



## REGIONAL SPECIAL COUNCIL MINUTES

Wednesday, July 10, 2013

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The following are the minutes of the Special Council meeting held at 10:20 a.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, T. Galloway, J. Haalboom, B. Halloran, R. Kelterborn, G. Lorentz, J. Mitchell, S. Strickland, J. Wideman, and C. Zehr.

Members Absent: D. Craig, R. Deutschmann and C. Millar

### CLOSED SESSION

MOVED by T. Cowan

SECONDED by L. Armstrong

THAT a closed special meeting of Council be held on Wednesday, July 10, 2013 at 9:00 a.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) labour relations regarding contract negotiations
- b) receiving of legal advice that is subject to solicitor-client privilege related to a matter before an administrative tribunal
- c) receiving of legal advice that is subject to solicitor-client privilege related to an agreement
- d) proposed or pending acquisition of land in the City of Kitchener

CARRIED

MOVED by J. Wideman

SECONDED by T. Cowan

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 c) and d) on the closed meeting agenda and Reports E-13-070/F-13-050 and E-13-085 on this agenda related to light rail transit, due to two of his adult children who own residential properties within the proposed light rail transit corridor.

**DELEGATIONS**

- a) E-13-070/F-13-050 , Stage 1 Light Rail Project – Light Rail Vehicle Procurement Process
- i) Robert Milligan appeared before Council with respect to the staff report. A copy of his presentation is appended to the original minutes. He addressed the commendable vehicle being purchased and the need for a sustainable system with innovative potential.
  - ii) Tim Mollison, TriTag appeared before Council with respect to the staff report. He highlighted the need to be fiscally responsible and stated these vehicles are standard so acquiring parts should not be an issue. He applauded the Region for making this decision as this is the solution that is needed. He expressed concern with the overpass report, specifically that the Region is responsible for all future upgrades. He urged Council to carefully examine the implications and suggested there should be a cost-sharing arrangement.
  - iii) Ted Livingston appeared before Council with respect to the staff report. He stated he moved to Waterloo to attend University and loves this city. He expressed concern as the LRT is just a glorified bus and Council needs to make a rationale decision. He urged them to look at a better solution as the LRT is full of risks. He advised he is submitting a Freedom of Information request for all costs and information related to the LRT.
  - iv) Kevin Thomason appeared before Council with respect to the report and stated it is great to see this milestone today after years of work and community engagement. He stated the ION will be a significant part of the community identity and is excited to see this made in Ontario recommendation. He urged Council to keep moving forward with transportation choices for the future success of the Region.

**REPORTS**

- a) E-13-070/F-13-050 , Stage 1 Light Rail Project – Light Rail Vehicle Procurement Process

G. Lorentz requested a recorded vote.

Councillors stated this is a milestone for the project and highlighted the long term benefits of a rapid transit system. It is the right decision to align with the Metrolinx procurement process and also fulfills the funding requirements with a certain percentage of Canadian content.

B. Halloran stated there are many financial pressures with the budget and she expressed concern with the capacity to meet the community needs and this is not a good time to expend large amounts of money. She did not support the motion.

J. Brewer stated Cambridge residents are not happy with the adapted bus transit system and she wished they had been included in the full light rail system at the start. There was discussion about the ridership numbers in Cambridge and the assistance that is being provided to increase the numbers. It was noted that a better transit system will be a benefit to the community.

Councillors endorsed this forward thinking project and stated everything is on target and the project is on time and on budget.

MOVED by J. Wideman

SECONDED by C. Zehr

THAT the Regional Municipality of Waterloo (the "Region") approve, enter into, and execute the following:

1. Assignment Agreement between the Region, Metrolinx and Bombardier Transportation Canada Inc. ("Bombardier") for the assignment by Metrolinx to the Region of the option to purchase up to twenty-eight (28) Bombardier light rail vehicles ("LRVs");
2. Coordination Agreement between the Region and Metrolinx detailing an interagency cooperation and coordination framework on matters of LRV design, engineering and production; and
3. LRV supply terms and conditions with Bombardier based on an initial order of fourteen (14) Bombardier LRVs for the Region ("ROW LRVs") as assigned by Metrolinx to the Region together with terms governing the future exercise by the Region of options to purchase up to an additional fourteen (14) ROW LRVs;

all as described in Report E-13-070/F-13-050, dated July 10, 2013 and in form and content satisfactory to the Commissioner of Transportation and Environmental Services, the Regional Solicitor and the Chief Financial Officer.

CARRIED

Yeas: L. Armstrong, J. Brewer, T. Cowan, T. Galloway, J. Haalboom, R. Kelterborn, G. Lorentz, J. Mitchell, S. Strickland, J. Wideman, C. Zehr.

Nays: B. Halloran

Conflict: K. Seiling

b) E-13-085, Conestoga Parkway (Highway 7/8) LRT Overpass Construction

A question was raised as to what is the Region's responsibility for future construction projects. Thomas Schmidt, Commissioner Transportation and Environmental Services, responded that the Ministry of Transportation would be responsible for all costs they would normally expend for widening of the road. The Region would be responsible for the costs to extend the underpass which is typical for any municipality.

There was discussion about whether the Ministry and the rail line have similar arrangements but it was advised they have different rights in the legislation.

MOVED by J. Wideman

SECONDED by T. Cowan

THAT the Regional Municipality of Waterloo take the following actions regarding the agreement with Her Majesty the Queen in Right of Ontario Represented by the Minister of Transportation for the Province of Ontario ("MTO") in connection with the construction of the required Light Rail Transit (LRT) overpass within MTO owned lands under the Conestoga Parkway (Highway 7/8) between Homer Watson Boulevard and Courtland Avenue (the "Overpass"):

1. approve, enter into an Agreement for, and execute all documentation related to the construction of the Overpass by MTO (the "Construction Agreement") as change order to MTO's existing contract (the "Existing Contract") in relation to the improvement of Highway 7/8 (the "Highway"), for a project cost not to exceed the sum of \$11,000,000.00 plus applicable taxes and inclusive of all design, construction, construction impact, and contract administration costs;

as described in Report E-13-085, dated July 10, 2013 and in form and content satisfactory to the Commissioner of Transportation and Environmental Services, the Regional Solicitor, and the Chief Financial Officer.

CARRIED

- c) Approval of Memorandums of Settlement from Closed Session

MOVED by T. Galloway  
SECONDED by C. Zehr

THAT the Regional Municipality of Waterloo approve a Memorandum of Settlement with the Ontario Nurses' Association, on behalf of members of Local 015 for the period July 1, 2013 to June 30, 2016.

CARRIED

MOVED by T. Galloway  
SECONDED by S. Strickland

THAT the Regional Municipality of Waterloo approve a Memorandum of Settlement with the Canadian Auto Workers on behalf of members of Local 1106 for the period January 1, 2013 to December 31, 2015.

CARRIED

Chair Seiling advised that Councillor Strickland's notice of motion related to Franklin Boulevard will be brought forward to the August 22<sup>nd</sup> Council meeting instead of the August 13<sup>th</sup> Planning and Works Committee meeting.

#### **ENACTMENT OF BY-LAWS – FIRST, SECOND & THIRD READINGS**

MOVED by B. Halloran  
SECONDED by C. Zehr

- a) THAT a By-law to Confirm the Actions of Special Council of July 10, 2013 be read a first, second and third time, finally passed and numbered 13-029 signed by the Regional Chair and Regional Clerk and sealed with the Regional Seal.

CARRIED

**ADJOURN**

MOVED by J. Brewer

SECONDED by J. Wideman

THAT the meeting adjourn at 11:12 a.m.

CARRIED

**REGIONAL CHAIR, *K. Seiling***

**REGIONAL CLERK, *K. Fletcher***