

Council Caucus Room
March 26, 2012 5:00 p.m.

An Open Meeting of Guelph City Council.

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

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

CAO Performance Appraisal

S. 239 (2) (b) of the *Municipal Act* - personal matters about an identifiable individual

Proposed or Pending Acquisition of Parkland

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

Human Rights Tribunal of Ontario Settlement

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

Wellington Terrace Litigation

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

Official Plan Amendment - OMB Appeals

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

Carried

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Mayor

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Clerk

Council Caucus Room
March 26, 2012 5:01 p.m.

A Closed Meeting of Guelph City Council.

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

Staff Present: Mr. B. Labelle, City Clerk

DECLARATIONS OF PECUNIARY INTEREST

There was no declaration of pecuniary interest.

CAO Performance Appraisal

1. Moved by Councillor Laidlaw
Seconded by Councillor Burcher
That the direction be approved.

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

VOTING AGAINST: Councillor Kovach (1)

Carried

The following staff arrived at 5:26 p.m.

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; Donna Jaques, General Manager of Legal and Realty Services; Ms. Susan Smith, Associate Solicitor; Acting General Manager of Building and Planning Services, Mr. Ian Panabaker, Corporate Manager, Downtown Renewal and Mr. Jim Stokes, Manager of Realty Services

Proposed or Pending Acquisition of Parkland

2. Moved by Councillor Burcher
Seconded by Councillor Guthrie
That the report be received for information.

Carried

Human Rights Tribunal of Ontario Settlement

- 3. Moved by Councillor Kovach
Seconded by Councillor Furfaro
That the direction to staff be approved.

Carried

Wellington Terrace Litigation

- 4. Moved by Councillor Kovach
Seconded by Councillor Findlay
That the direction to staff be approved.

Carried

Official Plan Amendment - OMB Appeals

- 1. Moved by Councillor Kovach
Seconded by Councillor Findlay
That the direction to staff be approved.

Carried

The meeting adjourned at 6:15 p.m.

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Mayor

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Clerk

Council Chambers
March 26, 2012 7:00 p.m.

An Open Meeting of Guelph City Council

Present: Mayor Farbridge, Councillors Bell, Burcher, Dennis, Findlay, Furfaro, Guthrie, Hofland, Kovach (vacated at 7:23 p.m.), Laidlaw, Piper, Van Hellemond 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 Co-ordinator.

DECLARATIONS OF PECUNIARY INTEREST

There was no declaration of pecuniary interest.

PRESENTATIONS

- a) The Mayor presented the 2012 Access Recognition Awards to the following individuals for outstanding contributions:
 - Janice Centurione
 - Ashley Kuchar
 - Carin Headrick
 - Dr. Bianca Ferenczy
 - Brad Coutts
 - Melissa Brooks
 - John Martini

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

CONFIRMATION OF MINUTES

1. Moved by Councillor Dennis
Seconded by Councillor Piper
THAT the minutes of the Council meetings held on February 22 and 27, 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;

AND THAT the minutes of March 5, 2012 be amended to reflect Councillors Findlay and Hofland moving and seconding Resolution #1, and that the minutes be confirmed as amended and without being read.

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

Councillor Findlay presented the Operations, Transit & Emergency Services Committee Third Consent Report.

2. Moved by Councillor Findlay
Seconded by Councillor Van Hellemond
THAT the March 26, 2012 Operations, Transit & Emergency Services Committee Third Consent Report as identified below, be adopted:

a) **U-Pass Contract Renewal**

Mr. D. McCaughan
Ms. D. Jaques
Ms. S. Aram

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.

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

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

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

Councillor Findlay presented the Closed Meeting of Council Third Consent Report.

3. Moved by Councillor Findlay
Seconded by Councillor Burcher

THAT the March 26, 2012 Closed Meeting of Council Third Consent Report as identified below, be adopted:

- a) **Citizen Appointment to the Water Conservation and Efficiency Public Advisory Committee**

Mr. W. Galliher
Mr. B. Labelle

THAT Raheel Yousaf be appointed to the Water Conservation and Efficiency Public 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

CONSENT AGENDA

The following item was extracted from the March 26, 2012 Consent Agenda to be voted on separately:

- A-4 Terra-Alta Construction Ltd. – Request for an Exemption to the Procurement By-law

4. Moved by Councillor Piper
Seconded by Councillor Findlay

THAT the balance of the March 26, 2012 Council Consent Agenda as identified below, be adopted:

- a) **1820 Gordon Street – Residential and Commercial Draft Plan of Subdivision (23T-03507): Request for an Extension of Draft Plan Approval – Ward 6**

Dr. J. Laird

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.

b) **148-152 Macdonell Street Services Relocation Agreement**

Dr. J. Laird

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.

c) **Litigation Status Report dated March 19, 2012**

Ms. D. Jaques

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

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

DELEGATIONS

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

Mr. Joe Monteiro, President, Terra Alta Construction Ltd., advised that his company has been doing business for 25 years and has successfully completed various work in the City. He noted that if Terra-Alta was found guilty in relation to the ongoing litigation with the City, he would comply with actions ordered by the court. Mr. Monteiro requested that Terra-Alta be allowed to bid on City of Guelph tenders while the current litigation proceeds through Court.

Members of Council posed various questions to Mr. Monteiro and staff for clarification and follow up. Staff made comments in reference to the staff report contained in the meeting agenda.

Councillor Kovach vacated the meeting (7:23 p.m.).

Ms. S. Aram
Mr. B. Stewart

5. Moved by Councillor Burcher
Seconded by Councillor Hofland

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.

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

VOTING AGAINST: Councillor Van Hellemond (1)

Carried

Councillor Bell's motion for which notice was given February 27, 2012.

Mr. Gary Pomfret, representing the residents of Wellington Condominium Corporation No. 158, provided information with respect to a water bill received which was much higher than that charged to the condominium previously. The bill in question covered the period from April 21 to May 17, 2011. Mr. Pomfret suggested that the usage volume accounted for was due to a water leak as it was well beyond that which could have been accounted for under average conditions. He advised that the condominium corporation has been attempting to determine the location of the leak and to account for the excess water. He requested that consideration be given to forgive the above average costs associated with the bill in question as it had already been paid.

Mr. Peter Busatto, General Manager, Water Services responded to a number of questions from Members of Council. He noted that staff are currently investigating best practices to address water leaks which cause high bills and financial hardship for residential customers in relation to a more broad service review currently underway. It was noted that staff will be reporting back to Committee in the fall with a recommended policy.

6. Moved by Councillor Bell
Seconded by Councillor Furfaro

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.

VOTING IN FAVOUR: Councillors Bell, Furfaro, Guthrie, Laidlaw, Van Hellemond and Wettstein (6)

VOTING AGAINST: Councillors Burcher, Dennis, Findlay, Hofland, Piper, and Mayor Farbridge (6)

Lost

Councillor Piper presented Clause 1 that was extracted from the Planning & Building, Engineering and Environment Committee Third Consent Report.

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

Mr. Todd Salter, Acting General Manager of Building and Planning Services, in response to questions from Members of Council, provided information on the tax increment-based grant under the Brownfield Redevelopment Community Improvement Plan. Mr. Salter provided comments in reference to the staff report contained in the meeting agenda.

7. Moved by Councillor Piper

Seconded by Councillor Burcher

Dr. J. Laird
Ms. S. Aram

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 1 attached hereto;

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.

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

VOTING AGAINST: (0)

Carried

BY-LAWS

8. Moved by Councillor Findlay
Seconded by Councillor Wettstein
THAT By-laws Numbered (2012)-19347 to (2012)-19359, inclusive, are hereby passed.

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

VOTING AGAINST: (0)

Carried

MAYOR'S ANNOUNCEMENTS

The Mayor advised that the Friends of Trans Canada Trail will be holding a clean up on March 31, 2012 and for additional information on the event to contact Councillor Findlay.

ADJOURNMENT

The meeting adjourned at 8:10 p.m.

Minutes to be confirmed on April 23, 2012.

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Mayor

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Clerk