



REGIONAL COUNCIL MINUTES

Wednesday, March 6, 2013

The following are the minutes of the Regular Council meeting held at 7:05 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, and C. Zehr.

Members Absent: J. Wideman

CLOSED SESSION

MOVED by C. Millar

SECONDED by L. Armstrong

THAT a closed meeting of Regional Council be held on Wednesday, March 6, 2013 at 5:45 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 in the City of Kitchener
- b) solicitor-client privilege related to terms and conditions of legal documents
- c) labour relations and personal matters about identifiable individuals

CARRIED

MOTION TO RECONVENE IN OPEN SESSION

MOVED by J. Brewer

SECONDED by B. Halloran

THAT Council reconvene in Open Session.

CARRIED

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

K. Seiling declared a pecuniary interest with respect to Items # 5 and 11 of the Planning and Works Summary of Recommendations and the second closed Council item, all related to light rail transit, due to two of his adult children who own residential properties within the proposed light rail transit corridor.

D. Craig declared a pecuniary interest with respect to Items # 5 and 11 of the Planning and Works Summary of Recommendations and the second closed Council item, all related to light rail transit, due to his son owning property within the area of a proposed station on the rapid transit system.

R. Deutschmann declared a pecuniary interest with respect to Items # 5 and 11 of the Planning and Works Summary of Recommendations and the second closed Council item, all related to

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

PRESENTATIONS

- a) Jack Young Civic Award Presentation

Chair Seiling introduced the history of the Jack Young Award, noting Jack Young was the first Regional Chair appointed by the Province. He highlighted previous winners of the award and introduced this year's recipients, Lynne Woolstencroft, Wayne Roth and Grace Sudden. A copy of his [comments](#) is appended to the original minutes. Each of the recipients thanked Regional Council for the award and reflected on their past service.

MINUTES OF PREVIOUS MEETINGS

MOVED by R. Kelterborn
SECONDED by J. Brewer

THAT the following Minutes be approved:

- a) Economic Development & Promotion – February 6, 2013
- b) Planning & Works Public Input – February 6, 2013
- c) Closed Council – February 6, 2013
- d) Council – February 6, 2013
- e) Planning & Works – February 26, 2013
- f) Closed Committee – February 26, 2013
- g) Administration & Finance – February 26, 2013
- h) Community Services – February 26, 2013

CARRIED

MOVED by G. Lorentz
SECONDED by J. Mitchell

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

CARRIED

FINANCE REPORTS

- a) F-13-012, P2012-18 Wheelchair Accessible Mini Buses

MOVED by S. Strickland
SECONDED by J. Haalboom

THAT the Regional Municipality of Waterloo accept the proposal of Overland Custom Coach (2007) Inc. for the supply of six (6) Wheelchair Accessible Mini Buses to be deployed in the urban service area at a total cost of \$614,535.51 including all applicable taxes.

CARRIED

- b) F-13-013, T2013-001 Waterloo Landfill Site Leachate Pumping Station #2 Replacement, Waterloo, Ontario

MOVED by S. Strickland
SECONDED by J. Haalboom

THAT the Regional Municipality of Waterloo accept the tender of Stone Town Construction Ltd. for the Waterloo Landfill Site Leachate Pumping Station #2 Replacement, Waterloo, Ontario in the amount of \$2,013,416.26 including all applicable taxes.

CARRIED

- c) F-13-014, P2013-03 Landfill Compactor Rebuild

MOVED by S. Strickland
SECONDED by J. Haalboom

THAT the Regional Municipality of Waterloo accept the proposal of Tri County Equipment and Repair for the factory certified rebuild of an Al-Jon compactor at a total price of \$341,775.00 including all applicable taxes and freight.

CARRIED

- d) F-13-015, T2012-066 Supply, Installation and Servicing of Multifunctional Digital Photocopiers

MOVED by S. Strickland
SECONDED by J. Haalboom

THAT the Regional Municipality of Waterloo accept the tender of Toshiba of Canada Limited for Supply, Installation and Servicing of Multifunctional Digital Photocopiers at a price of \$1,283,397.50 including all applicable taxes, for a five (5) year period beginning April 1, 2013.

CARRIED

COMMITTEE REPORTS

Planning and Works

The Summary of Recommendations of the Planning and Works Committee was presented by Geoff Lorentz, Vice-Chair of the Committee. Items #5 and 11 were taken separately.

MOVED by G. Lorentz
SECONDED by J. Brewer

THAT the Summary of Recommendations of the Planning and Works Committee, dated February 26, 2013, Items 1 to 4, 6 to 10 and 12, and 2 reports from closed session, Items 13 and 14, be adopted as follows:

1. THAT the Regional Municipality of Waterloo take the following actions with respect to proposed improvements on Hutchison Road and William Hastings Line in the Village of Crosshill, Township of Wellesley:

- a) approve the Recommended Design Concept for Hutchison Road and William Hastings Line as outlined in Report E-13-025; and
 - b) amend Traffic and Parking By-law # 06-072, following the completion of the proposed improvements along Hutchison Road and William Hastings Line in the Village of Crosshill as follows:
 - Add to Schedule 24, Reserved Lanes, for Bicycle and Horse Drawn Vehicles on Both Sides of Hutchison Road (Regional Road 5) from 65 metres South of Lobsinger Line (Regional Road 15) to William Hastings Line (Regional Road 5);
 - Add to Schedule 24, Reserved Lanes, for Bicycle and Horse Drawn Vehicles on Both Sides of William Hasting Line (Regional Road 5) from Hutchison Road (Regional Road 5) to 500 metres West of Hutchison Road (Regional Road 5);
 - Add to Schedule 1, No Parking Anytime, on Both Sides of Hutchison Road (Regional Road 5) from 65 metres South of Lobsinger Line (Regional Road 15) to William Hastings Line (Regional Road 5), and
 - Add to Schedule 1, No Parking Anytime, on Both Sides of William Hasting Line (Regional Road 5) from Hutchison Road (Regional Road 5) to 500 metres West of Hutchison Road (Regional Road 5).
2. THAT the Region of Waterloo accept P-13-015, Monthly Report of Development Activity for January 2013, dated February 26, 2013.
 3. THAT the Regional Municipality of Waterloo take the following action with respect to the second draft Implementation Guideline for Cultural Heritage Landscape Conservation to the Regional Official Plan, as detailed in Report P-13-016, dated February 26, 2013:
 - a) Authorize a Public Meeting of the Planning and Works Committee on April 9, 2013 to receive comments from agencies, the planning and heritage consulting community and interested members of the public; and
 - b) Direct staff to circulate the second draft of the Implementation Guideline for Cultural Heritage Landscape Conservation for comment to the Area Municipalities, Grand River Conservation Authority, Ministry of Tourism, Culture and Sport, planning and heritage consulting firms active in the Region, and other parties having an interest in this implementation guideline, including posting on the Regional website.
 4. THAT the Regional Municipality of Waterloo enter into a Consulting Services Agreement with MTE Consultants Inc. to provide consulting engineering services for the Municipal Class Environmental Assessment and Preliminary Design for the East Boundary Road Corridor Study in the City of Cambridge and Township of North Dumfries, at an upset limit of \$692,952.85 plus applicable taxes. [E-13-024]
 6. THAT the Regional Municipality of Waterloo enter into a Consulting Services Agreement with Associated Engineering Ltd. of Kitchener, Ontario, to provide consulting engineering services for undertaking the East Side Lands Pumping Station and Forcemain Class Environmental Assessment (EA) and Preliminary Design, at an upset limit of \$456,690 plus applicable taxes, as per Report E-13-021, dated February 26, 2013.

7. THAT the Regional Municipality of Waterloo receive the report entitled "St. Jacobs - Elmira Wastewater Treatment Master Plan" prepared by XCG Consultants Inc. dated February 2013, according to Report E-13-028 dated February 26, 2013;

AND THAT Regional Municipality of Waterloo issue the Notice of Completion of the St. Jacobs - Elmira Wastewater Treatment Master Plan and file the Master Plan Report for public review in accordance with Municipal Engineers Association Master Planning requirements.

8. THAT the Regional Municipality of Waterloo appoint the following Regional Councillors to the following project and study teams:

No.	Description	Area Municipality	Suggested Council Representative
9.	Access Policy	Region	L. Armstrong
10.	Pedestrian and Transit Access to Hanson Avenue	Kitchener	J. Haalboom
32.	Swan Street Improvements, Hilltop Drive to Stanley Street and Northumberland Street /Stanley Street, Swan Street to Rail Tracks - Design in 2013-2015 - Construction in 2016	North Dumfries	R. Deutschmann
58.	Fountain Street Improvements, King St. to Cherry Blossom Road - Design 2013-2015 - Construction 2016	Cambridge	C. Millar
59.	Highland Road Improvements, Highland Hills Mall Entrance to Trussler Road - EA 2014-2015 - Design 2016-2017 - Construction 2018	Kitchener	G. Lorentz
60.	University Avenue Improvements Keats Way to Erb Street - EA 2014-2015 - Design 2016-2017 - Construction 2018	Waterloo	J. Mitchell
64.	Fountain Street Widening, Maple Grove Rd to Kossuth Road - Design 2013-2017 - Construction 2018	Cambridge	J. Brewer
73.	Conestoga Plains Water Supply System Upgrade	Woolwich	T. Cowan
74.	William Street and Strange Street Water Supply Upgrades	Kitchener Waterloo	J. Haalboom
88.	Baden and New Hamburg Waste Water Treatment Plant Expansion Class Environmental Assessment	Baden/New Hamburg	L. Armstrong

89.	Hespeler Waste Water Treatment Plant Expansion Class Environmental Assessment	Cambridge	J. Brewer
94.	Waterloo Region Landfill Liaison Committee	Region	J. Mitchell

AND THAT the Regional Municipality of Waterloo forward the requests for area Councillor representatives on project and study teams to the Area Municipalities as described in Appendix A to Report No. E-13-026/P-13-013, dated February 26, 2013.

9. THAT the Regional Municipality of Waterloo approve the Grand River Transit service reductions as per the 2013 approved Regional Budget, and as described in Report No. P-13-018/E-13-035, dated February 26, 2013.
10. THAT the Regional Municipality of Waterloo approve the following with regard to the request of the Township of North Dumfries, as described in Report No. P-13-019, dated February 26, 2013:
 - a) Agree to provide professional planning services to the Township of North Dumfries for the purpose of updating its Official Plan to bring it into conformity with the Regional Official Plan and the Provincial Growth Plan;
 - b) Provide the related services on the basis of a mutually satisfactory fee-for-services arrangement to be negotiated between the Township and the Region; and
 - c) Authorize the Commissioner of Planning, Housing and Community Services to execute any documentation required to implement these recommendations to the satisfaction of the Regional Solicitor.
12. THAT the Regional Municipality of Waterloo take the following action with respect to the proposed modifications to the Regional Transportation Impact Study Guidelines pursuant to the provisions of the Regional Official Policies Plan and the Regional Official Plan as detailed in Report P-13-021, dated February 26, 2013:
 - a) Authorize a Public Meeting of the Planning and Works Committee on April 9, 2013 to receive comments on the proposed Transportation Demand Management (TDM) Checklist and Parking Management Worksheet from agencies and interested members of the public; and
 - b) Direct staff to circulate a draft of the proposed modifications for comment to stakeholders having an interest in the Transportation Impact Study Guidelines, including posting on the Regional website.
13. THAT the Regional Municipality of Waterloo approve, enter into an Agreement for, and execute all documentation related to, the acquisition of land from Jenny Mach in the City of Kitchener for road improvements to Weber Street West described as Part Lot 8, Plan 373 Kitchener, as in 409021, except 164084, being 345 Weber Street West, City of Kitchener, Regional Municipality of Waterloo for the sum of \$250,000.00, plus associated acquisition costs, subject to documentation satisfactory to the Regional Solicitor.

14. THAT The Regional Municipality of Waterloo approve the agreement with 1048143 Ontario Inc., pursuant to section 24 of the *Expropriations Act*, and execute all documentation related thereto, wherein the Region:

(a) acquires Lot 17, Plan 374, save & except Part 1 on WR720027; subject to an easement in gross over Part 1 on WR720028 until 2015/12/31 as in WR720028; City of Kitchener (all of PIN 22320-0428), (the "Lands") for the sum of \$2,000,000;

(b) pays the sum of \$285,300 as a full and final settlement of all claims for compensation, damages and interest arising from the Region's expropriation proceedings in relation to the Lands; and

(c) pays 1048143 Ontario Inc. its reasonable legal, appraisal and other costs arising from the expropriation and the negotiation and completion of the agreement;

subject to all such documentation being satisfactory to the Regional Solicitor.

AND THAT The Regional Municipality of Waterloo enter into any necessary licence or other agreements with Metrolinx for its use of the Lands for a GO bus terminal and/or parking, based on such terms that are satisfactory to the Commissioner of Transportation and Environmental Services and the Regional Solicitor.

CARRIED

MOVED by G. Lorentz
SECONDED by J. Brewer

THAT the Summary of Recommendations of the Planning and Works Committee, dated February 26, 2013, Item 11, be adopted as follows:

11. THAT the Regional Municipality of Waterloo take the following action with respect to the proposed modifications to the Regional Implementation Guidelines for Transportation Corridor Design pursuant to the provisions of the Regional Official Policies Plan and the Regional Official Plan as detailed in report P-13-020, dated February 26, 2013:

Conflicts:
D. Craig
K. Seiling
R. Deutschmann

- a) Authorize a Public Meeting of the Planning and Works Committee on April 9, 2013 to receive comments from agencies and interested members of the public; and
b) Direct staff to circulate a draft of the proposed modifications for comment to the Area Municipalities and other parties having interest in this implementation guideline, including posting on the Regional website.

CARRIED

K. Seiling vacated the Chair and G. Lorentz assumed it.
J. Haalboom requested a recorded vote for Item #5.

S. Strickland stated questions have been raised over a partner in one of the consortiums. He advised each bidder was required to sign a certificate and requested Regional Solicitor Debra Arnold to provide additional information. D. Arnold outlined that the Request for Qualification (RFQ) document contained terms and conditions related to the ethical conduct of the proponents and each of them were required to submit a signed certificate confirming that none of the team members or key individual is subject of any adverse ruling or conviction in the past 5

years regarding fraud, fraudulent misrepresentation or professional misconduct. There was a pass/fail threshold requirement for moving on in the evaluation process.

An inquiry was made as to the criteria for the RFQ. D. Arnold responded the evaluation process was outlined in the open report to Planning and Works Committee on February 26, 2013 and there were 47 different individuals involved in reviewing the submitted documentation. A multi-layered approach to the evaluation and review was implemented.

MOVED by G. Lorentz
SECONDED by J. Brewer

THAT the Summary of Recommendations of the Planning and Works Committee, dated February 26, 2013, Item 5, be adopted as follows:

Conflicts:
D. Craig
R. Deutschmann
K. Seiling

5. THAT the Regional Municipality of Waterloo take the following action regarding the procurement of Stage 1 of the light rail project, as described in Report No. E-13-020/F-13-011, dated February 26, 2013:

a) Pre-qualify the following three Design-Build-Finance-Operate-Maintain (DBFOM) teams based on the evaluation of the submissions to Region of Waterloo Request for Qualifications 2012-01, as endorsed by the Rapid Transit Senior Management Team and the Rapid Transit Steering Committee:

- GrandLinq
- Kitchener Waterloo Cambridge Transit Partners
- TriCity Transit System

CARRIED

Yeas: L. Armstrong, J. Brewer, T. Cowan, T. Galloway, B. Halloran, R. Kelterborn, G. Lorentz, S. Strickland, C. Zehr

Nays: J. Haalboom, C. Millar, J. Mitchell

Conflicts: 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.

MOVED by T. Galloway
SECONDED by R. Kelterborn

THAT the Summary of Recommendations of the Administration and Finance Committee dated February 26, 2013, Items 1 and 2, be adopted as follows:

1. THAT the Regional Municipality of Waterloo take the following actions with respect to the 2013 Community Environmental Fund allocations as described in Report No. P-13-022/CR-FM-13-005, dated February 26, 2013:

a) Approve project funding allocations of \$111,036 for the Environmental Stewardship Grant stream, as described in Attachment A; and

- b) Approve project funding allocations of \$50,000 for the Sustainability Grant stream, as described in Attachment B.
2. THAT the Regional Municipality of Waterloo approve the amendment to the Council/Legislated Policy #09, Section #7 to apply to legal fees incurred in connection with a Court application by a Councillor to obtain a proactive ruling on compliance with the *Municipal Conflict of Interest Act* subject to all other criteria and requirements of the said Policy. [CR-RS-13-018]

CARRIED

Community Services

The Summary of Recommendations of the Community Services Committee was presented by Sean Strickland, Chair of the Committee.

MOVED by S. Strickland

SECONDED by J. Mitchell

THAT the Summary of Recommendations of the Community Services Committee dated February 26, 2013, Item 1, and 2 reports from closed session, Items 2 and 3, be adopted as follows:

1. THAT the Regional Municipality of Waterloo enter into an agreement with the Ontario Ministry of Citizenship and Immigration under the Local Immigration Partnership, dated February 26, 2013, in a form satisfactory to the Commissioner of Social Services and the Regional Solicitor;
- AND THAT the 2013 Operating Budget for Social Planning, Policy and Program Administration be increased by \$20,000 gross and \$0 net as outlined in Report SS-13-010, dated February 26, 2013.
2. THAT the Regional Municipality of Waterloo appoint Thanh-Thanh Tieu (Conestoga College) to the Employment and Income Support Community Advisory Committee for a term ending December 31, 2016.
3. THAT the Regional Municipality of Waterloo approve the following appointments to the Region of Waterloo Seniors Advisory Committee:
- Gloria Cardoso (Waterloo Wellington Community Care Access Centre) for a three-year term ending December 31, 2015;
 - Cathy Harrington (Community Care Concepts of Woolwich, Wellesley and Wilmot) for a one-year term ending December 31, 2013.

CARRIED

OTHER MATTERS UNDER COMMITTEE OF THE WHOLE

MOVED by G. Lorentz
SECONDED by B. Halloran

THAT Committee of the Whole rise and Council resume.

CARRIED

MOVED by T. Cowan
SECONDED by C. Millar

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

CARRIED

NOTICE OF MOTION

C. Zehr introduced the motion, emphasizing that it is only about process. He recognizes the limitations put on the approval process by the Ontario Lottery and Gaming Corporation (OLG) but stated the impact of a potential casino will affect all residents of Waterloo Region.

Councillors raised concerns with some of the wording in the notice of motion and that the operative clause regarding amending regulations should be directed to the Minister of Finance. R. Deutschmann distributed an email from Woolwich Township, advising they are willing to hold funding discussions for any increased resources not offset by the increase in tax revenue from the establishment of a casino. There was discussion about the specific clauses of the motion and amendments were proposed related to changing "concurrence" to "consultation", adding "the Ministry of Finance" and removing "and obtain approval from" in the first three enacting clauses. It was agreed to vote on each clause separately, with the noted amendments.

C. Zehr advised this motion will apply to any municipality within the Region and he stated the City of Kitchener now has a request to deal with the casino issue at an upcoming meeting.

C. Zehr requested a recorded vote for each motion.

MOVED by C. Zehr
SECONDED by J. Brewer

BE IT RESOLVED that in the event any local municipality within the Region of Waterloo (Region) expresses an intent to be considered for a new host community for a casino, consultation be sought with the Region.

CARRIED

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

Nays: D. Craig, R. Deutschmann, J. Mitchell

MOVED by C. Zehr
SECONDED by J. Brewer

BE IT FURTHER RESOLVED that in order to address this matter, the Ministry of Finance and the Ontario Lottery and Gaming Corporation (OLG) be requested to amend their regulations to allow region/county municipalities to have a voice in the decision process.

CARRIED

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

Nays: T. Cowan, D. Craig, J. Haalboom

MOVED by C. Zehr
SECONDED by J. Brewer

BE IT FURTHER RESOLVED that in the event a local municipality within the Region be considered by the OLG as a potential site for a casino, that the OLG consult with the Region before proceeding to enter into a Municipality Contribution Agreement (MCA) with the chosen local municipality.

CARRIED

Yeas: J. Brewer, T. Galloway, J. Haalboom, B. Halloran, R. Kelterborn, G. Lorentz, K. Seiling, S. Strickland, C. Zehr

Nays: L. Armstrong, T. Cowan, D. Craig, R. Deutschmann, C. Millar, J. Mitchell

MOVED by C. Zehr
SECONDED by J. Brewer

BE IT FINALLY RESOLVED that should the OLG approve a casino within the Region, whether or not approval is given by the Region for such casino, OLG commit to including the Region as a party to the MCA with the intent of sharing the municipal hosting fees.

CARRIED

Yeas: J. Brewer, T. Galloway, J. Haalboom, B. Halloran, R. Kelterborn, G. Lorentz, C. Millar, J. Mitchell, K. Seiling, S. Strickland, C. Zehr

Nays: L. Armstrong, T. Cowan, D. Craig, R. Deutschmann

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

MOVED by C. Millar
SECONDED by B. Halloran

- a) THAT a By-law to Confirm the Actions of Council of March 6, 2013 be read a first, second and third time, finally passed and numbered 13-006 signed by the Regional Chair and Regional Clerk and sealed with the Regional Seal.

CARRIED

ADJOURN

MOVED by J. Brewer

SECONDED by B. Halloran

THAT the meeting adjourn at 9:00 p.m.

CARRIED

REGIONAL CHAIR, *K. Seiling*

REGIONAL CLERK, *K. Fletcher*