occur</td>
<td>Legal Services</td>
</tr>
<tr>
<td>Galatianos v. City of Guelph and R. Reynen Ontario Superior Court of Justice Court File No. 464/11</td>
<td>• Action commenced by Galatianos for general damages, misfeasance in public office and an injunction restraining the City from entering his property without 24 hours notice  • Based on Galatianos failing to comply with a notice to clean up his property under the Yard Maintenance Bylaw and the City undertaking the clean up.</td>
<td>• June 21, 2011 – Statement of Claim served on City  • July 19, 2011 – City served and filed its Statement of Defence  • December 6, 2011 – Amended Statement of Claim served on City  • March 1, 2012 – Plaintiff Counsel requests to have the matter transferred to the simplified procedure rules and to discontinue the action against Reynen</td>
<td>• Discovery Plan complete  • Examinations for Discovery to be scheduled once matter is transferred to the simplified procedure.</td>
<td>Legal Services</td>
</tr>
<tr>
<td>Wm. J. Gies Construction Limited v. City of Guelph Ontario Superior Court of Justice Court File No. 342/99</td>
<td>• Application for a declaration that Gies, the owner of the land at the southwest corner of Downey Road and the Hanlon Parkway, has prescriptive easements or rights-of-way over adjacent City owned lands.  • Related to an Ontario Municipal Board appeal on a zoning matter in which Gies is seeking approval for a 288 unit apartment development.</td>
<td>• April 27, 1999 – Application commenced by Gies  • May 12, 1999 – City responded  • January 26, 2006 – Cross-examination of City witnesses  • January 24, 2008 – Cross-examination of Gies witnesses</td>
<td>• No further steps taken by Applicant since January 24, 2008.  • City to take steps to resolve matter</td>
<td>Legal Services</td>
</tr>
<tr>
<td>Wm. J. Gies Construction Limited v. City of Guelph Ontario Superior Court of Justice Court File No. 1234/99</td>
<td>• Application under section 298 of the former Municipal Act (the provision was repealed by Bill 130) which provided that a road closing by-law may not be passed if it would deprive a person access to the person’s land.</td>
<td>• October 25, 1999 – Notice of Application by Gies  • October 27, 2000 – Notice of Appearance by City</td>
<td>• No further steps taken by Applicant  • City to take steps to resolve matter</td>
<td>Legal Services</td>
</tr>
</tbody>
</table>
**COURT ACTIONS RESOLVED SINCE SEPTEMBER 2011**

<table>
<thead>
<tr>
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<tbody>
<tr>
<td>Turner and Campbell v. City of Guelph</td>
<td>Action relating to war medals of Lt. Col. John McCrae which were donated to the McCrae House museum.</td>
<td>• March 10, 2008 – Action Commenced</td>
<td>• This matter is complete</td>
<td>Carters</td>
</tr>
<tr>
<td>1431633 Ontario Inc. v. City of Guelph, Devlan Construction Ltd., and 1535280 Ontario Inc.</td>
<td>Construction lien claim regarding the South End Emergency Services Station located at 160 Clair Road West.</td>
<td>• November 5, 2010 – City served with Statement of Claim</td>
<td>• This matter is complete</td>
<td>Legal Services</td>
</tr>
<tr>
<td>Ardi Inc. v. Devlan Construction Ltd. and City of Guelph</td>
<td>Construction lien claim regarding the South End Emergency Services Station located at 160 Clair Road West.</td>
<td>• November 29, 2010 – City served with Statement of Claim</td>
<td>• This matter is complete</td>
<td>Legal Services</td>
</tr>
<tr>
<td>City of Guelph v. Board of Health for the Wellington-Dufferin-Guelph Health Unit, County of Wellington, and County of Dufferin</td>
<td>Application by the City against the Board of Health and the Counties of Wellington and Dufferin relating to interpretation of the City’s obligations under the Health Protection and Promotion Act and the partnership agreement between the municipalities for payment of capital expenses of the Board of Health</td>
<td>• March 7, 2011 – City served Statement of Claim &amp; Motion materials on Board of Health</td>
<td>• This matter is complete</td>
<td>Legal Services</td>
</tr>
<tr>
<td>798842 Ontario Ltd. v. University Village (Guelph) Ltd., The TDL Group Corp. and City of Guelph</td>
<td>Application by 798842 Ontario Ltd. for a declaration that it has an easement over access points between 292 and 304-324 Stone Road West, and over 304-324 Stone Road West to the municipal roadway, and for a declaration that it has acquired by adverse possession the lands on which the garbage bin is located at 304-324 Stone Road West. The City has received a site plan application on behalf of 798842 Ontario Ltd. for a drive-thru at 292 Stone Road West.</td>
<td>• April 4, 2011 – City served with Notice of Application</td>
<td>• Waiting to receive Order dismissing the application against TDL and City of Guelph</td>
<td>Legal Services</td>
</tr>
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</table>
## COURT ACTIONS RESOLVED SINCE SEPTEMBER 2011

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<tr>
<td><strong>City of Guelph v. Szenkowski, Peter (cob as GTA Asphalt)</strong> Guelph Small Claims Court Claim No. 11-302</td>
<td>• Claim issued by the City for recovery of costs related to an Emergency Spills Response incident that occurred May 7, 2009.</td>
<td>• May 2, 2011 – City served Plaintiff's Claim  • September 9, 2011 – Default Judgment in the amount of $3696.77 obtained.  • February 28, 2012 – payment in full received by City</td>
<td>• This matter is complete  Legal Services</td>
</tr>
<tr>
<td><strong>Stewart, Allan v. City of Guelph et al</strong> Ontario Superior Court of Justice Court File No. 329/11</td>
<td>• Application by Stewart for an injunction preventing the City from entering his property without a warrant and seeking the return of material that was removed from his property pursuant to a notice given under the Yard Maintenance Bylaw.</td>
<td>• May 3, 2011 – City served with Notice of Application  • December 13, 2011 – Agreement reached that the application would be dismissed without costs  • January 6, 2012 – Order dismissing the application was issued</td>
<td>• This matter is complete.  Legal Services</td>
</tr>
<tr>
<td><strong>Bell Canada v. City of Guelph</strong> Guelph Small Claims Court Claim No. 11-409</td>
<td>• Action commenced by Bell for damages in the amount of $2885.27 resulting from allegations that the City caused damage to an underground 2700-pair paper telecommunications cable and related equipment while effecting repairs to a speed limit sign.</td>
<td>• June 13, 2011 – City served with Plaintiff’s Claim  • February 1, 2012 – Settlement Conference held and action dismissed on consent.</td>
<td>• This matter is complete.  Legal Services</td>
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## OMB MATTERS

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<td><strong>Wm. J. Gies Construction Limited</strong> Southwest corner of Downey Rd. and Hanlon Pkwy</td>
<td>• Long outstanding zoning appeals relating to the two court matters.</td>
<td>• Matter not currently being pursued by appellant</td>
<td>Legal Services</td>
</tr>
<tr>
<td><strong>580 Paisley Road – Armel Corporation</strong> Case No. MM080050</td>
<td>• Appeal by the owner, Armel Corporation, of a decision not to approve a site plan application for a proposed gas bar, car wash and kiosk. The main issue relates to site access.</td>
<td>• October 1, 2008 – Appeal received</td>
<td>• Matter in abeyance pending the completion of the Environmental Assessment of Silvercreek Parkway South  Legal Services</td>
</tr>
<tr>
<td><strong>Development Charges By-law (2009) – 18729 – Guelph Wellington Development Association and 11 local home builders</strong> Case No. 090006</td>
<td>• Appeal of the development charges by-law by the GWDA and 11 local home builders on a number of grounds: overestimated service requirements, certain capital projects not growth related, improper increase in level of service, improper growth/non-growth allocation, failure to apply</td>
<td>• March 9, 2009 – Appeal filed  • January 21, 2010 – Mediation held  • October 31, 2011 – hearing scheduled – adjourned  • January 24, 2012 – Prehearing teleconference held</td>
<td>• Hearing scheduled to commence August 17, 2012  Garrod Pickfield</td>
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<tr>
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<tr>
<td>Development Charges By-law (2009) – 18729</td>
<td>DC funds to projects to reduce growth share, capital costs overstated for projects, and capital cost for ineligible projects are included.</td>
<td></td>
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</tr>
<tr>
<td><strong>381-385 Elmira Road North</strong>&lt;br&gt;Case No. PL100953</td>
<td>• Appeal by the Ontario Dairy Herd Improvement Corporation from certain conditions requested by City staff and imposed by the Committee of Adjustment as part of its decision approving a minor variance to permit the establishment of a transportation depot for outdoor storage and light maintenance of school buses. The conditions from which the owner has appealed relate to compliance with a previously approved site plan for the property.</td>
<td>• January 5, 2011 – hearing scheduled – adjourned</td>
<td>• Ongoing</td>
</tr>
<tr>
<td><strong>OPA 42 (13 Appeals)</strong>&lt;br&gt;Case No. PL110278</td>
<td>• 13 appeals relating to various aspects of Official Plan Amendment No. 42 (Natural Heritage Strategy)</td>
<td>• July 6, 2011 – prehearing conference held; Mr. Julian Zilio requested and has been granted party status&lt;br&gt;• November 18, 2011 – 2nd prehearing conference held</td>
<td>• April 27, 2012 - Prehearing conference scheduled</td>
</tr>
<tr>
<td><strong>387 Ironwood Road</strong>&lt;br&gt;Case No. PL110468</td>
<td>• Appeal by Mansoor Vezvaie of a Committee of Adjustment decision refusing minor variances, including a variance from the Interim Control By-law (ICB) to establish an accessory unit</td>
<td>• May 2, 2011 – Appeal received&lt;br&gt;• July 28, 2011 – hearing held&lt;br&gt;• February 24, 2012 - ICB no longer in effect&lt;br&gt;• March 5, 2012 – ICB repealed</td>
<td>• Awaiting decision of the Board</td>
</tr>
<tr>
<td><strong>1897 Gordon Street</strong>&lt;br&gt;Case No. PL110916</td>
<td>• Appeal by Hugh Whiteley of a Zoning By-law amendment, Official Plan amendment and draft Plan approval/conditions of approval relating to 1897 Gordon Street</td>
<td>• August 2, 2011 – Appeal received&lt;br&gt;• November 24, 2011 – motion to dismiss appeal heard&lt;br&gt;• February 16, 2012 – continuation of motion heard – decision reserved</td>
<td>• Awaiting decision on motion</td>
</tr>
<tr>
<td><strong>25 Ervin Crescent</strong>&lt;br&gt;Case No. PL111003</td>
<td>• Appeal by Alexandria Donis of a Committee of Adjustment decision refusing a minor variance from the Interim Control By-law to permit an accessory apartment.</td>
<td>• September 26, 2011 – Appeal received&lt;br&gt;• January 5, 2012 – Hearing adjourned sine die, returnable on 45 days notice&lt;br&gt;• February 24, 2012 – ICB no longer in effect&lt;br&gt;• March 5, 2012 – ICB repealed</td>
<td>• Legal Services working with OMB to resolve appeal process</td>
</tr>
</tbody>
</table>
## LITIGATION STATUS REPORT
March 19, 2012

### OMB MATTERS

<table>
<thead>
<tr>
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</table>
| 29 Curzon Crescent | Case No. PL111263 | • Appeal by Wes and Margaret Zalewski of the Committee of Adjustment decision for minor variance | • November 28, 2011 – Appeal received  
• March 21, 2012 – Hearing scheduled | • Ongoing | Legal Services |
| 716 Gordon Street | Case No. PL111340 | • Appeal by Adobe Varsity Living re applications for OP amendment and zoning by-law amendment to permit development of apartment building designed for students | • December 12, 2011 – Appeals received  
• December 23, 2011 – municipal submission form and accompanying documents filed with OMB | • April 19, 2012 – Prehearing scheduled | Legal Services/Garrod Pickfield |
| 553 Edinburgh Road | Case No. PL120169 | • Appeal by Narain Sambhwani of a Committee of Adjustment decision for minor variance and parking variance. | • January 30, 2012 – Appeal received | Planning staff will report to Council to seek direction regarding the City’s participation in the upcoming hearing | Legal Services |

### OMB MATTERS RESOLVED SINCE SEPTEMBER 2011

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</table>
| 23 Fairview Blvd | Case No. PL100687 | • Appeal by Robert and Leslie Smejkal from the decision of the Committee of Adjustment to approve a severance and associated minor variances. | • June 28, 2010 – Appeal filed  
• September 14, 2011 – Settlement teleconference held  
• October 28, 2011 - Decision received approving consent and variances in accordance with Minutes of Settlement | • This matter is complete | Legal Services |
| Zoning By-law amendment – Shared Rental Housing | Case No. PL101189 | • Appeal of By-law (2010)-19076. | • October 13, 2010 – Appeal received  
• June 21, 2011 – Ontario Human Rights Commission added as a party  
• September 21, 2011 - Prehearing teleconference held  
• February 24, 2012- Board notified the parties that its appeal file was closed. | • This matter is complete | Legal Services |
| 129 Baxter Drive | Case No. PL110087 | • Appeal by Asim Ali Mir of a Committee of Adjustment decision refusing to allow a minor variance from the Interim Control By-law to allow an accessory apartment. | • January 26, 2011 – Appeal received  
• November 30, 2011 – hearing held – the Board issued an oral decision dismissing the appeal | • This matter is complete | Legal Services |
<table>
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</thead>
</table>
| 61 Rickson Avenue           | Appeal by Michael Sarracini of a Committee of Adjustment decision refusing minor variances including a variance from the Interim Control By-law to establish an accessory unit                                      | • May 19, 2011 – Appeal received  
• September 7, 2011 – Mr. Sarracini withdrew the appeal with respect to variances other than ICB  
• Hearing regarding the variance from the ICB adjourned sine die, returnable on 45 days notice  
• February 24, 2012 – ICB no longer in effect  
• March 5, 2012 – ICB repealed                                                                 | • This matter is complete                                                                      | Legal Services                  |
| 415 Cole Road               | Appeal of a Committee of Adjustment decision refusing a minor variance to the Interim Control By-law to recognize an existing six bedroom lodging house in a single detached dwelling at 415 Cole Road                                      | • October 27, 2011 – Appeal received  
• February 24, 2012 – ICB no longer in effect  
• March 1, 2012 – Hearing scheduled - cancelled                                                                                     | • This matter is complete                                                                      | City not a party                |
| 12 Balfour Court            | Appeal by Agnes VandenBerg of a Committee of Adjustment decision refusing a minor variance to Interim Control By-law to recognize an existing accessory apartment in a detached dwelling and a variance from the Zoning By-law to permit the accessory apartment to be 87.2m²   | • November 3, 2011 – Appeal received  
• February 24, 2012 - ICB no longer in effect  
• February 29, 2012 – Hearing held regarding the outstanding variance  
• March 7, 2012 – decision received granting the appeal                                                                 | • This matter is complete                                                                      | City not a party                |
| 27 & 29 Westra Drive        | Appeals by Armel Corporation relating to the Committee of Adjustment’s refusal of minor variances for 27 and 29 Westra Drive.                                                                            | • November 4, 2011 – Appeal received  
• February 8, 2012 – Hearing held and appeals granted                                                                                           | • This matter is complete                                                                      | City not a party                |
| 22 Mason Court              | Appeal by James Rattary of the Committee of Adjustment decision to not permit a bachelor accessory apartment at 22 Mason Court.                                                                         | • November 28, 2011 – Appeal received  
• February 24, 2012 – ICB no longer in effect  
• March 8, 2012 – Hearing scheduled – cancelled, appeal withdrawn                                                                               | • This matter is complete                                                                      | City not a party                |
| 114 Bristol Street          | Appeal by Rene Luypaert, agent for the owner, of the Committee of Adjustment decision for minor variance from the Interim Control By-law                                                              | • January 30, 2012 – Appeal received  
• February 24, 2012 – ICB no longer in effect  
• March 5, 2012 – ICB repealed                                                                                                                | • This matter is complete                                                                      | Legal Services                  |
## OTHER MATTERS

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<tr>
<td><strong>Human Rights Tribunal of Ontario (HRTO)</strong></td>
<td>• Application to the HRTO requesting additional accessible parking beside the applicant’s business, removal of time limitations for parking and adequate snow removal for access to and from accessible parking spaces. The applicant requests that rules and by-laws which have an adverse impact be modified for persons with disabilities, and that Operations staff, including Parking and Enforcement, be required to develop a policy and procedure on anti-discrimination and the duty to accommodate in the designation of accessible parking spaces, the formulation of neutral rules and the application of those rules to persons with a disability. The applicant seeks damages for mental anguish in the amount of $10,000.</td>
<td>• December 23, 2008 – Notice of Application received &lt;br&gt; • January 27, 2009 – City’s Response filed &lt;br&gt; • February 19, 2009 – Reply by Applicant received &lt;br&gt; • April 6-8 &amp; 27-29, 2010 – Hearing rescheduled – cancelled &lt;br&gt; • April 4-5, 2012 – hearing scheduled</td>
<td>• Ongoing</td>
<td><strong>Legal Services</strong></td>
</tr>
<tr>
<td><strong>Ministry of Labour v. City of Guelph</strong></td>
<td>• On April 27, 2010, the City of Guelph was charged with three offences under the Occupational Health and Safety Act (“OHSA”). The charges relate to the washroom building at the South End Community Park. The architect, L. Alan Grinham, and the engineer, Larry Argue (of Burnside consulting engineers) are each charged with one count under the OHSA.</td>
<td>• April 27, 2010 – Charges received &lt;br&gt; • June 16, July 23, September 20 and October 18, 2010 – Appearances made &lt;br&gt; • January 11, March 29, 2011 – Pre-trial conferences held &lt;br&gt; • April 20, 2011 – appearance to set trial dates &lt;br&gt; • August 16, September 12, November 30, December 23, 2011 – Pre-trial conferences held &lt;br&gt; • February 13, 2012 – Trial began in POA court on preliminary limitations issue</td>
<td>• Decision on preliminary issues to be released April 20, 2012 &lt;br&gt; • Trial to resume August</td>
<td><strong>Gowlings</strong></td>
</tr>
<tr>
<td><strong>60 Cardigan Street (Charleston Homes)</strong></td>
<td>• Complaint from the owner of 60 Cardigan Street in respect of the calculation of development charges under the City’s Development Charge By-law.</td>
<td>• December 16, 2010 – Complaint received &lt;br&gt; • September 7, 2011 – hearing scheduled before Council – cancelled</td>
<td>• Hearing to be rescheduled</td>
<td><strong>Legal Services</strong></td>
</tr>
<tr>
<td><strong>945 Southgate Drive (2144113 Ontario Limited)</strong></td>
<td>• Complaint from the owner of 945 Southgate Drive in respect of the calculation of development charges under the City’s Development Charge By-law</td>
<td>• May 27, 2011 – Complaint received &lt;br&gt; • October 18, 2011 – hearing before Council held – decision made</td>
<td>• Final documentation to implement Council’s decision to be completed.</td>
<td><strong>Legal Services</strong></td>
</tr>
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### OTHER MATTERS

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</table>
| **80 Simmonds Drive Conservation Review Board** | Appeal by resident of designation of 80 Simmonds Drive under the Ontario Heritage Act. | • August 17, 2011 – Prehearing conference scheduled – adjourned at the appellants request  
• September 23, 2011 - Prehearing teleconference held  
• January 10, 2012 – Prehearing teleconference held | • Parties to exchange and file documents no later than May 4, 2012.  
• Hearing scheduled for June 4 - 5, 2012 | Legal Services |
| **Appeal under Business Licence By-law (2009)-18855 as amended** | Appeal by Xia Ying Cui under the City of Guelph Business Licence By-law (2009)18855 as amended, regarding a refusal by the City Clerk of the City of Guelph to renew a Holistic Practitioner’s business licence | • January 12, 2012 – request for a hearing before the appeals committee received  
• February 10, 2012 – Hearing scheduled – cancelled  
• Matter has been resolved and the appeal withdrawn. | • This matter is complete | Legal Services |

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### INSURED MATTERS *

<table>
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</thead>
</table>
| **Buzbuzian v. City of Guelph** Ontario Superior Court of Justice Court File No. 3813/02 | Plaintiff purchased property based on it being zoned commercial, alleges the City misrepresented the correct zoning | • October 7, 2002 – Statement of Claim served on City  
• December 3, 2002 – City filed Statement of Defence  
• June 3, 2008 – Status Hearing held  
• April 30, 2012 – Trial scheduled | • Ongoing | Madorin Snyder |
| **Mark v. City of Guelph et al** Ontario Superior Court of Justice Court File No. C-663-04 | Motor Vehicle accident – February 5, 2003 | • July 7, 2004 – Statement of Claim served on City | • Ongoing | Insurers’ legal counsel |
| **Reed v. City of Guelph et al** Ontario Superior Court of Justice Court File No. 612/08 | Accident – May 24, 2007 | • September 17, 2008 – Statement of Claim served on City | • Ongoing | Insurers’ legal counsel |
| **Kempt v. City of Guelph** Ontario Superior Court of Justice Court File No. 11398/09 | Slip and Fall accident – September 17, 2007 | • June 4, 2009 – Statement of Claim served on City | • Ongoing | Insurers’ legal counsel |
| **Garneau v. City of Guelph et al** Ontario Superior Court of Justice Court File No. 987/09 | Slip and Fall accident – February 17, 2008 | • December 9, 2009 – Statement of Claim served on City  
• December 21, 2009 – City served Notice of Intent to Defend | • Ongoing | Insurers’ legal counsel |
# LITIGATION STATUS REPORT
March 19, 2012

## INSURED MATTERS *

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<tbody>
<tr>
<td>Smith v. City of Guelph</td>
<td>Slip and Fall accident – March 15, 2011</td>
<td>February 1, 2012 – Statement of Claim served on City</td>
<td>Ongoing</td>
<td>Insurers’ legal counsel</td>
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</table>
| Hannah Max Enterprises Inc. v. Hira Custom Homes and Tvan Excavating Ltd.  
Ontario Superior Court of Justice 516/10 | • Plaintiff sued builder for water in basement because of a leak in water service pipe under the driveway. Builder third partied the City for contribution/indemnity | • February 13, 2012 – Third Party Claim by Tvan Excavating Ltd. served on City | • Ongoing | Insurers’ legal counsel |

* Does not include claims solely against Guelph Police Services (i.e. City not named as a party)

## INSURED MATTERS COMPLETE SINCE SEPTEMBER 2011

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</tr>
</thead>
</table>
| Mendelson et al v. City of Guelph et al  
Ontario Superior Court of Justice  
Court File No. CV-11-427482 | • Slip and Fall accident – January 17, 2011 | • June 1, 2011 – Statement of Claim served on City  
• February 13, 2012 – Notice of Discontinuance received – Plaintiffs wholly discontinued the action against the City of Guelph on a without costs basis | • This matter is complete | Insurers’ legal counsel |
TO Guelph City Council

SERVICE AREA Finance
Procurement and Risk Management

DATE March 26, 2012

SUBJECT Terra-Alta Construction Ltd.
Request for an Exemption to the Procurement By-law

REPORT NUMBER FIN-12-18

SUMMARY

Purpose of Report:
To provide background information and a recommendation with respect to a request from Terra-Alta Construction Ltd. for an exemption to Section 20 of the Procurement By-law.

Council Action:
To make a decision regarding the request from Terra-Alta Construction Ltd. to be exempt from Section 20 of the Procurement By-law and be permitted to bid on City of Guelph tenders while legal action is ongoing.

RECOMMENDATION

THAT the request from Terra-Alta Construction Ltd. to be exempt from Section 20 of the Procurement By-law which currently prevents them from bidding on any City of Guelph tenders while legal action is ongoing not be approved.

BACKGROUND

On January 20, 2005, the City entered into a contract with Terra-Alta Construction Ltd. for the construction of, among other things, the installation of the sanitary sewer main and lateral pipes in the municipal right of way in Phase 6 of the Pine Meadows subdivision. Braun Engineering was the consultant on the project.

The work commenced in early 2005. On June 9, 2005, Braun provided a certification letter to the City confirming that the work was substantially complete...
and functional. A certificate of substantial performance was issued and published in August 2005.

In 2009, the City began to receive complaints from residents regarding the operation of the sanitary sewer system. As a result, the City engaged a consultant to “camera” the sanitary sewer pipes including the service laterals. The initial report was received on April 21, 2009 and reviewed by City employees on April 30, 2009. Further reports were received thereafter. The reports revealed that there were several locations in which the sanitary sewer pipes and laterals installed by Terra-Alta had sagged, causing liquid and sediment to settle in the pipes. The City determined that several of the pipes had to be replaced in order to address existing concerns and to prevent future sewage backups to private residences.

The City undertook the remedial work in September, 2009 and removed and replaced six faulty service laterals. During this work, it was observed that in some locations where the lateral pipes were installed, there was reverse flow due to sagging, insufficient bedding around the pipes and large cobbles directly on the pipes. These items also required repair and the City replaced more pipes than originally intended.

In August 2011, more problems with the laterals and mains were encountered. Further investigation was undertaken by the City during October and November of 2011. In November 2011, the City discovered that there were other areas of Phase 6 of the Pine Meadows subdivision that had similar problems with the sanitary laterals and mains. As a result of these new problems, further remedial work was undertaken by the City.

On April 21, 2011, the City commenced an action against Braun (the consulting engineers) and Terra-Alta for compensation for the work done by the City to repair the faulty work of Terra Alta. The claim was amended in March 2012 to account for the new problems found in the other areas of Phase 6 of Pine Meadows subdivision where Terra-Alta had installed the laterals and mains. The action claims $500,000 in damages for compensation for these expenses.

**REPORT**

Section 20 of the Purchasing By-law (2009)-18777 states:

“No bid or offer will be accepted from any bidder or offeror, inclusive of the bidder’s or offeror’s subcontractors, who has a claim or has instituted a legal proceeding against the City, or against whom the City has instituted a legal proceeding, without prior approval of Council”.

Terra-Alta has written a letter to Council requesting approval to bid on work tendered by the City, and if successful, perform such projects for the City notwithstanding the legal proceedings instituted by the City against Terra-Alta.

Given the nature of the allegations made by the City against Terra-Alta regarding their performance of construction work, it is the recommendation of the Manager of
Procurement and Risk Management that Council not approve Terra-Alta’s request. This would comply with the intention of the By-law that those who are involved in litigation with the City not be allowed to bid on City tenders.

CORPORATE STRATEGIC PLAN

N/A

FINANCIAL IMPLICATIONS

There are no known financial implications of this decision.

DEPARTMENTAL CONSULTATION

Planning & Building, Engineering and Environment Department
Legal and Realty Services

COMMUNICATIONS

N/A

ATTACHMENTS

Appendix A – Letter dated January 31, 2012 from Terra-Alta Construction Ltd. to City Council

“original signed by Bill Stewart”

Prepared By:  
Bill Stewart  
Manager of Procurement / Risk Management  
519-822-1260 E: 2309  
Bill.stewart@guelph.ca

“original signed by Susan Aram”

Recommended By:  
Susan Aram  
Acting Treasurer  
519-822-1260 E: 2300  
Susan.Aram@guelph.ca
January 31 2012

Purchasing Policy

City Council
C/O City Clerk’s Office
City of Guelph
1 Carden St
Guelph, On. - N1H 3A1

To: The Mayor and Members of City Council

Re: Legal Proceeding initiated by the City of Guelph
and Purchasing By-Law 2009-18777

On April 21 2011 the City of Guelph initiated legal proceedings against Terra Alta Construction Ltd. among others for works completed at Pine Meadows Subdivision Phase 6. The work was completed in 2005 and the City of Guelph issued Final Acceptance for the works in August/September of 2007.

Prior to and since 2005 Terra Alta Construction Ltd has successfully completed without incident over Six Million dollars’ worth of work in the City of Guelph. The major projects that have been completed within and for the City of Guelph are:

<table>
<thead>
<tr>
<th>1. MacAlister Blvd</th>
<th>7. 714 Willow Road</th>
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<tbody>
<tr>
<td>2. College Ave</td>
<td>8. Victoria Gardens Subdivision Phase 3</td>
</tr>
<tr>
<td>4. Hanlon Creek Business Park</td>
<td>10. Woodlawn Road reconstruction</td>
</tr>
<tr>
<td>5. Victoria &amp; Woodlawn Reconstruction</td>
<td>11. Westvale Subdivision</td>
</tr>
<tr>
<td>6. Watson East Subdivision</td>
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</table>
We bring to Council's attention Page 7 Item 20 of the Purchasing By-law 2009-18777 – Legal Claims (attached) whereby Council may approve Contractors in litigation with the City to bid on tendered projects.

Terra Alta Construction Ltd. has not been found at fault or guilty of any of the allegations being brought forward by the City of Guelph's Legal department.

If found at fault, Terra Alta Construction Ltd. will make good any damages assessed by the Courts.

With respect, Terra-Alta Construction Ltd. formally requests City Council approval to bid on work tendered and if successful, perform said projects for the City of Guelph while the legal proceedings are being resolved by the Courts.

Thank you for your consideration, if you require further information please contact the undersigned at 519 244 7593

Yours Truly
Terra-Alta Construction

Joe Monteiro
President, Terra-Alta Construction
- **BYLAWS** –

- **March 26, 2012 –**

<table>
<thead>
<tr>
<th>By-law Number (2012)-19347</th>
<th>To amend the by-law with respect to appointments of persons serving as municipal by-law enforcement officers.</th>
</tr>
</thead>
<tbody>
<tr>
<td>A By-law to amend By-law Numbers (2003)-17082 and (1997)-15351 with respect to appointments of persons serving as municipal by-law enforcement officers, known as “private property agents” (to remove Ferris, Abebe, Wigg, Kruger, Ferren, Kambo, Walizad, Almond, Clark, Kambo, Sibia, Rahmaty, Robertson, Boyle, Rietkerk, Perry, Hasan, Yardam, Shah, Ledrew, Kelley, Williamson, Stancl, Lafosse, Sharpe, Heeney, Anderson, Campbell, Dawson, Downey, Jimenez, Sawyer, Gracias, Cisneros, Rahmaty, Magwood, Evans, Laur, Decosta, Iqbal, Josh, Hunt, McLeod, Toms, O’Kane and Waterman and to add VanHeeswyk, Palmer, Schepers, Tregunna, Frankena, Oicle, Miselli, Fitzgerald, Root and Price.)</td>
<td>To amend the by-law with respect to appointments of persons serving as municipal by-law enforcement officers.</td>
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<tr>
<th>By-law Number (2012)-19348</th>
<th>To dedicate land as part of Westra Drive.</th>
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<tbody>
<tr>
<td>A by-law to dedicate certain lands known as Block 110, Plan 61M84 as part of Westra Drive, City of Guelph.</td>
<td>To dedicate land as part of Westra Drive.</td>
</tr>
</tbody>
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<thead>
<tr>
<th>By-law Number (2012)-19349</th>
<th>To dedicate land as part of Saigon Street and Curzon Crescent.</th>
</tr>
</thead>
<tbody>
<tr>
<td>A by-law to dedicate certain lands known as Block 42, Plan 61M167 as part of Saigon Street and Block 43, Plan 61M167 as part of Curzon Crescent, City of Guelph.</td>
<td>To dedicate land as part of Saigon Street and Curzon Crescent.</td>
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<tr>
<th>By-law Number (2012)-19350</th>
<th>To add private roadways as fire routes.</th>
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<tr>
<td>A by-law to amend By-law Number (2003)-17082, being a by-law to designate private roadways as a fire route, and to adopt Municipal Code Amendment #463. (add 105 Bard Blvd., 11 Corporate Court, 1416 Gordon St., 24 Marilyn Dr., 79 Monarch Rd., 77 Westmount Rd., 86 Woodlawn Rd. W., 124 Woodlawn Rd. W., 226 Woodlawn Rd. W., and 659 Wellington Rd. W.)</td>
<td>To add private roadways as fire routes.</td>
</tr>
<tr>
<td>By-law Number (2012)-19351</td>
<td>A by-law to amend the Official Plan for the City of Guelph as it affects property known municipally as 180 Gordon Street and legally described as Part of Lot A, Plan 302, City of Guelph (OPA1106)</td>
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<tr>
<td>By-law Number (2012)-19352</td>
<td>A by-law to amend By-law Number (1995)-14864, as amended, known as the Zoning By-law for the City of Guelph as it affects property known municipally as 180 Gordon Street and legally described as Part of Lot A, Plan 302, City of Guelph to permit the development of townhouses. (ZC1107)</td>
</tr>
<tr>
<td>By-law Number (2012)-19353</td>
<td>A by-law to authorize the acquisition of property described as Part Lot 6, Concession 8, (formerly Puslinch Township), designated as Part 1, Reference Plan 61R7379, City of Guelph. (176 Arkell Road.)</td>
</tr>
<tr>
<td>By-law Number (2012)-19354</td>
<td>A by-law to remove Part of Block 1, Plan 61M174, designated as Parts 33 to 49 inclusive, Reference Plan 61R11738 and Part of Block 2, Plan 61M174, designated as Parts 50 to 66 inclusive, Reference Plan 61R11738 in the City of Guelph from Part Lot Control. (73, 75, 77, 79 to 88, 90, 92 and 94 Mussen Street)</td>
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<tr>
<td>By-law Number (2012)-19355</td>
<td>A by-law to remove: Lot 6, Plan 61M167, designated as Parts 21 and 22, Reference Plan 61R11603 in the City of Guelph from Part Lot Control. (57 and 55 Curzon Crescent)</td>
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<tr>
<td>By-law Number (2012)-19357 A by-law to remove Lot 22, Plan 61M164, designated as Parts 11 and 12, Reference Plan 61R11532 in the City of Guelph from Part Lot Control. (17 and 19 Oakes Crescent)</td>
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<tr>
<td>To remove land from part lot control to create separate parcels for semi-detached dwellings to be known municipally as 17 and 19 Oakes Crescent.</td>
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