



REGIONAL COUNCIL MINUTES

Wednesday, October 3, 2012

The following are the minutes of the Regular Council meeting held at 7:35 p.m. in the Regional Council Chamber, 150 Frederick Street, Kitchener, Ontario, with the following members present: Chair K. Seiling, L. Armstrong, J. Brewer, T. Cowan, D. Craig, R. Deutschmann, T. Galloway, J. Haalboom, B. Halloran, R. Kelterborn, G. Lorentz, C. Millar, J. Mitchell, S. Strickland, J. Wideman, and C. Zehr.

CLOSED SESSION

MOVED by T. Galloway
SECONDED by C. Millar

THAT a closed meeting of Council be held on Wednesday, October 3, 2012 at 6:15 p.m. in the Waterloo County Room in accordance with Section 239 of the Municipal Act, 2001, for the purposes of considering the following subject matters:

- a) proposed or pending acquisition of land, litigation or potential litigation and receiving of advice that is subject to solicitor-client privilege related to property in the City of Kitchener
- b) litigation or potential litigation and receiving of legal advice and opinion that is subject to solicitor-client privilege related to a contract
- c) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality
- d) labour relations
- e) personal matters about an identifiable individual

CARRIED

MOVED by L. Armstrong
SECONDED by G. Lorentz

THAT Council reconvene in Open Session.

CARRIED

DECLARATIONS OF PECUNIARY INTEREST UNDER *THE MUNICIPAL CONFLICT OF INTEREST ACT*

K. Seiling declared a conflict with respect to one item from closed session and Item #6 of the Planning and Works Committee Summary of Recommendations related to the Stage 1 Light Rail Project - Private Sector Financing and Operations, due to two of his adult children who own residential properties within the proposed light rail transit corridor. He excused himself from the closed session dealing with the matter.

R. Deutschmann declared a pecuniary interest with respect to one item from closed session and Item #6 of the Planning and Works Committee Summary of Recommendations related to the Stage 1 Light Rail Project - Private Sector Financing and Operations, due to an indirect

pecuniary interest since he and his spouse are shareholders of corporations that have an interest in a property at 10 Duke Street West, Kitchener.

D. Craig declared a conflict with respect to one item from closed session and Item #6 of the Planning and Works Committee Summary of Recommendations related to the Stage 1 Light Rail Project - Private Sector Financing and Operations, due to his son owning property within the area of a proposed station on the rapid transit system.

MINUTES OF PREVIOUS MEETINGS

MOVED by C. Zehr

SECONDED by R. Kelterborn

THAT the following Minutes be approved:

- a) Well Interference Advisory Committee – September 19, 2012
- b) Closed Council – September 19, 2012
- c) Council – September 19, 2012
- d) Closed Committee – September 25, 2012
- e) Community Services – September 25, 2012
- f) Administration & Finance – September 25, 2012
- g) Planning & Works – September 25, 2012
- h) Library Committee – September 25, 2012

CARRIED

MOVED by C. Millar

SECONDED by T. Cowan

THAT Council go into Committee of the Whole to consider reports.

CARRIED

FINANCE REPORTS

- a) F-12-080, T2012-124 Floor Drain Upgrades at Three Well Sites (G4, H3 & H4)

MOVED by J. Wideman

SECONDED by J. Haalboom

THAT the Regional Municipality of Waterloo accept the tender of J. Weber Contracting Limited for the Floor Drain Upgrades at Three Well Sites (G4, H3 & H4) in the amount of \$165,191.31 including all applicable taxes.

CARRIED

- b) F-12-081, T2012-132 Horizontal Gas Collector Connections – South Expansion Area – Waterloo Landfill Site

MOVED by J. Wideman

SECONDED by J. Haalboom

THAT the Regional Municipality of Waterloo accept the tender of 2153592 Ontario Ltd. (Elgin Construction) for Horizontal Gas Collector Connections - South Expansion Area - Waterloo Landfill Site in the amount of \$235,948.92 including all applicable taxes.

CARRIED

c) F-12-082, Consultant Selection C2012-22 Region of Waterloo County Courthouse Renovation, 20 Weber Street East, City of Kitchener

Councillors had questions related to the experience of this firm and the accommodation plans and integration with the study. Gary Sosnoski, Commissioner Corporate Resources replied this firm has extensive experience and has been involved with the former Breithaupt block. This work is for the preliminary detailed design and he will have to obtain responses for the more detailed questions related to landscaping and cleaning of the building. With respect to the accommodation plan, the priority is to move Regional staff from spaces that are currently leased into this building and this new space will provide for approximately five years of accommodation.

MOVED by J. Wideman
SECONDED by J. Haalboom

THAT the Regional Municipality of Waterloo approve entering into a Consultant Agreement with Robertson Simmons Architects Inc. to provide standard architectural and engineering services for the design and contract administration of the County Courthouse Renovation at a total cost of \$786,434.80, including all applicable taxes.

CARRIED

COMMITTEE REPORTS

Community Services

The Summary of Recommendations of the Community Services Committee was presented by Sean Strickland, Chair of the Committee. He also brought forward a separate item from the closed session.

MOVED by S. Strickland
SECONDED by J. Mitchell

THAT the Summary of Recommendations of the Community Services Committee dated September 25, 2012, Items 1 to 3, be adopted as follows:

1. THAT the Regional Municipality of Waterloo increase the 2012 Children's Services operating budget by \$623,966 gross and \$0 net Regional Levy for Transitional Operating and Capacity Funding as outlined in report SS-12-038, dated September 25, 2012.
2. THAT the Regional Municipality of Waterloo endorse the Children's Services, Early Learning and Child Care Service Plan 2012-2015 and that copies be forwarded to the Province, Early Learning and Care Division, Ministry of Education as outlined in report SS-12-043, dated September 25, 2012.
3. THAT the Regional Municipality of Waterloo adopt interim EMS response time targets for the 2013 calendar year in accordance with the Ambulance Act, O. Reg. 267/08,

amending O. Reg 257/00, under Part VIII, Response Time Performance Plans, Sections 22-24 (attached as Appendix A);

AND THAT Response Time Target Option "C" shown in Appendix B to Report No. PH-12-039 be approved;

AND THAT a Working Group be established to include staff and Councillors to review the Response Time Target plan, deal with any outstanding issues and report back to Council with any recommended revisions in 2013;

AND THAT area municipalities and the Waterloo Regional Police Services Board be requested to formally share response time information with EMS for any cardiac arrest their Police or Fire staff attend, where a defibrillator is available for use;

AND FURTHER THAT since Region of Waterloo EMS does not have universal access to the response time information from other agencies and parties, the Regional Chair on behalf of Council, be directed to write to the Minister of Health and Long Term Care, requesting that Regulation 257/00 under the Ambulance Act be amended to require all agencies and parties using defibrillators to report response time information to the relevant Upper Tier Municipality in order that a complete report of annual defibrillator activity in the municipality can be compiled, per report PH-12-039, dated September 25, 2012.

CARRIED

MOVED by S. Strickland
SECONDED by G. Lorentz

THAT one item from closed session be adopted as follows:

THAT the Regional Municipality of Waterloo approve the appointment of Douglas Bartholomew-Saunders as Commissioner of Social Services, effective November 20, 2012.

CARRIED

Planning and Works

The Summary of Recommendations of the Planning and Works Committee was presented by Jim Wideman, Chair of the Committee. Item #6 was taken separately and J. Haalboom requested a recorded vote.

MOVED by J. Wideman
SECONDED by T. Cowan

THAT the Summary of Recommendations of the Planning and Works Committee, dated September 25, 2012, Items 1 to 5 and 7 and 8, be adopted as follows:

1. THAT the Regional Municipality of Waterloo take the following action regarding the properties municipally known as 51 Breithaupt Street, 20-24 Breithaupt Street, 2 and 12 Moore Avenue and 47 Wellington Street (hereon collectively referred to as the Breithaupt Block) in the City of Kitchener:

Approve a joint Tax Increment Grant for an amount not to exceed \$953,286 to be financed from the funding allocated to the Brownfield Financial Incentive Program as per the Financial Implications section of Report P-12-088/F-12-073.

Provide the Tax Increment Grant subject to the completion of remediation and redevelopment on the properties (including the filing of a Record of Site Condition with the Ministry of the Environment) and upon final confirmation of any additional brownfield related financial assistance rendered under the Region's Brownfield Financial Incentive Program or through the City of Kitchener;

Authorize the Region's Commissioner of Planning, Housing and Community Services and Chief Financial Officer to execute any associated agreements with the registered owner(s) of the Breithaupt Block and the City of Kitchener, as described in Report P-12-088/F-12-073, dated September 25, 2012, with the form and content of such agreement(s) to be satisfactory to both the Regional and City of Kitchener Solicitors.

2. THAT the Regional Municipality of Waterloo continue to support the approach and policies that apply within the Region of Waterloo in the draft Source Protection Plan, as presented in Report E-12-089 dated September 25, 2012.
3. E-12-091 THAT the Regional Municipality of Waterloo amend the Engineering Services Agreement with AquaResource Inc. (ARI), for the Ministry of Natural Resources (MNR)-funded Pilot Tier 3 Water Budget and Water Quantity Risk Assessment (Tier 3 Project) as outlined in Report E-12-091, dated September 25, 2012, from \$2,045,000 to an upset limit of \$3,015,000 plus applicable taxes. This represents an increase of \$970,000, 100% of which is being funded by the Ministry of Natural Resources.
4. THAT the Regional Municipality of Waterloo approve exercising an option to extend the contract with Tervita Corp (formerly American Process Group (Canada) Inc.) for the dewatering, haulage and disposal of biosolids from Waterloo Wastewater Treatment Plant for a twelve (12) month period, and further extend the contract for an additional six months (for a total of 18 months) at the current 2012 unit rate of \$31.34 per cubic metre (including all applicable taxes) with annual Consumer Price Index increases, as set out in Report E-12-083, dated September 25, 2012.
5. THAT the Regional Municipality of Waterloo take the following action regarding Grand River Transit's 2013 to 2017 bus purchases:
 - a. accept the proposal of New Flyer Bus Industries Canada ULC for the supply of one hundred and twenty three (123) diesel buses between 2013 and 2017 based on a 2013 price per bus of \$490,420.00 including all applicable taxes with the understanding the quantity and price will be determined annually and subject to final Council approval in each of the five years.
 - b. grant pre-budget approval for the purchase of eighteen (18) transit buses prior to the approval of the 2013 budget at a price of \$8,827,560.00 including all applicable taxes.
 - c. approve the purchase of fifteen (15) transit buses at a purchase price of \$7,356,300.00 including all applicable taxes, subject to the approval of the 2013 budget.

- d. authorize the issuance of debentures in an amount not to exceed \$12,800,000 for a term not to exceed 10 years for these purchases. [E-12-099/F-12-074]
7. THAT the Region of Waterloo accept P-12-061, Monthly Report of Development Activity for August, 2012, dated September 25, 2012.
8. THAT no compensation be provided at 23 Queen Street, Branchton in response to a claim of well interference, for the following reasons:
- a) Historical data that indicated the well is outside of the influence of municipal pumping;
 - b) Long term water level data collected on a monthly basis from nearby monitoring wells;
 - c) The complaint regarding impact at 23 Queen Street was viewed as being an unsupported complaint within a Groundwater Taking Policy Area as outlined in the Well Interference Policy as there was no technical basis for linking the well problems with the pumping of municipal wells;

as outlined in Report E-12-095 dated September 19, 2012.

CARRIED

MOVED by J. Wideman
SECONDED by T. Cowan

THAT the Summary of Recommendations of the Planning and Works Committee, dated September 25, 2012, Item 6, be adopted as follows:

6. THAT the Regional Municipality of Waterloo takes the following actions regarding the procurement of Stage 1 of the light rail project, as described in Report No. E-12-098/F-12-079, dated September 25, 2012:

Conflicts:
K. Seiling
D. Craig
R. Deutschmann

the financial evaluation threshold to pre-qualify respondents to the Request for Qualifications be an amount of long-term private financing equal to approximately 25% of total capital costs.

indicate in the Request for Qualifications an initial term of ten years for the operations component of the approved procurement and delivery model with two to four renewal options to be exercised at the discretion of the Region so that the planned integration with future system expansion can be combined under a single operator; and

direct staff to report back to Council with staff's recommendations on the final amount of private financing required, prior to the issuance of the Request for Proposal.

CARRIED

Yeas: L. Armstrong, J. Brewer, T. Cowan, T. Galloway, B. Halloran, R. Kelterborn, G. Lorentz, C. Millar, J. Mitchell, S. Strickland, J. Wideman, C. Zehr
Nays: J. Haalboom
Conflict: D. Craig, R. Deutschmann, K. Seiling

Administration and Finance

The Summary of Recommendation of the Administration and Finance Committee was presented by Tom Galloway, Chair of the Committee. J. Haalboom requested a recorded vote for Item #3 which was taken separately.

T. Galloway referenced the Memo – Response to Questions Regarding Report CR-FM-12-014 Pre-Budget Approval for Vehicle Procurement (Dated September 25, 2012) that was received for information. He further advised the report on Legal Holds will be held for further input and come back to a future meeting.

MOVED by T. Galloway
SECONDED by C. Zehr

THAT the Summary of Recommendations of the Administration and Finance Committee dated September 25, 2012, Items 1 and 2 and 4 and 5, be adopted as follows:

1. THAT the Regional Municipality of Waterloo approve the following approach to ongoing investment in community arts and culture organizations, as described in Report P-12-105/F-12-075, dated September 25, 2012:
 - a) Provide funding for core arts and culture organizations as recommended in Report P-12-105/F-12-075 for the period 2013 through 2015, conditional on the receipt of an annual report including audited financial statements from the organization, with the total funding amount each year subject to annual budget approval;
 - b) Subject to approval of funding through the 2013 budget process, and subsequent annual budget approvals, provide funding for collaborative initiatives proposed by at least three art galleries, conditional on receipt of a work plan and final report approved by Regional staff;
 - c) Subject to annual budget approval, provide annual funding in the amount of the previous year's allocation plus \$1 per capita of population increase to flow through the Creative Enterprise Initiative (CEI) on the condition that this amount be matched by funding from other sources and used to support local arts and culture organizations; and
 - d) Amend the Region's policy on grants to arts, culture and community organizations accordingly, and advise new applicants for arts and culture grants that the Region's annual grant application process for arts and culture organizations has been discontinued, and refer these organizations to the Waterloo Regional Arts Fund or the Creative Enterprise Initiative.
2. THAT the Regional Municipality of Waterloo transfer \$172,987.92 from capital project 01154 (New Landfill Cells Design & Construction) to capital project 01010 (Facilities Maintenance-Waterloo Landfill) to finance the costs of the emergency replacement of four overhead doors at the Waterloo Waste Management Centre – South Workshop.
[F-12-078]
4. THAT the Regional Municipality of Waterloo forward "Appendix A: Region of Waterloo Response to the Integrated Accessibility Regulation (Built Environment)" attached to report CR-CLK-12-017 dated September 25, 2012, as the Region's official response to the Ministry of Community and Social Services.

5. THAT the Regional Municipality of Waterloo approve the pre-budget expenditure not to exceed \$6,069,000 for the purchase of 37 vehicles and equipment to replace those listed in Appendix A of report CR-FM-12-014 dated September 25, 2012, which were scheduled for replacement in 2013 in the Ten Year Capital Plans of various departments, to be funded from the appropriate vehicle/equipment reserve funds.

CARRIED

MOVED by T. Galloway
SECONDED by C. Zehr

THAT the Summary of Recommendations of the Administration and Finance Committee dated September 25, 2012, Item 3, be adopted as follows:

3. THAT the Regional Municipality of Waterloo amend Procedural By-law 00-031, as amended, for the implementation of the consent agenda process for Regional Administration and Finance, Community Services and Planning and Works Standing Committee meetings, effective January 1, 2013 for a one year trial period;

AND FURTHER THAT appropriate notice be given in advance of the amendment to the Procedural By-law. [CR-CLK-12-010]

CARRIED

Yeas: L. Armstrong, T. Cowan, D. Craig, R. Deutschmann, T. Galloway, B. Halloran, R. Kelterborn, G. Lorentz, C. Millar, K. Seiling, S. Strickland, J. Wideman, C. Zehr
Nays: J. Brewer, J. Haalboom, J. Mitchell

OTHER MATTERS UNDER COMMITTEE OF THE WHOLE

MOVED by J. Brewer
SECONDED by T. Cowan

THAT Committee of the Whole rise and Council resume.

CARRIED

MOVED by R. Kelterborn
SECONDED by B. Halloran

THAT Council adopt the proceeding of the Committee of the Whole.

CARRIED

NOTICE OF MOTION

C. Zehr introduced the following notice of motion for consideration at the October 24, 2012 Council meeting:

WHEREAS VIA Rail on June 27, 2012 announced significant reductions in passenger rail service across Canada; and,

WHEREAS beginning in November 2012 VIA is reducing its service from 3 round trips per week to 2 round trips during off-peak season in The Canadian Corridor (Toronto-Vancouver); and,

WHEREAS beginning in November 2012 VIA is reducing its service by half from 6 round trips per week to three round trips in The Ocean Corridor (Montreal-Halifax); and,

WHEREAS effective July 2012, VIA significantly reduced its service in the Toronto-London-Sarnia-Windsor Corridor with further cuts expected in October 2012; and,

WHEREAS many communities in Canada have been trying to increase VIA service and improve scheduling to meet the economic development needs of their regions; and,

WHEREAS the Government of Canada has spent just under \$1 billion dollars since 2007 to lay new track, revamp locomotives, improve passenger cars and renovate stations; and,

WHEREAS VIA Rail's mandate is to provide safe, efficient, more environmentally sustainable and cost effective passenger transportation; and,

WHEREAS a passenger rail network is an integral and vital part of Canada's national transportation infrastructure and is vital to economic prosperity; and,

WHEREAS communities, residents and businesses rely on timely, convenient rail links to other cities and other corridor communities;

THEREFORE, BE IT RESOLVED that the Regional Municipality of Waterloo express its support of the following:

- THAT FCM call on VIA Rail to maintain and improve rail service and frequency across Canada; and,
- THAT FCM work with the federal government to ensure that as a principle going forward that federal departments or Crown corporations should consult FCM on major service changes that could affect its members; and,

BE IT FURTHER RESOLVED That this resolution be sent to VIA Rail, the Minister of Transport, Infrastructure and Communities, the Minister of State (Transport), the Minister of Industry, Provincial Ministers of Transportation, and other VIA communities; and,

BE IT FINALLY RESOLVED That this resolution be referred to the Provincial/Territorial Municipal Associations for information.

OTHER BUSINESS

J. Haalboom invited members of Council about the Seniors' Committee forum on November 5th at the Museum.

ENACTMENT OF BY-LAWS – (FIRST, SECOND & THIRD READINGS)

Chair Seiling announced an additional by-law for the appointment of the Commissioner of Social Services.

MOVED by C. Zehr

SECONDED by B. Halloran

- a) THAT a By-law to Amend By-law 06-072, as amended, being the Region's Traffic and Parking By-law No Parking, (Regional Road 53 (Fairway Road) from Briar Meadow Drive to Regional Road 17 (Fountain Street), Cities of Kitchener and Cambridge) be read a first, second and third time, finally passed and numbered 12-038 signed by the Regional Chair and Regional Clerk and sealed with the Regional Seal.
- b) THAT a By-law to Appoint a Commissioner of Social Services be read a first, second and third time, finally passed and numbered 12-039, signed by the Regional Chair and Regional Clerk and sealed with the Regional Seal.
- c) THAT a By-law to Confirm the Actions of Council of Wednesday, October 3, 2012 be read a first, second and third time, finally passed and numbered 12-040 signed by the Regional Chair and Regional Clerk and sealed with the Regional Seal.

CARRIED

ADJOURN

MOVED by J. Brewer

SECONDED by T. Cowan

THAT the meeting adjourn at 7:50 p.m.

CARRIED

REGIONAL CHAIR, *K. Seiling*

REGIONAL CLERK, *K. Fletcher*