



Regular Meeting of Council  
Agenda

**Date:** August 24, 2020  
**Time:** 1:00 pm  
**Location:** Council Chambers - members participating remotely

Due to COVID-19 this meeting will be conducted as a virtual meeting, with no public attendance. Only the Mayor, along with a clerk and audio/visual technician, will be in council chambers, with all other staff and members of council participating in the meeting by calling in remotely. The meeting will be live web streamed, as usual, and archived on the city website.

**1. Call to Order:**

**2. National Anthem:**

**3. Regrets:**

**4. Proclamations:**

4.1 Canada United Weekend - August 28-30, 2020

4.2 National Coaches Week - September 19-27, 2020

4.3 Rail Safety Week - September 21-27, 2020

4.4 Good will amity Week September 27, 2020 - October 3, 2020

4.5 Childhood Cancer Awareness Month - September 2020

**5. Motion to Approve Council Minutes:**

Confirm the minutes of the following meeting of Council:

5.1 Regular meeting of Council July 13, 2020

5.2 Special meeting of Council July 28, 2020

5.3 Special meeting of Council August 13, 2020

**6. Recognitions and Achievements:**

**7. Presentations:**

**8. Declarations of Interest:**

**9. Delegations:**

Requests to delegate to this virtual meeting can be made by completing the online delegation registration form at [www.burlington.ca/delegation](http://www.burlington.ca/delegation), or by submitting a written request by email to the Clerks Department at [clerks@burlington.ca](mailto:clerks@burlington.ca) by 9:00 am on the day the meeting is to be held. All requests to delegate must contain a copy of the delegate's intended remarks which will be circulated to all members of Council in advance as a backup should any technology issues occur. If you do not wish to delegate, but would like to submit feedback, please email your comments to [clerks@burlington.ca](mailto:clerks@burlington.ca). Your comments will be circulated to Council members in advance of the meeting and will be attached to the minutes, forming part of the public record.

**10. Recommendations from Standing Committees:**

10.1 Environment, Infrastructure & Community Services meeting of August 10, 2020

- a. Tender Award – Fairview Street Bus Bays – Teen Tour Way Shelters (CW-26-20)

Award the tender for contract CW-20-10, Fairview Street Bus Bays – Teen Tour Way Shelters to King Paving and Construction Ltd., 3385 Harvester Rd., Burlington, ON, for \$527,802.66 including HST; and

Authorize the Mayor and City Clerk to sign any required agreements with the bidder named above, subject to the satisfaction of the Executive Director of Legal Services and Corporation Counsel; and

Approve the total cost of \$798,239 (Net HST) to be charged to Capital Order TR0039 and funded as outlined in the Financial Matters section of the report.

- b. Options for Loose Leaf Collection (RPF-26-20)

Approve Option 3 of roads parks and forestry department report RPF-26-20 and that the Director of Roads, Parks & Forestry be directed to implement a four-week Loose Leaf Collection Program for 2020 and 2021 and report back to Council in Q1 of 2022 to identify successes and challenges; and

Direct the Director of Roads, Parks and Forestry to manage any kind of equipment needs that are necessary to ensure one leaf pick up per zone,

weather dependent.

- c. Burlington Economic Development Governance Review (CM-19-20)

Table city manager's office report CM-19-20 regarding the Burlington Economic Development Corporation and TechPlace to be considered at the Community Planning, Regulation & Mobility Committee meeting to be held on September 15, 2020; and

Direct the City Manager to work with Burlington Economic Development Corporation to develop next steps and provide an update on the proposed implementation of recommendations as part of the update to committee in September.

- d. City Hall customer service window and re-entry (EICS-17-20)

Table Environment, Infrastructure and Community Services report EICS-17-20 regarding City Hall customer service window and re-entry; and

Direct the Executive Director of Environment Infrastructure and Community Services to report back in Q4 2020 with further long-term design concepts for the first-floor public areas of City Hall; and,

Direct the Executive Director of Environment Infrastructure and Community Services to advance to detailed design and construction for the redesigned service counters for the One Window Development and Service Burlington Customer Experience areas to accommodate physical distancing requirements and customer service needs as generally outlined in report EICS-17-20.

- e. By the Glass Resolution by Council for AGCO (EICS-C-02-20)

Support the application of Backed By Bees honey winery for a Manufacturer's Limited Liquor Sales Licence for By the Glass.

## 10.2 Community Planning, Regulation & Mobility meeting of August 11, 2020

- a. Speed limit installations (TS-21-20)

Direct the Director of Transportation Services to prepare an amending by-law to amend the speed limit on the roads identified in Appendix A of transportation services department report TS-21-20.

- b. Deregistration By-law for lands on Upper Middle Road and Georgina Court (PL-35-20)

Approve By-law 74-2020, as shown in Appendix A of community planning

report PL-35-20, being a by-law to deem Lots 8, 9 and Blocks 262 and 263 in Plan 20M-824 as not being registered lots and blocks within a Plan of Subdivision, pursuant to Section 50(4) of the *Planning Act*, R.S.O. 1990, c.P.13, as amended.

- c. Red Tape Red Carpet (RTRC) implementation update – Q2 2020 (BEDC-04-20)

Receive and file Burlington Economic Development report BEDC-04-20 regarding Red Tape Red Carpet (RTRC) implementation update for Q2 2020 and associated appendices; and

Adopt the POST Promise for all city facilities and activities, as part of the City's commitment to keeping our community safe during reopening, and direct Health and Safety staff to complete the POST Promise form and install the appropriate signage at all city facilities; and

Encourage all businesses and services operating in Burlington to adopt the POST Promise; and

Direct the Director of Corporate Communications and Government Relations to support the Burlington Economic Recovery Network in executing a communications campaign to support adoption of the POST Promise city wide.

- d. Burlington Transit electronic fare system device replacement (PRESTO) (TR-06-20)

Authorize the Chief Financial Officer to fund \$726,620 for the PRESTO device replacement project from the Capital Purposes Reserve Fund as outlined in transit department report TR-06-20.

- e. Amendments to Designation By-law for 227 Green Street (formerly 2358 Lakeshore Road) (PL-41-20)

State an intention to amend By-law 138-1993 pursuant to Part IV of the *Ontario Heritage Act*, section 30.1, as shown in the draft amending by-law attached as Appendix C of community planning department report PL-41-20; and

Direct staff to provide notice of Council's intention to amend By-law 138-1993, in accordance with section 30.1 of the *Ontario Heritage Act*; and

Authorize the City Clerk to present the amending by-law to council, provided there is no objection to the statement of intention to amend Designation By-law 138-1993; and

Authorize the City Clerk to take the necessary actions in the event of any

objection to the statement of intention to amend By-law 8-1993 pursuant to Part IV of the *Ontario Heritage Act*, section 29(7).

- f. Downtown Urban Growth Centre (UGC) and Major Transit Station Areas (MTSA) Designations (PL-33-20)

Request the Region of Halton, through its Municipal Comprehensive Review of the Regional Official Plan, to adjust the boundary of the Downtown Burlington Urban Growth Centre to generally align with the lands in proximity to the Burlington GO Station; and

Direct the Director of Community Planning to provide all related planning studies and background information to the Region to support the adjustment of the Downtown Burlington Urban Growth Centre boundary; and

Direct the Director of Community Planning to work with the Region of Halton through its Municipal Comprehensive Review of the Regional Official Plan to remove the Major Transit Station Area designation from the downtown and delineate the boundaries of all other Major Transit Station Areas in Burlington; and

Direct the Director of Community Planning to work with the Region of Halton to implement a staged approval of its Municipal Comprehensive Review of their Official Plan through Section 26 of the *Ontario Planning Act* to prioritize the above issues; and

Request Provincial support of the Region of Halton Municipal Comprehensive Review of its Official Plan, including the adjustment of the boundary of the Downtown Burlington Urban Growth Centre and make all necessary modifications to Provincial mapping in order to ensure all amendments are in conformity with the Growth Plan; and

Direct the Director of Community Planning to prepare the appropriate amendments to the City of Burlington Official Plan upon Provincial approval of the Region of Halton Municipal Comprehensive Review of its Official Plan to remove the Major Transit Station Area designation in the downtown and to reflect the adjusted boundary of the Downtown Burlington Urban Growth Centre; and

Direct the Director of Community Planning to provide an engagement plan with residents, businesses and community stakeholders to Council with respect to the proposed adjustment of the downtown Urban Growth Corridor and Major Transit Station Area to satisfy the regulatory and Region requirements at the September 15, 2020 Community Planning, Regulation & Mobility Committee meeting.

- g. Community Planning organizational update (PL-45-20)

Receive and file Community Planning transmittal report PL-45-20; and

Approve the Future State organizational structure for Community Planning in principle as identified in the presentation contained in Appendix A to community planning department report PL-45-20; and

Direct the Director of Community Planning to work with the Executive Director of Human Resources and the Chief Financial Officer to initiate implementation of Phase 1 of the Repositioning of Community Planning, as identified in the presentation contained in Appendix A to community planning department report PL-45-20; and

Direct the Director of Community Planning to prepare for consideration business cases for Phase 2, Phase 3, and Phase 4 during the appropriate future budget cycles (2021 and 2022) to fully implement the Repositioning of Community Planning strategy, as identified in the presentation contained in Appendix A to community planning department report PL-45-20; and

Direct the Director of Community Planning to immediately initiate a Development Application Fee review.

h. Petition from Appleby Village Homeowners Association (CPRM-08-20)

Receive and file the petition submitted by the Appleby Village Homeowners Association regarding First Capital Appleby Corporation's development application.

i. Confidential legal matter (L-19-20)

Receive and file legal department report L-19-20 providing confidential legal advice on a legal matter.

j. Confidential legal advice on a planning matter (L-20-20)

Receive and file legal department report L-20-20 providing confidential legal advice on a planning matter.

10.3 Corporate Services, Strategy, Risk & Accountability meeting of August 13, 2020

a. Investigation report from Burlington Ombudsman MUN-463-0719 (CL-15-20)

Receive and file clerks department report CL-15-20 containing the investigation report regarding file MUN-463-0719 from ADR Chambers, Ombudsman for the City of Burlington.

b. Financial status report as at June 30, 2020 (F-29-20)

Receive and file finance department report F-29-20 providing the financial

status as at June 30, 2020.

- c. Award of contract - job evaluation implementation (HR-01-20)

Authorize the award of the contract for consulting services related to job evaluation implementation to Gallagher Benefits Services (Canada) Group Inc. ("Gallagher McDowall Associates"), 181 University Avenue, Suite 1200, Toronto, Ontario, M5H 3M7 for \$205,660 including HST; and

Authorize the Manager of Procurement Services to issue a purchase order and/or sign any associated agreements with the bidder named above, subject to the approval of the Executive Director of Legal Services and Corporation Counsel; and

Approve the total cost of \$185,203.20 (Net HST) to be charged to the Human Resources Operating Budget.

- d. Establishment of a lobbyist registry (CSSRA-06-20) (SD-14-20)

Direct the City Clerk to bring forward a staff report to implement a Lobbyist Registry for the City of Burlington, in accordance with the *Municipal Act* section 223.9.

- e. Voting options for 2022 and ranked ballots (CL-06-20)

Defer clerks department report CL-06-20 regarding voting options for 2022 and ranked ballots to the September 17, 2020 Corporate Services, Strategy, Risk and Accountability Committee meeting.

- f. Supplementary information and directions regarding subdivision agreement extension for Garden Trails Subdivision (PL-48-20)

Receive community planning department report PL-48-20 regarding supplementary information with respect to a proposed extension of subdivision approval for the Garden Trails Subdivision located at 550 Genista Drive; and

Refuse the request to extend Draft Plan Approval for the Garden Trails subdivision (24T099005/B) at 550 Genista Drive, as recommended in community planning department report PL-31-20.

- g. Confidential legal update on a litigation matter (L-12-20)

Authorize the Executive Director of Legal Services or their designate to proceed in accordance with the instructions given in confidential legal department report L-12-20.

- h. Confidential update on a litigation matter (L-11-20)

Defer confidential legal department report L-11-20 regarding a confidential update on a litigation matter to the September 17, 2020 Corporate Services, Strategy, Risk and Accountability Committee meeting.

**11. Motion to Approve Standing Committee Minutes:**

Approve the following minutes:

- 11.1 Environment, Infrastructure & Community Services meeting minutes of August 10, 2020
- 11.2 Community Planning, Regulation & Mobility meeting minutes of August 11, 2020
- 11.3 Corporate Services, Strategy, Risk & Accountability meeting minutes of August 13, 2020

**12. Reports of Municipal Officers:**

- 12.1 Appointments to Heritage Burlington Advisory Committee and Burlington Accessibility Advisory Committee

Confidential Appendix B to be distributed under separate cover.

Approve appointments to the Heritage Burlington Advisory Committee and Burlington Accessibility Advisory Committee (BAAC) as outlined in Confidential Appendix B of clerk's department report CL-14-20 and following approval from Council, make the recommended names for appointments public.

**13. Notices of Motion:**

**14. Motions:**

- 14.1 Protecting Amateur Sport Organizations and Municipalities from Liability Related to COVID-19 (ADM-08-20)

Whereas the Province of Ontario has enacted numerous legislative and regulatory measures to ensure the health and safety of Ontarians through, and respond to the implications of, the COVID-19 global pandemic; and

Whereas the Province has enacted legislation and regulatory measures related to the sports and fitness sector, including regulations pertaining to facilities for both indoor and outdoor sports and recreational fitness activities as set out in O. Reg. 263/20: Order Under Subsection 7.0.2 (4) of the Act – Stage 2 Closures; and

Whereas on July 13, 2020 the Province announced plans to have several regions



progress to Stage 3 of Phase 2: Restart within A Framework for Reopening our Province which will permit increased gathering limits and the reopening of more businesses and public spaces; and

Whereas it is important to have the eventual and safe return of amateur organized sport activities, which play an important role in the physical, psychological and emotional well-being of people of all ages in the City of Burlington and communities across Ontario, while adhering to all applicable public health guidance and protecting the health, safety and welfare of all participants; and

Whereas it is in the public interest to ensure that Ontario-based amateur sport organizations are protected from liability for damages relating, directly or indirectly, to COVID-19, where those sport organizations are operating or providing sport activities in full accordance with all applicable Provincial emergency legislation and public health guidance; and

Whereas many organized sport activities and broader community activities are undertaken, administered or provided in indoor or outdoor City of Burlington municipal facilities, and it is important to ensure that the City of Burlington are protected from liability for damages relating, directly or indirectly, to COVID-19, where said Municipalities are operating, providing or permitting such sport and community activities to take place in full accordance with all applicable Provincial emergency legislation and public health guidance; and

Whereas many municipal services and programs are undertaken, administered or provided in Burlington Municipal facilities or in other settings which may involve in-person interaction, and it is important to ensure that the City of Burlington is protected from liability for damages relating, directly or indirectly, to COVID-19, where said Municipality is operating and providing municipal services and programs in accordance with all applicable Provincial emergency legislation and public health guidance;

Now therefore be it resolved:

That Burlington Council request that the Province of Ontario enact the necessary legislation to:

a) Protect Ontario-based amateur sport organizations, including those operated and administered by community non-profit organizations, municipalities and school boards and their directors, officers, employees and volunteers that organize, administer, facilitate or provide such organized sport activities, from liability for damages relating, directly or indirectly, to COVID-19, where those sport organizations and individuals operate or provide those activities in full accordance with all applicable Provincial emergency legislation and public health guidance;

b) Protect the City of Burlington from liability for damages relating, directly or indirectly, to COVID-19, where said Municipalities are operating, providing or

permitting sport and community activities to take place in indoor or outdoor Municipal facilities in full accordance with all applicable Provincial emergency legislation and public health guidance;

c) Protect the City of Burlington from liability for damages relating, directly or indirectly, to COVID-19, where said Municipalities are undertaking, administering or providing municipal services and programs within City of Burlington facilities or in other settings in full accordance with all applicable Provincial emergency legislation and public health guidance; and

That the Mayor of Burlington write a letter to the Honourable Doug Ford, Premier of Ontario, advising of Regional Council's resolution, and that a copy of the letter be forwarded to Burlington's Local Municipalities, the Association of Municipalities of Ontario, The Honourable Lisa MacLeod, Minister of Heritage, Sport, Tourism and Culture Industries and Burlington's Members of Provincial Parliament (MPPs) for their information.

14.2 Motion to Waive Notice:

Suspend the rules of procedure to waive the requirements of notice to allow for a reconsideration of City Manager's report service redesign Interim modifications and resumptions (CM-20-20), in accordance with procedure by-law 04-2020, s. 35.

14.3 Motion to Reconsider:

That Burlington City Council reconsider service redesign Interim modifications and resumptions (CM-20-20), approved by Council at its meeting of August 13, 2020. In accordance with procedure by-law 04-2020, s. 45.

14.4 Motion to Amend Service re-design interim modifications and resumptions (CM-20-20)

Amend the recommendation from service redesign interim modifications and resumptions (CM-20-20) from the Corporate Services, Strategy, Risk & Accountability meeting of August 13, 2020 and approved at the August 13, 2020 Special meeting of Council, by adding the words **summer and** before fall seasons in the fifth paragraph.

14.5 Service re-design interim modifications and resumptions (CM-20-20)

Direct the City Manager to proceed with implementing the interim service delivery program recommendations as outlined in Appendix A and B of city manager's office report CM-20-20 outlining recreation & community facilities and use of indoor pools – recreation services, respectively, while considering potential partnerships with the private sector to provide potential cost savings; and

Receive and file Appendix C of city manager's office report CM-20-20 providing an update to the interim service delivery modifications for Halton Court Services – legal services and City Hall/Sims Square public & staff re-entry; and

Receive and file Appendices D, E, F and G of city manager's office report CM-20-20 providing interim service delivery modifications for Tourism Burlington, the Museums of Burlington, the Art Gallery of Burlington and Burlington Public Library, respectively; and

Direct the Chief Financial Officer to track and monitor the financial implications of the above service delivery program changes in the ongoing COVID-19 financial impact reporting to Council; and

Direct the Executive Director of Environment, Infrastructure and Community Services to provide a 25% reduction in fees for all city rental users, to include both for-profit and not-for-profit organizations, for the **summer** and fall seasons with the opportunity for review and extension prior to the winter season as a COVID-19 emergency response; and

Direct the Executive Director of Environment, Infrastructure and Community Services to add \$25,000 to the fee assistance program for individuals, and report back prior to the winter season on the balance of the funding available.

**15. Motion to Receive and File Council Information Packages:**

Receive and file the following Information Packages, having been prepared and distributed to Council:

- 15.1 Council Information Package July 16, 2020
- 15.2 Council Information Package August 6, 2020
- 15.3 Council Information Package August 13, 2020
- 15.4 Council Information Package August 20, 2020

**16. Motion to Receive and File Information Items:**

Receive and file the following information items, having been considered by Council:

- 16.1 Protecting Amateur Sport Organizations and Municipalities from Liability Related to COVID-19 (ADM-08-20)
- 16.2 Memo from Mary Battaglia regarding COVID-19 emergency response verbal update (CSSRA-07-20) (SD-15-20)

16.3 Correspondence from John Was regarding Downtown Urban Growth Centre (UGC) and Major Transit Station Areas (MTSA) Designations (PL-33-20)

**17. Motion to Consider Confidential Items:**

**18. Motion to Approve By-Laws:**

Enact and pass the following by-laws which are now introduced, entitled and numbered as indicated below:

18.1 70-2020: A by-law to amend By-law 8-1995 to update the legal description and the reasons for designation of 2411 Lakeshore Road.

18.2 71-2020: A by-law to authorize a request for the issuing of debentures by the Regional Municipality of Halton for Aldershot Pool – Pool Deck Repairs and Tiling Project.

18.3 72-2020: A by-law to amend By-law 86-2007, as amended, being a by-law for the regulation of traffic.

18.4 73-2020: A by-law to amend By-law 86-2007, as amended, being a by-law for the regulation of traffic.

18.5 74-2020: A by-law to deregister lands on Upper Middle Road and Georgina Court.

**19. Motion to Confirm Proceedings of the Council Meeting:**

Enact and pass By-law Number 75-2020, being a by-law to confirm the proceedings of Council at its meeting held Monday, August 24, 2020, being read a first, second and third time.

**20. Verbal update on COVID-19 from Acting City Manager Heather MacDonald and Mayor Marianne Meed Ward.**

**21. Statements by Members:**

**22. Motion to Adjourn:**

Adjourn this Council now to meet again at the call of the Mayor.