



## **Regional Council Minutes**

**Wednesday, October 8, 2014**

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The following are the minutes of the Regular Council meeting held at 7:15 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 J. Mitchell

Seconded by C. Millar

That a closed meeting of Council be held on Wednesday, October 8, 2014 at 6:30 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 and disposition of land in the City of Cambridge
- b) proposed or pending litigation and 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 a matter before an administrative tribunal
- d) receiving of legal advice that is subject to solicitor-client privilege related to an agreement

Carried

Moved by L. Armstrong

Seconded by J. Brewer

That Council reconvene in Open Session.

Carried

**Declarations of Pecuniary Interest Under The “Municipal Conflict Of Interest Act”**

R. Deutschmann disclosed a pecuniary interest with respect to Items # 2 and 3 of the Planning and Works Summary of Recommendations 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.

**Delegations**

- a) Andrew Telegdi appeared before Council regarding the Code of Conduct notice of motion. He stated this motion is driven by the recent media coverage of double billing of expenses and said there is a simple solution where expenses are posted on the website to provide transparency. He expressed concern over the misuse of Regional staff and resources for a recent second opinion in the Record regarding the Region’s credit rating and the LRT project, written by the Region’s Chief Financial Officer. He stated the code of conduct should cover the use of resources as well and it is the job of councillors to defend political decisions.

Chair Seiling clarified that the second opinion article was a response to correct errors in a column in the Record on the credit rating and it was offered by the Record for the Region to submit a response. He further stated it was agreed the opinion should be written by staff since an election campaign was underway and in consultation with the Director of Communications it was agreed to have the Chief Financial Officer write the second opinion.

- b) Benjamin C. Revoy, Director, HUGO Specialized Supportive Housing appeared before Council regarding the Supportive Housing Program, advising he made a request to the Community Services Committee in May for increased funding for the domiciliary hostel program. He stated he values and respects the political structure and provided his personal history. He stated the residents of Hugo Cr. need an increase in the support they receive from the Region.

Chair Seiling provided background information on the funding. Douglas Bartholomew-Saunders, Commissioner Social Services stated at the time of the request in May the Region did not have the funding but since then and following the Provincial budget, the Region has received their allocation. Within the spending a 5% increase is included for the domiciliary hostels, effective April 1, 2014. This funding will continue until a new funding program comes into effect in 2016.

- c) Brian Turnbull appeared before Council regarding Light Rail Transit, specifically staff report E-14-117. He stated a referendum on LRT was refused by Council and people remain unconvinced that LRT is beneficial and believe it will be very costly. He advised he believes adapted BRT will be more economical for the Region.

S. Strickland asked if the delegation was aware that construction of the LRT has already started in Waterloo and \$150 million has been committed to this project. It was noted the staff report outlines the financial commitments.

### **Minutes Of Previous Meetings**

Moved by R. Kelterborn

Seconded by G. Lorentz

That the following Minutes be approved:

- a) Licensing and Retail – September 17, 2014 Regular
- b) Licensing and Retail – September 17, 2014 Closed
- c) Licensing and Retail – September 17, 2014 Hearing
- d) Closed Council – September 17, 2014
- e) Council – September 17, 2014
- f) Community Services – September 30, 2014
- g) Closed Committee - September 30, 2014
- h) Administration & Finance – September 30, 2014
- i) Planning & Works – September 30, 2014

Carried

### **Motion To Go Into Committee Of The Whole To Consider Reports**

Moved by L. Armstrong

Seconded by J. Mitchell

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

Carried

1727364

**Finance Reports**

- a) F-14-118, T2014-170 Six (6) Ambulances

Moved by J. Mitchell

Seconded by B. Halloran

That the Regional Municipality of Waterloo accept the tender of Demers Ambulances for T2014-170 Six (6) Ambulances in the amount of \$847,161.00 including all applicable taxes.

Carried

**Committee Reports**

## Community Services

The Summary of Recommendations of the Community Services Committee was presented by Jane Mitchell, Vice-Chair of the Committee.

C. Zehr stated he appreciated the effort put forth by staff and the YMCA to create a temporary solution for the Out of the Cold program. He advised there needs to be a reasonable disbursement of housing and shelters among all municipalities and a decentralization of facilities for people needing those services needs to be ensured.

Moved by J. Mitchell

Seconded by T. Cowan

That the Summary of Recommendations of the Community Services Committee dated September 30, 2014, Items 1 and 2, and 1 report from closed session, Item 3, be adopted as follows:

1. That the Regional Municipality of Waterloo approve the selection of Past|Present|Future by Ernest Daetwyler as the public artwork for the Former County Courthouse, as described in Report No.P-14-096, dated September 30, 2014.
2. That the Regional Municipality of Waterloo support the approach to assist individuals who will be affected by the Out of the Cold (OOTC) site closures outlined in SS-14-048, dated September 30, 2014;

And that the Regional Municipality of Waterloo support and authorize an agreement with the YWCA to provide an open space shelter for the 2014/2015 OOTC season.

3. That the Regional Municipality of Waterloo approve the following appointments to the Employment and Income Support Community Advisory Committee as follows:
  1. Appoint Erma Friesen (Participant Member) for a one year term ending December 31, 2015.
  2. Appoint Jane Tuer (Literacy Network) for a one year term ending December 31, 2015.

Carried

### Planning and Works

The Summary of Recommendations of the Planning and Works Committee was presented by Geoff Lorentz, Vice-Chair of the Committee. Items # 2 and 3 were taken separately due to the pecuniary interest.

Moved by G. Lorentz

Seconded by L. Armstrong

That the Summary of Recommendations of the Planning and Works Committee, dated September 30, 2014, Items 1 and 4, and 1 report from closed session, Item 5, be adopted as follows:

1. That the Region of Waterloo accept P-14-088, Monthly Report of Development Activity for August 2014, dated September 30, 2014
4. That the Regional Municipality of Waterloo enter into a Consulting Services Agreement with CIMA Canada Inc. of Vaughan, Ontario, to provide consulting engineering services for undertaking the Preliminary Design for Upgrades at the Galt Wastewater Treatment Plant, at an upset limit of \$401,936 plus applicable taxes. [E-14-112]
5. That the Regional Municipality of Waterloo (a) bring a motion for leave to appeal to Divisional Court with respect to the Ontario Municipal Board (“OMB”) decision issued September 18, 2014 (the “Motion Decision”) with respect to the procedural fairness of the OMB hearing that resulted in the January 21, 2013 decision with respect to the Region’s Official Plan, Board File No. PL110080 (the “Decision”); and (b) make a request to the OMB pursuant to section 43 of the Ontario Municipal Board Act to vary the Motion Decision such that the Decision is rescinded.

Carried

Moved by G. Lorentz

Seconded by L. Armstrong

That the Summary of Recommendations of the Planning and Works Committee, dated September 30, 2014, Items 2 and 3, be adopted as follows:

2. That the Regional Municipality of Waterloo (the Region) approve entering into an Amending Agreement with Ontario Infrastructure and Lands Corporation (IO) to amend the original IO Memorandum of Understanding (MOU) to revise services being provided during construction and eliminate post substantial completion services thus reducing the upset fee limit by \$846,008 to a new upset limit of \$3,008,536 plus applicable taxes, as described in Report No. E-14-113 dated September 30, 2014.

Conflict:  
R. Deutschmann

3. That The Regional Municipality of Waterloo:

(a) Declare lands described as Part of Lot 17 (B. Moogk), South of King Street, Plan 364 designated as Part 1 Plan 58R-18253 being Part of PIN 22502-0083, in the City of Kitchener forming part of lands municipally known as 25 Cedar Street, Kitchener and more particularly depicted in Appendix "A" hereto (the "Cedar Surplus Lands") as surplus to the needs of the Region, subject to the Regional Solicitor being satisfied that all steps required under the Region's Property Disposition By-Law have been completed;

Conflict:  
R. Deutschmann

(b) Proceed to perform and complete the Settlement Agreement pertaining to the expropriation /acquisition of land for the Rapid Transit Project – Stage 1 described as Part of Lot 16 or 15 (Hueglin) Part of Lot 17 (B. Moogk) South of King Street Registered Plan No. 364 designed as Part 3 on Plan WR768754 being PIN 22502-0252 (LT), City of Kitchener forming part of lands municipally known as 21 Cedar Street, Kitchener from Bac Quang Luu on terms that include the transfer of the Cedar Surplus Lands to Mr. Luu as partial consideration for the settlement of Mr. Luu's claims in accordance with Regional Council's resolution of September 9, 2014 and subject to the Regional Solicitor's satisfaction in connection with item (a) above. [CR-RS-14-087]

Carried

T. Galloway brought forward an additional item from the closed session held prior to this Council meeting. S. Strickland stated he recused himself from all discussions pertaining to this recertification and he will not vote on the matter.

1727364

Moved by T. Galloway

Seconded by T. Cowan

That The Regional Municipality of Waterloo enter into a Memorandum of Understanding with The Grand Valley Construction Association, General Contractor's Division, and the United Brotherhood of Carpenters and Joiners of America, Local 785, on terms and conditions satisfactory to the Regional Solicitor, that would allow non-union general contractors to bid on Regional projects:

(a) where less than three union general contractors are pre-qualified for a project with an estimated budget of a prescribed amount; or

(b) through a joint venture that includes at least one union contractor, provided that a majority of that union contractor's work is not formwork, drywall, caulking or resilient flooring.

Carried

### **Chief Administrative Officer**

a) CA-14-011, C2014-26 Consultant Selection for Region Service Review

Mike Murray, Chief Administrative Officer noted the original report provided a cost range of \$300,000 - \$500,000 and the proposal has come in below the low end of this range. No Council approval is required as it is within the delegated authority for the Chief Administrative Officer in the Purchasing By-law.

Received for information.

### **Other Matters Under Committee Of The Whole**

a) CR-RS-14-091/E-14-119, Weber Street Improvements and Grade Separation – Close Temporary Detour Road and Open Weber Street between Victoria Street and Wilhelm Street, City of Kitchener

Moved by T. Galloway

Seconded by C. Zehr

That the Regional Municipality of Waterloo pass a by-law to open to public passage part of Regional Road 8 (Weber Street) between Victoria Street and Wilhelm Street, in the City of Kitchener, effective at 12:01 a.m. on October 9, 2014.

And that the Regional Municipality of Waterloo pass a by-law to permanently close the temporary detour road as described below effective October 9, 2014 at 12:02 a.m.:

- a) Part Lot 16, Registered Plan 374, Part Lot 19 Municipal Complied Plan of Subdivision of Lot 3, German Company Tract being Part 1 on 58R-17826 PIN 22319-0177;
- b) Part Lot 19, Municipal Complied Plan of Subdivision of Lot 3, German Company Tract being Parts 2 and 3 on 58R-17826 PINs 22319-0165 and 22319-0194;
- c) Part Lot 19, Municipal Complied Plan of Subdivision of Lot 3, German Company Tract; Part Lot 221, Registered Plan 376 being Part 4 on 58R-17826 PIN 22319-0195;
- d) Part Lot 221, Registered Plan 376 being Part 5 on 58R-17826 PIN 22319-0171;
- e) Part Breithaupt Street, Registered Plan 376, being Part 6 on 58R-17826 PIN 22319-0190;
- f) Part Lot 155, Registered Plan 376, being Part 7 on 58R-17826 PIN 22319-0158;
- g) Part of Lots 155 and 156, Registered Plan 376, being Parts 8, 9 and 10 on 58R-17826 PINs 22319-0159, 22319-0160 and 22319-0161;
- h) Part of Lane, Registered Plan 376 being Parts 11 and 12 on 58R-17826 PIN 22319-0189;
- i) Part of Lot 81, Registered Plan 376, being Part 14 on 58R-17826 PIN 22319-0150;
- j) Part of Lots 80 and 81, Registered Plan 376 being Part 15 on 58R-17826 PIN 22319-0149;
- k) Part of Lot 80, Registered Plan 376 being Part 16 on 58R-17826 PIN 22319-0148.

And that the Regional Municipality of Waterloo pass a by-law to add to the Regional Road System, to form part of Regional Road 8 (Weber Street, Kitchener), the lands as described below effective October 9, 2014 at 12:03 a.m.:

- a) Lane, Registered Plan 376, being Part 12 on 58R-17826 PIN 22319-0189;
- b) Lane, Registered Plan 376, being Part 13 on 58R-17826 PIN 22319-0189;



- c) Part of Lot 19, Registered Plan 374; Part of Lot 16, Municipal Compiled Plan of Subdivision of Lot 3, German Company Tract being Part 1 on 58R-17898 PIN 22319-0177;
- d) Part of Lot 16, Municipal Compiled Plan of Subdivision of Lot 3, German Company Tract; Part Lot 221, Registered Plan 376 being Part 2 on 58R-17898 PIN 22319-0195;
- e) Breithaupt Street, Registered Plan 376 being Part 4 on 58R-17898 PIN 22319-0190;
- f) Part of Lots 155 & 156, Registered Plan 376 being Part 5 on 58R-17898 PIN 22319-0159;
- g) Part of Lot 155, Registered Plan 376 being Part 6 on 58R-17898 PIN 22319-0158;
- h) Part of Lots 155 & 156, Registered Plan 376 being Part 7 on 58R-17898 PIN 22319-0160;
- i) Part of Lots 155 & 156, Registered Plan 376 being Part 8 on 58R-17898 PIN 22319-0161;
- j) Part of Lot 81, Registered Plan 376 being Part 10 on 58R-17898 PIN 22319-0150;
- k) Part of Lots 80 & 81, Registered Plan 376 being Part 12 on 58R-17898 PIN 22319-0149; and
- l) Part of Lot 80, Registered Plan 376 being Part 14 on 58R-17898 PIN 22319-0148;

AND that the Regional Solicitor be directed to register notice of such by-law on title to the lands that are subject to such by-law.

Carried

- b) CR-RS-14-085, By-law to Amend any and all Existing By-law References to Departmental, Commissioner and Director Titles to Reflect New Organizational Structure Effective November 3, 2014

Moved by C. Zehr

Seconded by R. Kelterborn

That The Regional Municipality of Waterloo pass a by-law in the form attached as Appendix "A" to Report CR-RS-14-085, to amend any and all references in existing Regional by-laws to Departmental, Commissioner and Director titles, to reflect the new Organizational Structure effective November 3, 2014.

Carried

- c) SS-14-040, Community Homelessness Prevention Initiative Additional Funding – to be distributed at meeting

Received for information.

Moved by G. Lorentz

Seconded by S. Strickland

That Committee of the Whole rise and Council resume.

Carried

Moved by J. Brewer

Seconded by R. Kelterborn

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

Carried

### **Notice of Motion**

- a) R. Deutschmann introduced his motion regarding a code of conduct for councillors. He clarified that this is not a reaction to the expense issues recently raised but that situations do arise that may cause potential problems. He stated that the level of conduct for staff should be extended to Council and the members of the public serving on advisory committees. He also expressed the need to appoint an Integrity Commissioner as it is important to provide an independent, third party review when necessary.

Members provided their comments on the proposed motion, noting it is helpful to have a code of conduct in place and should not be seen as a threat. In response to a question about when this will come back to Council, Chair Seiling advised staff will do the necessary research and the new Council may decide to set up a

working group. The penalty provisions were reviewed. A request was made to give consideration to the total range of options such as other appointments under the "Municipal Act" accountability measures, including the Ombudsman and Auditor.

Moved by R. Deutschmann

Seconded by T. Cowan

Whereas s.223.2(1) of the Municipal Act provides a municipality with the authority to establish a code of conduct for members of council and local boards of the municipality

And Whereas s.223.3(1) of the Municipal Act provides a municipality with the authority to appoint an independent Integrity Commissioner who reports to council and is responsible for performing in an independent manner the functions assigned by the municipality with respect to the application of the code of conduct and the application of any procedures, rules and policies of the municipality and local boards governing the ethical behaviour of members of council and local boards.

And Whereas a Code of Conduct will assist in establishing a minimum standard of behaviour of Council members, committee members, local board members and employees of the Regional Municipality of Waterloo in carrying out their functions;

And Whereas a Code of Conduct can assist members of Council, board members and employees:

1. Understand the standards of conduct that are expected of them and the law that applies in relation to these standards;
2. Fulfill their duty to act honestly and exercise reasonable care and diligence; and
3. Act in a way that enhances public confidence in government.

Be it resolved that the Regional Municipality of Waterloo work to develop and adopt a Code of Conduct that would apply to members of Regional Council in the performance of their duties and responsibilities as well as members of Region of Waterloo committees and local boards and the employees of the Region of Waterloo;

And be it further resolved that the Regional Municipality of Waterloo appoint an Integrity Commissioner upon adoption of a Code of Conduct.

Carried

**Other Business**

Chair Seiling advised this is the last Council meeting for Gary Sosnoski, Commissioner of Corporate Resources. He wished him well in his retirement and thanked him for his service to the Region. G. Sosnoski thanked Council for the opportunity to work with them.

**Enactment of By-Laws – (First, Second & Third Readings)**

Moved by C. Millar

Seconded by B. Halloran

- a) That a By-law to Amend By-law 04-069, A By-law to License, Regulate and Governs Brokers, Owners and Drivers of Taxi-Cabs Equipped with Taxi-Cab Meters within the Regional Municipality of Waterloo, as Amended (Amend License Renewal Dates) be read a first, second and third time, finally passed and numbered 14-056 signed by the Regional Chair and Regional Clerk and sealed with the Regional Seal.
- b) That a By-law to Open Regional Road 8 (Weber Street) between Victoria Street and Wilhelm Street, in the City of Kitchener to Public Passage and to Widen Regional Road 8 (Weber Street) be read a first, second and third time, finally passed and numbered 14-057 signed by the Regional Chair and Regional Clerk and sealed with the Regional Seal.
- c) That a By-law to Permanently Close a Temporary Detour Road During Construction of Regional Road 8 (Weber Street), and to Repeal By-law Number 13-034 be read a first, second and third time, finally passed and numbered 14-058 signed by the Regional Chair and Regional Clerk and sealed with the Regional Seal.
- d) That a By-law to Amend any and all References in Existing Regional By-laws to Departmental, Commissioner, and Director Titles to Reflect the New Department Organizational Structure effective November 3, 2014 be read a first, second and third time, finally passed and numbered 14-059 signed by the Regional Chair and Regional Clerk and sealed with the Regional Seal.
- e) That a By-law to Confirm the Actions of Council of October 8, 2014 be read a first, second and third time, finally passed and numbered 14-060 signed by the Regional Chair and Regional Clerk and sealed with the Regional Seal.

Carried

**Adjourn**

Moved by J. Brewer

Seconded by T. Galloway

That the meeting adjourn at 8:05 p.m.

Carried

**Regional Chair, K. Seiling**

**Regional Clerk, K. Fletcher**