



MINUTES

SESSION 19

THE COUNCIL OF

THE CORPORATION OF THE CITY OF MISSISSAUGA

(www.mississauga.ca)

WEDNESDAY, OCTOBER 28, 2009, 9:00 A. M.

COUNCIL CHAMBER

300 CITY CENTRE DRIVE

MISSISSAUGA, ONTARIO L5B 3C1

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PRESENT: Mayor Hazel McCallion
Councillor Carmen Corbasson Ward 1
Councillor Pat Mullin Ward 2
Councillor Maja Prentice Ward 3
Councillor Frank Dale Ward 4
Councillor Eve Adams Ward 5
Councillor Carolyn Parrish Ward 6
Councillor Nando Iannicca Ward 7
Councillor Katie Mahoney Ward 8
Councillor Pat Saito Ward 9
Councillor Sue McFadden Ward 10
Councillor George Carlson Ward 11

ABSENT: Nil

STAFF: Janice Baker, City Manager and Chief Administrative Officer
Brenda Breault, Commissioner of Corporate Services and Treasurer
Paul Mitcham, Commissioner of Community Services
Martin Powell, Commissioner of Transportation and Works
Ed Sajecki, Commissioner of Planning and Building
Mary Ellen Bench, City Solicitor
Crystal Greer, City Clerk
Grant Bivol, Deputy City Clerk
Shalini Alleluia, Legislative Coordinator
Jessica Reid, Legislative Coordinator

1. **CALL TO ORDER**

Mayor Hazel McCallion called the meeting to order at 9:08 a.m. with the saying of the Lord's Prayer.

2. **DISCLOSURES OF DIRECT OR INDIRECT PECUNIARY INTEREST**

Mayor Hazel McCallion declared Conflict of Interest on the following matters listed on the Agenda as they involved her:

- (a) Deputations with respect to the Judicial Inquiry
- (b) Corporate Report R-2 – Judicial Inquiry
- (c) Item 17 – Notice of Motion with respect to the Integrity Commissioner

- (d) Draft Motion presented by Councillor Pat Mullin with respect to the Judicial Inquiry/Integrity Commissioner
- (e) Letter dated October 27, 2009 from OMERS with respect to the Judicial Inquiry
- (f) A general declaration on all items to do with the Judicial Inquiry.

3. MINUTES OF PREVIOUS COUNCIL MEETINGS

- (a) October 14, 2009 - Session 18

Approved as presented
MG.01

4. APPROVAL OF THE AGENDA

The following matters were added or withdrawn from the Agenda:

- (a) Dr. David Mowat, Chief Medical Officer, Region of Peel, was invited to address Council to provide updated information on the H1N1 influenza and the vaccination program in Peel.

Dr. Mowat's presentation was moved to the start of the meeting.

- (b) A written request from Mr. Don Barber, to address council with respect to the proposed changes to Public Question Period.
- (c) Corporate Report R-5, relating Motion 13(h) and By-law B-16 were withdrawn at the request of staff as there were still some outstanding issues relating to the Agreements.

H1N1 Flu and the Vaccination Program in Peel

Dr. Mowat, Chief Medical Officer, Region of Peel, updated Council on the H1N1 Influenza virus and the vaccination program in Peel. He explained the current situation and provided recommendations to prevent its spread. Dr. Mowat updated Council on the vaccine and the clinics that will undertake the vaccinations in Mississauga.

Councillor Maja Prentice asked that locations for the vaccinations be located such that they are easily accessible by transit and that they be located across the City.

Councillor Carmen Corbasson felt that there was a disconnect in the information being disseminated between doctors, obstetricians and the Region of Peel, given that pregnant women are on a high priority.

In response to a request for clarification by Councillor Pat Saito, Dr. Mowat advised that the H1N1 flu shot could only be got from the especially established locations and not from locations where the regular flu shot was being given.

Councillor Frank Dale enquired about the levels of mercury in the vaccine and was advised that the type of mercury in the vaccine was extremely small and easily absorbed by the body.

CS.01.Flu

5. **PRESENTATIONS**

- (a) Mayor Hazel McCallion presented the 2009 Site Selection Award to the Economic Development Division who were recognized by Site Selection Magazine as one of the Top 10 Economic Development organizations in Canada. Larry Petovello, Director, Economic Development Division, explained the criteria for the award under which they were selected.

PR.05

- (b) Mayor Hazel McCallion presented the International Economic Development Council's 2009 Honourable Mention Award for "Mississauga: Life Sciences Brochure" to the Economic Development Division. Larry Petovello, Director, Economic Development Division, explained the criteria for the award under which they were selected and expressed pride in the Economic Development Division and the City for the two achievements at this Council. A copy of the Brochure was distributed to members of Council.

PR.05

- (c) Mayor Hazel McCallion presented the Canadian Institute of Planners' Award for Planning Excellence to City staff responsible for developing the City's Older Adult Plan. Laura Piette, Acting Director and Project Leader for the Older Adult Plan, spoke to the award on behalf of the team and listed staff that were responsible for this award.

PR.05

- (d) Mayor Hazel McCallion presented to city staff the Ontario Professional Planners Institute's Excellence in Planning Award - Communications/Public Education for the City's "Our Future Mississauga" Community Engagement Campaign. Bruce Carr, Director, spoke to the award on behalf of the team.

PR.05

6. DEPUTATIONS**(a) Tax Apportionments**

There were no persons in attendance to address Council regarding tax apportionments.

Corporate Report R-1/Resolution 0238-2009
FA.36.

(b) Pearson International Airport and GTAA

Toby Lennox, Vice President of Corporate Affairs and Communications, GTAA, updated Council on the General Business Activities at the Pearson International Airport and GTAA. He explained their strategic plan which recognized the role of the airport regionally and globally. He listed the new airlines which are being serviced at the Airport, increased demand on the airline industry since the GTAA took over Pearson International Airport in 1996. Mr. Lennox also pointed out that as a result of serving some countries has created demands for service beyond the normal times and are working with the City of Mississauga to internationalize business in Mississauga.

Mr. Lennox spoke about transportation plans to and from the airport, adding that Metrolinx has identified the Airport as a major mobility hub. He also highlighted some of the environmental initiatives that they have introduced at the airport, including Project Green which is a GTAA led programme, green building policy, participation in earth hour and earth day.

Members of council responded to the presentation, complimenting Mr. Lennox for his leadership, easier accessibility of the public to airport issues, environmental initiatives, cooperation in addressing complaints relating to noise, signage, etc.

MG.11.GTA

(c) Fringe Benefits : Cosmopolitan Dynamics of a Multi-Cultural City

Erinma Chibututu, Urban Designer, Development and Design Division Planning and Building Department, introduced Ian Chodikoff, Architect, Urban Designer and Editor of Canadian Architect Magazine, who addressed Council with respect to an exhibition titled Fringe Benefits : Cosmopolitan Dynamics of a Multi-Cultural City. The exhibition will run from October 28 to November 29, 2009. Mr. Chodikoff explained that his interest was how communities from all over the world will influence the fabric of Mississauga where society was much more diverse and youth were becoming much more connected.

MG.01.Req

(d) Transit Vision 2040

Michael Roschlau, President and CEO of the Canadian Urban Transit Association and Geoff Marinoff, Director, Mississauga Transit, addressed Council with respect to a Transit Vision for 2040. Using a PowerPoint Presentation, Mr. Roschlau explained how the vision would evolve, its integration with Mississauga's Strategic Plan and how public transit could be optimized. He summarized showing a video of the Vision 2040.

Mayor Hazel McCallion expressed concern that the biggest problem was lack of enough funding to reduce gridlock in the GTA and that all parties including GO Transit were working together with other GTA municipalities to provide regular convenient service.

Councillor Eve Adams spoke to the plans for the proposed Bus Rapid Transit which is part of the long term vision and attempts to create density that will make the BRT a success.

MG.01.Req

(e) Proposed Annexation of Ninth Line Corridor

Peter Skira, Chair, Ninth Line Home Owner's Association addressed Council with respect to the proposed annexation of the Ninth Line Corridor. He provided Council with a submission which outlined their issues relating to the proposed annexation of the Ninth Line Corridor from Milton/Halton by Mississauga/Peel.

This matter was before General Committee on October 21, 2009 which resulted in Recommendation GC-0656-2009. Mr. Skira requested that this recommendation be amended and deferred to address the issue of compensation and annexation transition costs. He pointed out that the residents in this area have lived in their homes for many years and are on fixed incomes. The proposed annexation costs will result in a 17% tax hike with no support from Mississauga Council for a phase in plan. Mr. Skira expressed concern that while Council felt that such a decision would be precedent setting, the residents did not have recourse to an appeal process as the proposed annexation would occur under the Municipal Act and not the Planning Act. Their only recourse was to appeal the matter to the Minister of Municipal Affairs and Housing. Further, Mr Skira felt that they were not meaningfully consulted or fully engaged in this process.

Mayor Hazel McCallion stated that she supported deferral of the GC recommendation to allow staff and members of council to work with the residents on their concerns and wished to find out how the Town of Milton dealt with this as it related to public consultation.

In this regard, the City Manager cautioned that deferral at this time would have an impact on the January 1st. deadline. She suggested that the proposed annexation and supporting by-laws proceed while staff and the Councillors work out the outstanding financial matters.

Councillor Sue McFadden apologized for the lack of communication these residents received from the Town of Milton and indicated that she would be willing to consider phasing their increase in Market Value Assessment.

Councillor Pat Saito also supported the 3-year phasing until the Market Value kicked in, pointing out that such an arrangement would be fair to these residents. Also, she noted that this phase-in or compensation should be implemented for all and not preclude residents on Ninth Line. She sympathized that the residents on Ninth Line have had to put up with development along Ninth Line over many years. Further, Councillor Saito pointed out that this was a one time occurrence and would not be precedent setting.

Councillor Pat Mullin advised that based on the discussions at General Committee, she could not support any recommendation of phase-in until she had a better understanding as to why this issue of taxation or compensation was different and if it is different, it should come back in a report.

Councillor Maja Prentice asked that if a report comes back, it should also address how much this would impact the tax base and how much it would cost on the tax bill.

A resolution to meet with the Ninth Line residents to discuss a property tax phase-in plan was voted on and carried.

Resolution 0244-2009
GC-0656-2009/October 21, 2009
RT.13/FA.16

(f) Minutes of October 14, 2009 Council Meetings

Ursula Keuper Bennett, resident, addressed Council with respect to the Minutes of October 14, 2009 Council Meetings. She advised that in her deputation on October 14, 2009 she had spoken to the minutes of September 30, 2009 which failed to include comments made by Councillor Pat Saito with respect to the youth ban and arrests on City properties. She indicated that although she did not expect the minutes of September 30, 2009 to be amended, she expected that the October 14th. Minutes would reflect her deputation with respect to those minutes and her recommended changes. Using an overhead, Ms. Keuper-Bennett provided Council with recommended wording to be used in the October 14th.

Minutes under her deputation to Council and advised that she would have the same sent to the City Clerk via e-mail.

Ms. Keuper-Bennett asked that the minutes of this meeting reflect that she came exclusively to address the minutes of the October 14, 2009 meeting.

Also, Ms. Keuper-Bennett advised that the message of Mr. James Valitchka was not fully recorded in the October 14, 2009 minutes as his words were strong and deserving to Mr. Valitchka. She provided Council with an excerpt of his deputation and asked that the October 14th. minutes be amended to repeat his message verbatim and suggested how the minutes should read. Further, she asked that the October 28th Council minutes reflect that she addressed Council on this matter as well.

Councillor Pat Saito responded to Ms. Keuper-Bennett's comments relating to the banning of youth from community centres. She stated that she has asked staff to bring back a report on how the City can publicize what steps are taken with respect to bans. She also stated that she was very impressed with Mr. Valitchka and will be getting in touch with him to speak to youth in her community.

Councillor Maja Prentice moved a resolution to receive Ms. Ursula Keuper-Bennett's request to include her recommended wording in the Minutes of the October 14, 2009 meeting with direction to staff to view the video and bring back to Council recommended changes.

Resolution 0243-2009
PR.09/MG.20.Pub

As a result of the declaration of Conflict of Interest by Mayor Hazel McCallion relating to the deputations on the judicial inquiry, Mayor McCallion handed the chair to the Acting Mayor Nando Iannicca and left the meeting.

The Corporate Report R-2 – Judicial Inquiry was moved forward.

The following individuals addressed Council with respect to the judicial inquiry:

- (g) Betty Merkley
- (h) Boyd Upper
- (i) Brenda Astri Haywood.
Ms. Haywood provided council with a copy of her deputation.
- (j) Nabil Nassar
- (k) Harold Shipp

- (l) Fran Rider
- (m) Mike Douglas, President, Sheridan Homelands Ratepayer's Association
- (n) Chris Mackie, Cranberry Cove Port Credit Ratepayers' Association
- (o) Edward Joseph Francis Bavington
- (p) Peter Tolia, Tolia Towing
- (q) Phillip Cancilla,
Mr. Cancilla submitted a petition in support of Mayor McCallion and expressed concern with the cost of the review.
- (r) Jim Murray
- (s) John Holland
- (t) Anton Kikas
- (u) Gerald Russell
- (v) Diane Morgan
- (w) Anna Krijan
- (x) Haroon Khan
- (y) Don Barber

Councillor Pat Mullin read out a motion to defer the judicial inquiry until such time as Council was able to consider the staff report on the options to put in place a Code of Conduct that would apply to the Mayor and Members of Council and to retain an Integrity Commissioner. Copies of this motion were distributed to all members of Council.

Councillor Katie Mahoney spoke to the above deferral motion and advised that the message from the residents was clear to not support the judicial inquiry and had no intention to support it either, however, she wished to allow for more discussion on the matter.

Councillor Pat Saito indicated that she has not supported the judicial inquiry from the beginning especially after the legal opinion provided the required information. Further, she requested that the Notice of Motion for an Integrity Commission be dealt with at this meeting in order to address the issues of perception of Conflict of Interest.

Further, Councillor Saito pointed out that Mayor McCallion had declared conflict of interest on the same development application twice before and did not declare it the third time. Further, she also made reference to the error in the minutes, adding that this was an error as per a previous report to Council.

Councillor Maja Prentice read out a letter received from John and Diane Kalenchuk and a note in a card from Carol Kerr expressing opposition to the judicial inquiry and submitted them for the record. She indicated that she was overwhelmed by the residents who spoke over and over again against having a judicial inquiry. The councillor expressed frustration that the press has not published that the Mayor has declared Conflict of Interest on previous occasions except for the meeting of May 21, 2008 despite her giving them this information.

Further, Councillor Prentice advised that there are many critical budget issues, closing of libraries, reducing hours, etc. and could not support this costly inquiry. Also, Councillor Prentice advised that the terms of reference were too broad and other involved private companies. She asked if Councillor Mullin was willing to reconsider the deferral and urged that the vote to squash the judicial inquiry be taken today.

Councillor Pat Mullin also expressed similar issues financial concerns including attempts to make up budget shortfalls by gapping. She concurred that the terms of reference were too broad and there would be no control over the Judicial Inquiry or its costs which could climb significantly as did the recent inquiry held by the City of Toronto.

Councillor Katie Mahoney spoke to the letter received by Council from OMERS who has been named in the inquiry. She pointed out that OMERS has indicated that the City of Mississauga may have to pay for their legal costs which could further amount to additional millions in costs, adding that the Corporate Report from the City Solicitor indicated that the municipality could be assigned the legal costs for other parties brought into this inquiry if the judge so directed.

Councillor Mahoney advised that through a Notice of Motion which is listed on the Agenda, she introduced the idea of an Integrity Commissioner. The Councillor also provided for the public record, the correspondence she received from residents against the judiciary inquiry.

Councillor Carolyn Parrish stated that the judicial inquiry had already been passed at a previous council meeting and hence the motion of deferral will require another procedural process. Also, she asked for clarification about additional costs beyond what is outlined in the Corporate Report. In this regard, the City Solicitor referred her to Page 11 of the Corporate Report and provided a response which referred to the Commissioner of the Judicial Inquiry who establishes the rules of the Judicial Inquiry, who will have party status, and make recommendations on the funding relating to assigned costs.

Councillor Parrish stated that she agreed with everything that was stated about Mayor Hazel McCallion however, the inquiry was about other matters that have been going on for some time with many unanswered questions. She referenced the Enersource Agreement which was put in place by the City Manager of the day and signed by the Mayor without attention being drawn to the 90% power given to Borealis (OMERS) for a 10% investment which then allowed them to

veto decisions. She indicated that the City had already spent significant funds to outside legal counsel to investigate this matter. The councillor noted that while reviewing the documents relating to the Sheridan College land acquisition agreements of purchase and sale from OMERS, further discrepancies were discovered. Further, Councillor Parrish stated that the Minutes of the meeting were changed 6 days after they were issued and no one has investigated how the minutes got changed.

Councillor Parrish indicated that the above matters needed to be investigated and the matter of the Integrity Commissioner could be one of the future but the judicial inquiry was needed to deal with history. The councillor was willing to consider deleting reference to the Mayor not declaring Conflict of Interest on May 21, 2008 since the Mayor had declared it on previous occasions, however, she wished the other matters relating to why and how the minutes were changed to remain in the resolution. Councillor Parrish advised that she would not support deferral of the decision on the judicial inquiry.

In regard to comments made regarding the monitoring of messages on Blackberries, at the request of Councillor Prentice, the City Manager, Janice Baker, stated that blackberry traffic was not monitored nor had she received any requests to monitor blackberry traffic from councillors, however it could be done if there was an investigatory purpose.

In response for a request for clarification by Councillor Katie Mahoney with respect to Council's original resolution on the Judicial Inquiry, Crystal Greer, City Clerk, read out resolution 0222-2009 dated September 30, 2009 which authorized the Judicial Inquiry and asked the City Solicitor to contact the Superior Court.

Discussion took place with respect to resolution 0222-2009 which would have to be reopened if it was to be debated again.

Councillor Carmen Corbasson spoke to the motion stating that the In Camera Session opened up more questions including attendance by Mayor McCallion at meetings beyond those required and changes to official documents and hence she supported the Judicial Inquiry as being the right thing to do with respect to governance.

Councillor Maja Prentice moved that Resolution 0222-2009 be reopened so that it can be dealt with. A member who voted for it was required to move its opening. This did not occur.

Councillor Pat Saito explained that the two meetings referred to were clarified at the In Camera meetings as being with staff and with respect to the type of hotel envisioned in the downtown core which has been supported by Council for many years. In this regard, Councillor Parrish clarified that her concerns related to the timing of the meeting and parties present at the meeting, one being the Mayor's son who through a signed affidavit, acknowledged being a principle of WCD. She also noted that the meeting in question was to request an extension by WCD so that they can continue their purchase on the lands and it was around the same time as they were addressing the issues surrounding the Enersource Agreement with the same players i.e. OMERS. The Councillor indicated that since they are not qualified to unravel this matter, it was best given to someone qualified to investigate.

In response to a request by Councillor Katie Mahoney to clarify the comment that the Minutes of the May 21, 2008 were subsequently altered, Crystal Greer, City Clerk, advised that from the results of the investigation, it was evident that the minutes were in error but did not indicate such an alteration. She stated that the document was wrong when it was presented to council and approved by council.

Councillor Nando Iannicca advised that he emphatically stood by the motion and explained his concerns, adding that it was a matter of accountability.

Councillor Pat Mullin read out her motion as follows and a recorded vote was called:

“WHEREAS City Council at its meeting of September 16, 2009 requested the City Solicitor to obtain a legal opinion regarding any real or perceived conflict of interest with respect to the negotiations for the City’s purchase of lands within the City Centre intended to be developed for parkland and for a downtown Sheridan College campus, given litigation between Oxford/OMERS and World Class Developments relating to an earlier agreement regarding the same property;

AND WHEREAS at its meeting of September 30, 2009, City Council considered a comprehensive report prepared by the law firm McLean & Kerr respecting municipal conflict of interest which concluded that while Mayor McCallion, on May 21, 2008 failed to declare a conflict of interest and therefore contravened Section 5 of the *Municipal Conflict of Interest Act*, such contravention could have been the result of an honest error in judgment committed through inadvertence, given that the Mayor had previously declared her conflict on numerous occasions;

AND WHEREAS this legal advice cost the City \$46,821;

AND WHEREAS the *Municipal Act* provides that Council may pass a resolution under Section 274 requesting a judicial inquiry, such a request is very rare and is considered an extraordinary measure that is not a regular response to the conflict of interest matter;

AND WHEREAS the costs of the Toronto judicial inquiry significantly exceeded all cost estimates provided, requiring staff to request more funding on several occasions and ultimately costing over \$21 million;

AND WHEREAS the terms of reference identified in the draft resolution attached to the City Solicitor’s report are extremely broad and depending on how they are interpreted by the judge, could easily involve significantly higher costs than those estimated by the City Solicitor, and could even exceed \$10 million;

AND WHEREAS it is difficult to justify the use of such an extraordinary remedy at such a high cost in today’s economic times when there are other options available to Council to ensure that any perception of inappropriate conduct can be dealt with through less extraordinary and significantly less costly means, including the option of appointing an Integrity Commissioner and adopting a code of conduct that would apply to the Mayor and Members of Council;

NOW THEREFORE be it resolved that:

1. Council's consideration of the City Solicitor's report dated October 13, 2009 respecting a judicial inquiry be deferred until such time as Council is able to consider the staff report requested on the options to put in place a Code of Conduct that would apply to the Mayor and Members of Council and to retain an Integrity Commissioner.

The results of the recorded vote were as follows:

	<u>YES</u>	<u>NO</u>
Mayor H. McCallion	Absent due to Declared Conflict of Interest	
Councillor C. Corbasson		X
Councillor P. Mullin	X	
Councillor M. Prentice	X	
Councillor F. Dale		X
Councillor E. Adams		X
Councillor C. Parrish		X
Councillor N. Iannicca		X
Councillor K. Mahoney	X	
Councillor P. Saito	X	
Councillor S. McFadden		X
Councillor G. Carlson		X

Recorded Vote

Motion Lost – (4-7) 1 Absent due to declared Conflict of Interest

MG.01.Pub

Councillor Carolyn Parrish provided staff with four amendments to the main motion which she read out.

Councillor Eve Adams advised that she wished to further modify the resolution as she wished to clarify that City Councillors were not aware that WCD had any continuing interest or claim in the subject lands during the discussions to purchase and lease the lands to Sheridan College. They were only made aware of this in September 2009. She also wished to delete a para on page 3 of the motion because it was not accurate and could taint the inquiry. By deleting the para she felt that it would allow the inquiry to look at all related matters.

Councillor Frank Dale stated that taking into consideration the best interest of the City and the community he represented, it was not personal to the Mayor, and that he would stand behind the decision he made and will make is not for anyone's political gain but because he truly believed it was the right thing to do.

Councillor George Carlson indicated that considerable amount of money has been spent to get answers but have been unsuccessful. He supported deletion the Mayor's Conflict of Interest issue on May 21, 2008 for reasons already stated and also supported the judicial inquiry as an impartial method of obtaining answers.

Councillor Pat Mullin requested clarification on the risk of additional costs that could be incurred as per the letter from OMERS, and how far back land related matters would be investigated. She felt that the terms of reference were too broad. City Solicitor, Mary Ellen Bench responded that based on other recent judicial inquiries, the judge will make recommendations as to who will take the stand, assign costs, etc. She advised that she would be bringing back another report on additional costs.

Acting Mayor Nando Iannicca read out the motion which included the amendments requested by Councillors Parrish and Adams as follows and a recorded vote was called:

0234-2009

Moved by: C. Parrish

Seconded by: S. McFadden

WHEREAS under Section 274 of the *Municipal Act 2001*, a Council of a municipality may, by resolution, request a Judge of the Superior Court of Justice, to investigate and inquire into any supposed breach of trust or other misconduct of a Member of Council, an employee of the Municipality or a person having a contract with the Municipality in relation to the duties or obligations of that person to the Municipality and inquire into or concerning any matter connected with the good government of the municipality, of the conduct of any part of its public business;

AND WHEREAS any Judge so requested shall make inquiry and shall report the results of the investigation or inquiry to the Council as soon as practicable;

AND WHEREAS Council at its meeting of June 10, 2009 authorized the City to enter into a Memorandum of Understanding with Sheridan Institute of Technology and Advanced Learning for the purpose of building a downtown Mississauga college campus, and at the same time by virtue of By-law 0182-2009 delegated to staff the responsibility to negotiate an Agreement of Purchase and Sale between OMERS Realty Management Corporation and 156 Square One Limited (the "Vendors") respecting the acquisition by the City of approximately 8.5 acres of land in the City Centre to be developed in accordance with the Memorandum of Understanding;

AND WHEREAS an Agreement of Purchase and Sale was signed between the Vendors and the City on July 20, 2009 requiring the Vendors to delivery the Lands free of encumbrances on closing, scheduled for September 17, 2009;

AND WHEREAS the City was aware of the previous Agreement of Purchase and Sale entered into between the Vendors and World Class Developments Limited ("WCD") City Councillors were not aware that WCD had any continuing interest in the subject lands or any claim regarding these lands and the City negotiated an Indemnification and Hold-harmless Agreement with the Vendors to protect the City and Sheridan from any claims by WCD, as well as a Release

Agreement with Sheridan in the event of a claim by WCD that could jeopardize Sheridan's ISF funding for the downtown Mississauga college campus referenced in the MOU;

AND WHEREAS on July 9, 2009 the Vendors filed an application in the Superior Court (Commercial List) to confirm that their previous Agreement of Purchase of Sale with WCD was terminated;

AND WHEREAS on August 28, 2009 WCD served a counter-application against the Vendors seeking, among other things, a declaration that the Agreement of Purchase and Sale entered into between WCD and the Vendors remained in full force and effect;

AND WHEREAS in support of its counter claim WCD filed affidavit evidence from two (2) individuals identified as its principals, namely Peter McCallion and Tony DiCicco as well as an affidavit from a hotelier, which affidavits referenced meetings with City staff, Mayor McCallion and these principals to discuss the development of the subject site as a hotel and conference centre;

AND WHERE the affidavit filed in court by Peter McCallion on behalf of WCD describes how he became interested in developing the subject lands, his awareness of the City's overall concept for development in the City Centre, and how he approached the Chair of OMERS, with a proposal to acquire the lands and develop them accordingly;

AND WHEREAS the Chair of OMERS was also integral to the process by which a negative veto was added to the December 2000 Enersource Shareholders Agreement, after it was approved by Council and without Council knowledge, which has never been satisfactorily explained despite several attempts by the Council to obtain this information;

AND WHEREAS at its meeting of September 16, 2009, Council raised several concerns about the proposed City real estate transaction and noting a perception of conflict of interest respecting the real estate transaction based on the affidavits filed in court by WCD, instructed the City Solicitor to obtain an external legal opinion on whether a conflict of interest exists for the Mayor and Council or for staff and to obtain a legal opinion that would consider whether staff acted appropriately in negotiating the agreements with the Vendors for the City to acquire the subject lands;

AND WHEREAS at its meeting of September 30, 2009 Council had the opportunity to discuss the two (2) outside legal opinions obtained;

AND WHEREAS Council expressed concern about the matters involving the transaction with WCD and in particular the involvement of both the Mayor and her son, Peter McCallion;

AND WHEREAS at its meeting of September 30, 2009 Council enacted Resolution Number 0222-2009 asking for a judicial inquiry with respect to the matters discussed in the City Solicitor's Report dated September 24, 2009 entitled "Response to Issues Raised by Council – Proposed or Pending Acquisition or Disposition by the Municipality or a Local Board –

Agreement of Purchase and Sale – Lands within the City Centre" and other related matters and directed the City Solicitor to report back on the parameters as soon as possible;

AND WHEREAS Council at its meeting of September 30, 2009 also considered a report dated September 28, 2009 from the Commissioner of Corporate Services and Treasurer recommending that the Council minutes of May 21, 2008 be amended respecting the WCD matter to delete the reference to the Mayor having declared a conflict of interest because a review of the video recording of the meeting revealed that no such declaration was made during the meeting, and while the report recognized that this error in the minutes was significant it did not provide an explanation as to how it occurred;

NOW THEREFORE the Council of the City of Mississauga does hereby resolve that:

1. an investigation is hereby requested to be conducted pursuant to Section 274 of the *Municipal Act, 2001* which authorizes a Judge of the Superior Court of Justice to investigate any supposed breach of trust or other misconduct of a Member of Council, an employee of the municipality or person having a contract with the municipality in relation to the duties or obligation of that person to the municipality and inquire into any matter connected with the good government of the municipality or the conduct of any part of its public business; and,
2. The Honourable Heather Forster Smith, Chief Justice of the Superior Court of Ontario, be requested to designate a Judge of the Superior Court as Commissioner for the inquiry and the Judge so designated is hereby authorized to conduct the investigation and inquiry.

AND IT IS FURTHER RESOLVED THAT the terms of reference of the inquiry shall be:

To inquire into all aspects of the aforesaid transactions, their history and their impact on the ratepayers of the City of Mississauga as they relate to the good government of the municipality, or the conduct of its public business, and to make any recommendations that the Commissioner may deem appropriate and in the public interest as a result of the inquiry.

And it is further resolved that the Commissioner, in conducting the inquiry into the transactions in question to which the City of Mississauga is a party, is empowered to ask any questions which he or she may consider as necessarily incidental or ancillary to a complete understanding of these transactions.

And, for the purpose of providing fair notice to those individuals who may be required to attend and give evidence, without infringing on the Commissioner's discretion in conducting the inquiry in accordance with the terms of reference stated herein, it is anticipated that inquiry may include the following:

1. to investigate and inquire into all relevant circumstances pertaining to the various transactions referred to in the recitals to this resolution, including the relevant facts pertaining to the various transactions at the relevant time, the basis of and reasons for making the recommendations for entering into the subject transactions and the basis of the decisions taken in respect of the subject transactions;
2. to investigate and inquire into the relationships, if any, between the existing and former elected and administrative representatives of the City of Mississauga and the existing and former principals and representatives of WCD, OMERS and its affiliate companies at all relevant times; and,
3. to investigate and inquire into all aspects of similar real estate, development or other business transactions involving Enersource, OMERS and its related companies, and/or the principals and representatives of WCD which engaged the City of Mississauga's resources or approval processes, and the basis of the decisions that were taken in respect of these matters.
4. to investigate and inquire into whether any existing or former elected or administrative representatives of the City of Mississauga had a direct or indirect personal economic interest, or other conflict of interest, that might have influenced their actions in any of the subject transactions or matters.

The results of the recorded vote were as follows:

	<u>YES</u>	<u>NO</u>
Mayor H. McCallion	Absent due to Declared Conflict of Interest	
Councillor C. Corbasson	X	
Councillor P. Mullin		X
Councillor M. Prentice		X
Councillor F. Dale	X	
Councillor E. Adams	X	
Councillor C. Parrish	X	
Councillor N. Iannicca	X	
Councillor K. Mahoney		X
Councillor P. Saito		X
Councillor S. McFadden	X	
Councillor G. Carlson	X	

Recorded Vote

Carried – (7-4) 1 Absent due to declared Conflict of Interest

MG.01.Pub

The recommendation from the Corporate Report R-2 was also read with a request for a recorded vote:

0235-2009 Moved by: C. Parrish Seconded by: S. McFadden

1. That appropriate City officials be authorized and directed to take the necessary action to give effect to Council's Resolution No. 0222-2009 requesting a judicial inquiry in respect of the matters discussed in the City Solicitor's report dated September 24, 2009 and other related matters.
2. That the City Solicitor be instructed to report back on funding for legal representation for parties, Members of Council and current City employees who will be called as witnesses at the Inquiry, setting out the principles for such funding applications.
3. That Council authorize the allocation of funding for the Inquiry itself.

A recorded vote was called with the following results:

	<u>YES</u>	<u>NO</u>
Mayor H. McCallion	Absent due to Declared Conflict of Interest	
Councillor C. Corbasson	X	
Councillor P. Mullin		X
Councillor M. Prentice		X
Councillor F. Dale	X	
Councillor E. Adams	X	
Councillor C. Parrish	X	
Councillor N. Iannicca	X	
Councillor K. Mahoney		X
Councillor P. Saito		X
Councillor S. McFadden	X	
Councillor G. Carlson	X	

Recorded Vote

Carried – (7-4) 1 Absent due to declared Conflict of Interest

MG.01.Pub

A motion to receive the correspondence and petition submitted at the meeting was voted on and carried as follows:

0236-2009 Moved by : C. Parrish

Seconded by : Eve Adams

That the following be received with respect to the matter of a Judicial Inquiry:

1. Petition from citizens submitted by Phillip Cancilla;
2. Correspondence from OMERS dated October 27, 2009;
3. Correspondence from residents received by the City Clerk;
4. Correspondence from residents received by Councillor Katie Mahoney.

Carried

MG.01.Pub

6. **DEPUTATIONS (continued)**

This deputation was added to the Agenda under Approval of the Agenda (Item 4)

Don Barber, Friends of Cawthra Bush, addressed Council with respect to Corporate Report R-3 – Proposed Changes to Public Question Period. He stated that Friends of the Cawthra Bush and Cawthra Ratepayers Association are in favour of keeping of the Public Question Period to pre-2006, adding that there were no supporting facts to justify this change and that this segment of the Council meeting served the City well. He felt that the direction of council has not been followed and consultation with the Committee Chairs has not been taken into consideration. Further, he did not feel that Councillor Parrish implemented it correctly when he addressed Council.

Councillor Maja Prentice clarified that Page 2 of Correspondence I-4 (4a) submitted by Mr. Barber, made reference to Mayor McCallion, however, the Mayor was not in the Chair. She pointed out that it refers to the Mayor and should have referred to the Acting Mayor, Councillor Carolyn Parrish. She apologized for the treatment he received when the by-law for the new protocol was not yet in effect.

Councillor Pat Saito indicated that her next newsletter will explain to the residents the changes to the Public Question Period.

The revised by-law is also posted on the City's website.

MG.20.Pub/PR.09.Res

- ## 7. **PUBLIC QUESTION PERIOD** (in accordance with Section 36 of the City of Mississauga Procedure By-law 0421-2003 - Council may grant permission to a person who is present and at Council and wishes to address Council on a matter on the Agenda. For any other matter, leave must be granted by Council to deal with a matter not on the agenda).

18. CLOSED SESSION

Council moved into Closed Session at 2:30 p.m. The resolution to move into Closed Session was read out at this time.

0246-2009 Moved by : Pat Saito

Seconded by : K. Mahoney

WHEREAS the *Municipal Act, 2001*, as amended, requires Council to pass a resolution prior to closing part of a meeting to the public;

AND WHEREAS the Act requires that the resolution states the act of the holding of the closed meeting and the general nature of the matter to be considered at the closed meeting;

NOW THEREFORE be it resolved that a portion of the Council meeting to be held on October 28, 2009, shall be closed under Section 239 (2) to the public to deal with the following matters:

- (i) Potential Litigation – Committee of Adjustment Appeal Matter – “A” 272/09 – J. Holland Motors Ltd. (Ward 1) (deferred from the October 14, 2009 Council meeting)
- (ii) Security of property of the municipality - Enersource Shareholder's Agreement (Referred to Council without a recommendation)
- (iii) Potential Litigation – Committee of Adjustment Appeal Matter – “A” 298/09 – Irene and Stanistan Zebrowski (Ward 1)
- (iv) Potential Litigation – Committee of Adjustment Appeal Matter – “A” 310/09 – Jinnia Batista (Ward 11)
- (v) Potential Litigation – Committee of Adjustment Appeal Matter – “A” 312/09 – Sharine Ahmed and Shamima Paraveen (Ward 7)
- (vi) Potential Litigation – Committee of Adjustment Appeal Matter – “A” 306/09 – Lori Ann Simpson and Paul Roman (Ward 2)
- (vii) Potential Litigation – Committee of Adjustment Appeal Matter – “B” 34/09 – McDonald’s Restaurant of Canada Limited (Ward 2)
- (viii) Potential Litigation – Committee of Adjustment Appeal Matter – “B” 35/09 and “B” “36/09 – 2100244 Ontario Inc. and Riocan (Clarkson) Inc. (Ward 2)

- (ix) Personal Matters about an identifiable individual, including municipal or local board employees – Request for a Citizen Member of the Environmental Advisory Committee to participate on the Holcim (Canada) Inc.'s "Community Advisory Panel"
- (x) Proposed or Pending Acquisition or Disposition of Land by the Municipality or Local Board – Proposed Master Plan, Ground Lease Arrangements, Funding Considerations and Municipal Parking Program for Lands within City Centre Planning District - Sheridan Mississauga Campus Development

Carried
MG.20

Councillor Nando Iannicca remained in the chaired for the convening of the Closed Session.

- (i) In Camera Report #80 - Committee of Adjustment Appeal Matter – "A" 272/09 – J. Holland Motors Ltd. (Ward 1) (deferred from the October 14, 2009 Council meeting)

Councillor Carmen Corbasson advised that she would move support for the Committee's decision to appeal the application before the OMB. She advised that a number of residents came to the meeting to express concerns with the noise from the current operation at this location

Resolution 0247-2009
"A" 272/09 Ward 1

- (ii) In Camera Report #81 - Enersource Shareholder's Agreement

This matter was referred to Council from General Committee (Closed Session) without a recommendation.

Councillor Carolyn Parrish moved that the execution of the Enersource Shareholder's Agreement be deferred until after the report of the Judicial review is completed and presented.

Resolution 0248-2009
Recorded Vote/Carried – (6-4) 1 Absent due to declared Conflict of Interest and 1 Absent
MG.11.Ene/CS.09.

- (iii) In Camera Report #82 - Committee of Adjustment Appeal Matter – “A” 298/09 – Irene and Stanistan Zebrowski (Ward 1)

Councillor Carmen Corbasson moved receipt of this matter.

Resolution 0249-2009
“A” 298/09 Ward 1

- (iv) In Camera Report #82 - Committee of Adjustment Appeal Matter – “A” 310/09 – Jinnia Batista (Ward 11)

Councillor George Carlson moved receipt of this matter.

Resolution 0250-2009
“A” 310/09 Ward 11

- (v) In Camera Report #82 - Committee of Adjustment Appeal Matter – “A” 312/09 – Sharine Ahmed and Shamima Paraveen (Ward 7)

Councillor Nando Iannicca advised that he would recommend support for the Committee’s decision to appeal the application before the OMB as special provisions were made in this subdivision, particularly relating to driveway widths and on street parking and the standard for this subdivision is strenuously enforced.

Resolution 0251-2009
“A” 312/09 Ward 7

- (vi) In Camera Report #82 - Committee of Adjustment Appeal Matter – “A” 306/09 – Lori Ann Simpson and Paul Roman (Ward 2)

Councillor Pat Mullin moved receipt of this matter.

Resolution 0252-2009
“A” 306/09 Ward 2

- (vii) In Camera Report #83 - Committee of Adjustment Appeal Matter – “B” 34/09 – McDonald’s Restaurant of Canada Limited (Ward 2) and (viii) Committee of Adjustment Appeal Matter – “B” 35/09 and “B” “36/09 – 2100244 Ontario Inc. and Riocan (Clarkson) Inc. (Ward 2)

Councillor Pat Mullin moved receipt of this matter.

Resolution 0253-2009
“B” 34/09, “B” 35/09 and “B” “36/09 Ward 2

- (ix) In Camera Report #84 - Request for a Citizen Member of the Environmental Advisory Committee to participate on the Holcim (Canada) Inc.'s "Community Advisory Panel"

Councillor George Carlson advised that the Environmental Advisory Committee members be surveyed to find a volunteer to participate on the above Community Advisory Panel and if no one volunteered, Councillor Carolyn Parrish offered to seek a local community member to participate on this committee.

Resolution 0254-2009
MG.31

Mayor Hazel McCallion assumed the Chair.

- (x) In Camera Report #85 - Proposed Master Plan, Ground Lease Arrangements, Funding Considerations and Municipal Parking Program for Lands within City Centre Planning District - Sheridan Mississauga Campus Development

Janice Baker, City Manager, briefly explained the documents that were before Council.

Councillor Pat Mullin expressed disappointment that there would be surface parking and no underground parking would be provided for Phase 1, when the Civic Centre, Library and Living Arts Centre all had underground parking. Mayor Hazel McCallion echoed these comments. Staff assured that underground parking was a condition for Phase 2 of this project and the cost to put in Phase 1 would significantly add to the project.

Resolution 0255-2009
By-laws 0330-2009 – 0335-2009
CD.12.She

Council moved out of Closed Session at 2:55 p.m. and resumed the Agenda. The resolutions emanating from the Closed Session were read and adopted as part of the Resolutions listed under 13.Resolutions.

8. CORPORATE REPORTS

R-1 Tax Apportionments

Report dated October 13, 2009 from the Commissioner of Corporate Services and Treasurer with respect to Apportionment of Taxes.

RECOMMENDATION:

That the recommended apportionment of taxes and payments set out in Appendix 1 of the report dated October 13, 2009 from the Commissioner of Corporate Services & Treasurer be approved

This motion was inadvertently not called to a vote and will be presented at the next Council meeting (November 11, 2009).

FA.36

R-2 Judicial Inquiry

Report dated October 13, 2009 from the City Solicitor with respect to the Judicial Inquiry

RECOMMENDATION:

1. That appropriate City officials be authorized and directed to take the necessary action to give effect to Council's Resolution No. 0222-2009 requesting a judicial inquiry in respect of the matters discussed in the City Solicitor's report dated September 24, 2009 and other related matters.
2. That the City Solicitor be instructed to report back on funding for legal representation for parties, Members of Council and current City employees who will be called as witnesses at the Inquiry, setting out the principles for such funding applications.
3. That Council authorize the allocation of funding for the Inquiry itself, should an inquiry be initiated.

This matter was moved forward and dealt with after the Deputations listed for this matter.

Mayor McCallion was absent due to a declared conflict of interest.

Councillor Iannicca, Acting Mayor, was in the chair.

All Correspondence and the Petition received under this item were also received.

Resolution 0234-2009 (Recorded Vote/Carried – (7-4) 1 Absent due to declared Conflict of Interest

Resolution 0235-2009 (Recorded Vote/ Carried – (7-4) 1 Absent due to declared Conflict of Interest

Resolution 0236-2009

MG.01.Pub

R-3 Amendments to the Council Procedure By-law

Report dated October 16, 2009 from the Commissioner of Corporate Services and Treasurer, with respect to Amendments to the Council Procedure By-law.

RECOMMENDATION:

That Council reaffirms its intention passed in Resolution 0217-2009, to apply the new provisions to Public Question Period at Council meetings only, in the current position on the agenda and that the necessary by-law be enacted.

In response to a question by Mayor Hazel McCallion, the City Clerk confirmed the new provisions that will be put in place under this revised Procedure By-law. The revised by-law is also posted on the City's website.

Resolution 0239-2009

By-law 0326-2009

MG.20.Pub

R-4 Rezoning application to permit the existing dwelling to be used as a duplex dwelling, 12 Elmwood Avenue North, North of Lakeshore Road East, west side of Elmwood Avenue North, OZ 08/019 W1, Ward 1

Report dated October 5, 2009 from the Commissioner of Planning and Building with respect to a rezoning application to permit the existing dwelling to be used as a duplex dwelling, 12 Elmwood Avenue North, North of Lakeshore Road East, west side of Elmwood Avenue North, Owner : Nigel and Phyllis Briggs, Applicant : John D. Rogers and Associates Inc., OZ 08/019 W1, Ward 1

RECOMMENDATION:

That the Report dated October 5, 2009, from the Commissioner of Planning and Building recommending approval of the application under File OZ 08/019 W1, Nigel and Phyllis Briggs, 12 Elmwood Avenue North, north of Lakeshore Road East, west side of Elmwood Avenue North, be adopted in accordance with the following:

1. That the application to change the Zoning from "R15-2" (Detached Dwelling or Retirement Dwelling) to "RM7" (Detached, Semi-Detached, Duplex and Triplex Dwellings) to permit the existing dwelling to be used as a duplex dwelling in accordance with the proposed zoning standards described in the Information Report, be approved subject to the following conditions:
 - (a) That the applicant agree to satisfy all the requirements of the City and any other official agency concerned with the development;

- (b) That the school accommodation condition as outlined in City of Mississauga Council Resolution 152-98 requiring that satisfactory arrangements regarding the adequate provision and distribution of educational facilities have been made between the developer/applicant and the Dufferin-Peel Catholic District School Board and Peel School Board not apply to the subject lands.
2. That the decision of Council for approval of the rezoning application be considered null and void, and a new development application be required unless a zoning by-law is passed within 18 months of the Council decision.

Resolution 0240-2009
OZ/08/019 W1

The following matter was withdrawn from the Agenda as the Agreement could not be finalized in time for this Council.

R-5 Amending Agreement to amend the Memorandum of Agreement between OMERS Realty Management Corporation, 156 Square One Limited and The Corporation of the City of Mississauga

Report dated October 23, 2009 from the City Solicitor with respect to Amending Agreement to amend the Memorandum of Agreement between OMERS Realty Management Corporation, 156 Square One Limited and The Corporation of the City of Mississauga

OZ H 09/002 W4

9. COMMITTEE REPORTS

- (a) Planning and Development Committee Report -15-2009 dated October 19, 2009

PDC-0092-2009 was amended at the request of staff with a letter dated October 20, 2009 from Bousfields Inc. (Correspondence Item I-8) relating to the calculation of the FSI on large sites with multi-phase development. Mr. Sajecki confirmed that staff were agreeable to the request made by Bousfields Inc.

Councillor Eve Adams moved the amendment.

Recommendations PDC-0086-2009 – PDC-0093-2009
Approved as Amended in Recommendation PDC-0092-2009
MG.03

PDC-0086-2009

That the report titled "*Southdown District Policies – Implementing Zoning By-law - Supplementary Report*" dated September 29, 2009 from the Commissioner of Planning and Building, be approved in accordance with the following:

1. Notwithstanding that subsequent to the public meeting held on June 23, 2008, revisions to the implementing zoning by-law have been made, City Council considers that the changes do not require further notice and, therefore, pursuant to the provisions of subsection 34(17) of the *Planning Act, R.S.O. 1990, c.P.13*, as amended, further notice regarding the proposed amendment is hereby waived.
2. That the implementing zoning by-law for the lands in the Southdown Planning District be amended, in accordance with the proposed zoning changes contained in Appendix 1, as revised under clauses 8.2.4.11.1 (1) and 10.2.2.16.1 (1) on October 19, 2009, to this report which is consistent with the proposed modifications to Official Plan Amendment No.63.
3. That correspondence from Storwell Self Storage dated October 5, 2009; Enbridge Pipelines Inc. dated October 6, 2009; and McMillan LLP dated October 19, 2009, be received.

CD.03.SOU W2

PDC-0087-2009

That the Report dated September 29, 2009 from the Commissioner of Planning and Building regarding Sign By-law 0054-2002, as amended, and the requested three (3) Sign Variance Applications described in Appendices 1 to 3 to the Report, be adopted in accordance with the following:

1. That the following Sign Variance be granted:
 - (a) Sign Variance Application 09-05608
Ward 8
Busy Hands 'n' Minds Childcare Centre
4615 Glen Erin Drive
To permit the following:
 - (i) One (1) ground sign with an area of 2.32 m² (24.97 ft²) and height of 2.44 m (8.0 ft).
2. That the following Sign Variance not be granted:
 - (a) Sign Variance Application 09-04236
Ward 4
The Conservatory Group
4624 Jethro Court
To permit the following:
 - (i) One (1) ground sign on a property where the business is not located.
 - (ii) One (1) construction site sign erected on a subdivision project where the first occupancy of the project was granted in April 2008.
3. That the following Sign Variance be referred to the local ward Councillor to facilitate review of the application by the Meadowvale Village Community Association:
 - (a) Sign Variance Application 09-04824
Ward 11
A1 Dental Hygiene

1149 Upper River Court

To permit the following:

- (i) One (1) sign located on the road allowance of Old Derry Rd. W.
- (ii) One (1) portable sign located on the road allowance advertising a business.

BL.03.SIG (2009)

PDC-0088-2009

That the Report dated September 29, 2009, from the Commissioner of Planning and Building recommending approval of the removal of the "H" holding symbol application, under file H-OZ 09/004 W4, City of Mississauga, 4225 Living Arts Drive, 4200 Duke of York Boulevard and 285 Prince of Wales Drive, Blocks 9, 28 and 29, Plan 43M-1010, be adopted and that the Planning and Building Department be authorized to prepare the necessary by-law for Council's passage subject to the execution of the Ground Lease Agreement with Sheridan College.

H-OZ 09/004 W4

PDC-0089-2009

That the Report dated September 29, 2009, from the Commissioner of Planning and Building, outlining the details of the development proposed for 2 City Centre Drive, Block 16, Registered Plan 43M-1010, by OMERS Realty Management Corporation/OPGI Management GP Inc. be received for information.

H-OZ 09/002 W4

PDC-0090-2009

That the Report dated September 29, 2009, from the Commissioner of Planning and Building recommending approval of the removal of the "H" holding symbol application, under file H-OZ 09/002 W4, OMERS Realty Management Corporation/OPGI Management GP Inc., 2 City Centre Drive, Part of Block 16, Registered Plan 43M-1010 be adopted, and that the Planning and Building Department be authorized to prepare the necessary by law for Council's passage.

H-OZ 09/002 W4

PDC-0091-2009

That the Report dated September 29, 2009, from the Commissioner of Planning and Building regarding the application to amend the Official Plan from "Business Employment" to "Business Employment - Special Site" and to change the Zoning from "E2-1" (Employment) to "E2 - Exception" (Employment - Exception) under file OZ 09/003 W11, Valjer Holdings Inc., 6215, 6225 Mississauga Road and 3 Alpha Mills Road, be received for information and notwithstanding planning protocol, that the supplementary report be brought directly to a future Council meeting.

OZ 09/003 W11

PDC-0092-2009 *(As amended on October 28, 2009)*

That the Report dated September 29, 2009, from the Commissioner of Planning and Building titled "Report on Comments - Proposed Official Plan Amendments and Zoning By-law Amendments Airport Corporate District – Renforth Area", be adopted in accordance with the following:

1. That notwithstanding that subsequent to the public meeting, changes have been proposed, Council considers that the changes do not require further notice and, therefore, pursuant to the provisions of subsection 34(17) of the *Planning Act*, R.S.O. 1990, c.P.13, as amended, any further notice regarding the proposed amendment is hereby waived.
2. That Official Plan Amendment 102, as amended, attached as Appendix 3 of Appendix S-1, be adopted subject to the following revisions:
 - (a) That Policy 6 be amended to include in the third bullet point of item b. "In calculating FSI on large sites with multi-phase development, regard may be had to the size of individual development parcels".
 - (b) That Policy 6 be amended to include in the third bullet point of item d. Parking and Servicing; "In cases of lots with multiple street frontages, priority will be given to not allowing parking along the BRT corridor and Commerce Boulevard".
3. That the proposed amendments to change the Zoning from "E1" (Employment in Nodes) to "E1-18" (Employment in Nodes - Exception) to encourage transit supportive development in accordance with the proposed zoning standards attached as Appendix S-4, be approved.

TS.14.REN W5

PDC-0093-2009

That the Report dated September 29, 2009, from the Commissioner of Planning and Building titled "Report on Comments – Proposed Official Plan Amendments and Zoning By-law Amendments Airport Corporate District – Spectrum and Orbitor Bus Rapid Transit Station Areas", be adopted in accordance with the following:

1. That notwithstanding that subsequent to the public meeting, changes have been proposed, Council considers that the changes do not require further notice and, therefore, pursuant to the provisions of subsection 34(17) of the *Planning Act*, R.S.O. 1990, c.P.13, as amended, any further notice regarding the proposed amendment is hereby waived.
2. That the proposed amendments to change the Zoning from "E1" (Employment in Nodes) to "E1-19 (Employment in Nodes – Exception) to encourage transit supportive developments in accordance with the proposed zoning standards attached as Appendix S-3, be approved.

TS.14.SPE W5

(b) **Budget Committee – Report 6-2009 dated October 20, 2009**

BC-0021-2009 – Councillor Katie Mahoney requested an amendment to not approve the Citizen Value Measurement at this time but that the survey be referred back to staff for a further report.

BC-0027-2009 – Councillor Maja Prentice requested an amendment to the recommendation that would allow other residents to use the pay for service basis for the windrow snow removal service when the plan was developed.

Recommendations BC-0021-2009 – BC-0027-2009

Approved as Amended in Recommendation BC-0021-2009 and BC-27-2009
MG.29

BC-0021-2009 [as amended by Council 28 October 2009]

That the *Citizen Value Measurement not be approved at this time and* matter of continuing the Citizen Value Survey project be referred back to staff for a further report back to Budget Committee with information on an inventory of what methods are currently being employed by the City, an assessment of the gaps and a coordinated approach which addresses a means to capture a larger sample size, through which the City can gather data and constituent opinion regarding the service needs and issues arising from the respective Wards.

PR.18 (FA.19)

BC-0022-2009

That Legal Services be directed to make application to the Ministry of the Attorney General for the approval of the new set and voluntary fines and a new short form wording be created for parking a heavy vehicle on private property, as outlined in the Corporate Report dated October 7, 2009 from the Commissioner of Transportation and Works.

FA.11 (BL.02)

BC-0023-2009

That the Corporate Report dated October 7, 2009 from the Commissioner of Transportation and Works regarding changes to the restriction of on-street parking overnight, be referred to General Committee for discussion.

BL.02 (FA.11)

BC-0024-2009

1. That the Fee Schedules of the Tow Truck Licensing By-law 521-04, the Public Vehicle Licensing By-law 420-2004, the Ice Cream Truck Vendors By-law 523-04, be amended by increasing the fees for Owner's licences by the amounts provided in Appendix 1 of the Corporate Report dated October 8, 2009 from the Transportation and Works Department, be amended to set the Mobile Licensing Fee for Tow Truck Owners at \$460.00 and that the 2010 business plan and budget provide for the hire of one (1) additional enforcement officer for this business unit.
2. That the Corporate Report dated October 8, 2009 titled "Licence Fees and Set Fines Review – Mobile Licensing Enforcement" from the Commissioner of Transportation and Works be referred to the Public Vehicle Advisory Committee (PVAC) for review.

FA.11 (LP.14)

BC-0025-2009

1. That Schedule B titled 'Fees' of the Animal Care and Control By-law 98-04, relating to lifetime dog licences be deleted and replaced with a \$20.00 annual licence fee for altered dogs;
2. That the Animal Control By-law 0098-04, be further amended to include a set fine penalty for late renewal of annual licences, up to six (6) months \$20.00, six (6) months or more, \$40.00;
3. That the Animal Control By-law 0098-04, be further amended to include a set fine penalty of \$500.00 for providing false information;

4. That Schedule B entitled 'Fees' of the Animal Care and Control By-law 98-04, for the annual licence fee for unaltered dogs increase from \$40.00 to \$45.00;
5. That Schedule B entitled 'Fees' of the Animal Care and Control By-law 98-04, for the lifetime licence for unaltered cats increase from \$40.00 to \$45.00; and that
6. That Legal Services be directed to make application to the Ministry of the Attorney General for the approval of the new set fines and a new short form wording created for providing false information.

FA.11 (CS.15)

BC-0026-2009

1. That the Fee schedules of the Business Licensing By-law 1-06, be amended, by increasing the New and Renewal Licence Fee for a Vehicle Pound Facility to \$500.00 each; and
2. That the Fees and Charges By-law 431-08, for Transportation and Works, be amended, to increase the Noise Exemption application fee to \$150.00 plus GST and the Fence Exemption application fee to \$200.00 plus GST effective January 1, 2010.

FA.11 (LP.22)

BC-0027-2009[as amended by Council 28 October 2009]

1. That the Corporate Report dated October 8, 2009 from the Commissioner of Transportation and Works, be referred to back to staff.
2. That a committee consisting of Councillors Eve Adams, Maja Prentice and Pat Saito be formed to meet with City and Region of Peel staff to develop a plan for the provision of windrow snow removal service to senior adults and disabled residents who demonstrate a financial need *and other residents on a pay for service basis*, to be implemented for the upcoming winter season, and that the report on the implementation of the program including eligibility criteria be provided to Budget Committee as quickly as possible.

RT.20 (FA.19)

(c) **General Committee - Report 15-2009 dated October 21, 2009**

GC-0664-2009 - This matter was referred to back to staff for review with the Councillor. Councillor Eve Adams advised that she has now met with the parties involved and would move the recommendation that was presented to General Committee.

Recommendations GC-0653-2009 – GC-0675-2009
Approved as Amended in Recommendation GC-0664-2009
MG.23

GC-0653-2009

1. That the presentation by Paul Cravit - Design Consultant with CS&P Architects and the Corporate Report titled "Update – Redevelopment of the Civic Square and Library Square" dated October 9, 2009 from the Commissioner of Community Services, be received for information.
2. That staff report back regarding:
 1. The proposed Terms of Reference for the Civic Precinct Food Service contract.
 2. The feasibility of relocating the fitness centre at the Civic Centre to the 12th floor and putting municipal offices at that area of the fourth floor.

CD.11.CIV (Ward 4)

GC-0654-2009

1. That the deputation to General Committee at its meeting on October 21, 2009 by Gasper Santaguida and Al Hammamieh - Director of Operations with CompuMe Incorporated, regarding their concerns with Pay and Display tariffs for on-street parking, be received for information, and that staff be directed to convene a meeting with the owners of businesses who have expressed concern with the implementation of pay and display parking in the City core, and the Mayor, Ward Councillor and a representative of Precise Parklink, to review the issues for interim solutions and report back to General Committee.
2. That the Transportation and Works Department proceed with reprogramming of the Pay and Display (P&D) machines to enable time to be purchased in increments (8 minutes, 16 minutes, etc.) during the overnight tariff schedule in addition to being able to purchase the overnight \$5.00 flat rate.

FA.11.PAY / RT.17.PAY / CD.21.PAR

GC-0655-2009

1. That the Minutes of the Joint Public Meeting held on September 30, 2009 in Appendix No. 1 to consider the proposed annexation of lands by the City of Mississauga from the Town of Milton, be received.
2. That a by-law be enacted to confirm Council's support for the proposed restructuring generally as contained in the Restructuring Proposal set out in Appendix No. 2, to confirm all procedural requirements were complied with in considering the Restructuring Proposal, and to authorize staff to forward the Restructuring Proposal to the Minister of Municipal Affairs and Housing for approval pursuant to subsection 173(1) of the *Municipal Act, 2001*.
3. That a certified copy of the City of Mississauga by-law including the Restructuring Proposal be forwarded to the Minister of Municipal Affairs and Housing, together with a certified copy of the consent of each of the Town of Milton, the Regional Municipality of Peel, and the Regional Municipality of Halton.

4. That staff be authorized to make any minor technical amendments to the Restructuring Proposal required following approval by Council.
5. That the City Manager and the City Clerk be authorized to execute a Boundary Adjustment Agreement with the Town of Milton, the Region of Halton and the Region of Peel, in a form satisfactory to Legal Services and generally as set out in Appendix No. 3. PO.13.ANN (Wards 9, 10)

GC-0656-2009

That in response to the requests made by resident Stan Jakaitis on behalf of the Ninth Line Owners' Association for compensation of the expenses related to the mailing address change that will result from the annexation of certain properties into the City of Mississauga, and questioning the possibility of phasing-in the potential increase in municipal taxes, prior to the Council meeting scheduled for October 28, 2009, the Commissioner of Transportation and Works provide the Members of Council with information regarding the Corporate Policy and Procedure for changing the name of a municipal roadway, about its date of approval and direction for financial compensation to the property owners for expenses related to mailing address changes. RT.13 (FA.16)

GC-0657-2009

That a by-law be enacted to amend By-law 555-2000 as amended, to implement a left-turn prohibition, at anytime, for southbound motorists at the intersection of Confederation Parkway and Princess Royal Drive; and that staff be directed to monitor the right-turns from the northbound lane for any resulting conflicts. BL.02.TRA (Ward 4)

GC-0658-2009

That a by-law be enacted to amend By-law 555-2000 as amended, to implement a U-turn prohibition on eastbound Bristol Road East from Hurontario Street to a point 150 meters (492 feet) easterly thereof. BL.02.TRA (Ward 5)

GC-0659-2009

That a by-law be enacted to amend By-law 555-2000 as amended, to implement a heavy vehicle prohibition on Meadowvale Boulevard from Mississauga Road to Derry Road West. BL.02.TRA (Ward 11)

GC-0660-2009

That a by-law be enacted to amend By-law 555-2000 as amended, to implement lower driveway boulevard parking between the curb and sidewalk, at anytime, on both sides of Bryce Road. BL.02.TRA (Ward 3)

GC-0661-2009

That the City of Mississauga assume the municipal works as constructed by the developer under the terms of the Servicing Agreement for 43M-1533 Fitzwood Investments Limited (lands located north of Britannia Road West, west of Silken Laumann Way, south of Ivandale Drive and east of Douguy Boulevard, known as Creditvally, Phase 5 Subdivision) and the Letter of Credit in the amount of \$1,613,991.22 be returned to the developer; and that a by-law be enacted to establish the road allowances within the Registered Plan M-1533 as public highway and part of the municipal system of the City of Mississauga.

CD.21.ASS (M-1533) (Ward 11)

GC-0662-2009

That consideration of the matter of entering into an amended tourism services agreement with Tourism Toronto addressed in the Corporate Report dated October 8, 2009 from the Commissioner of Community Services, be deferred to provide the opportunity of discussion on certain issues identified by the Festival Funding Review Committee.

PR.13.TOU

GC-0663-2009

That a Development Charges credit in the amount of \$22,308.00 be afforded to the developer 2096553 Ontario Inc. c/o Hush Homes Inc., for their costs associated with park development for Plan 21T-M07003, located west of Second Line and south of Old Derry Road.

T-M07003 (Ward 11)

GC-0664-2009 as amended by Council 28 October 2009:

That the Corporate Report dated October 7, 2009 from the Commissioner of Community Services regarding a Management and Operations Agreement and a Consent to Enter Agreement with the Mississauga Ramblers Cricket, Sports & Cultural Club for facilities at Iceland Mississauga, *be approved and that the necessary by-laws be adopted.*

PO.13.CRI (Ward 5)

GC-0665-2009

That a by-law be enacted authorizing the closure of part of the road allowance on Kozel Court, east of Wilcox Road, containing an area of 106.0 square metres (1,140.97 square feet). This closure, in accordance with development application T-07002, will allow the City to extend Kozel Court and realign access; the subject lands being legally described as Part of Kozel Court, Registered Plan 43M-1362, designated as Parts 2 on a Plan of Survey deposited in the Land Registry Office for the Land Titles Division of Peel as Plan 43R-32847 in the City of Mississauga in the Regional Municipality of Peel, in Ward 4.

RT.06.KOZ (Ward 4)

GC-0666-2009

1. That the two (2) City-owned parcels of land located on Courier Lane be declared surplus to the City's requirements for the purpose of sale to the abutting owner located at 2274 Courier Lane. The two parcels of land, labelled as Parcel "A" and Parcel "B" on the attached sketch (see Appendix 2), are located on the west side of Stavebank Road, just south of Queensway West. Parcel "A" is legally described as Part of Lot A, Range 3, Credit Indian Reserve, Part 1 on Reference Plan 43R-32984 in the City of Mississauga, Regional Municipality of Peel, in Ward 7 and contains an area of approximately 542.6 square metres (5,841 square feet). Parcel "B" is legally described as Part of Lot A, Range 3, Credit Indian Reserve, Part 4 on Reference Plan 43R-32984, in the City of Mississauga, Regional Municipality of Peel, in Ward 7 and contains an area of approximately 520.3 square metres (5,601 square feet).
2. That all steps necessary to comply with the requirements of Section 2.(1) of City Notice By-law 215-2008 be taken, including giving notice to the public by posting a notice on the City of Mississauga's website for at least three weeks prior to the execution of an agreement for the sale of the subject land under delegated authority.

PO.11.Courier (Ward 7)

GC-0667-2009

That the deputation by resident Nav Mundi to the Environmental Advisory Committee at its meeting on October 6, 2009 regarding the "Transport Futures" conference scheduled to be held on November 12 and 13, 2009 at the Metropolitan Hotel in Toronto, Ontario, be received for information.

PR.01

(EAC-0030-2009)

GC-0668-2009

That the information regarding Environment Canada's funding program for projects by community groups presented to the Environmental Advisory Committee at its meeting on October 6, 2009, be received for information and referred to relative local organizations for their information.

FA.05

(EAC-0031-2009)

GC-0669-2009

That staff be requested to coordinate a presentation at a future meeting of the Environmental Advisory Committee regarding how the issue of road salt mitigation is being addressed by the Mississauga's Transportation and Works Department, the Region of Peel Public Works Department, the Ministry of Transportation Ontario and the Credit Valley Conservation Authority, with representatives of those agencies attending to answer questions of Committee.

EC.03 (RT.16)

(EAC-0032-2009)

GC-0670-2009

That staff report back to the Environmental Advisory Committee regarding the feasibility of Mississauga hosting an EcoTour event or series of events, including information regarding possible coordination with other events such as SmartCommute Mississauga initiatives, Car Free Day, the Cycling Advisory Committee's Tour de Mississauga, Earth Week events and the Doors Open Mississauga program.

PR.01

(EAC-0033-2009)

GC-0671-2009

That the memorandum dated October 5, 2009 from David Marcucci, Manager, Park Planning with respect to an update on the 2009 Cycling Facility Work Plan be received.

MG.25

(MCAC-0019-2009)

GC-0672-2009

That the Mississauga News article dated September 22, 2009 entitled, "Ring that Bell" be received and referred to the Network & Technical Subcommittee of the Cycling Advisory Committee to review and report back on the feasibility for a by-law to require that bikes be equipped with a bell when utilized in City parks and trail systems.

MG.25

(MCAC-0020-2009)

GC-0673-2009

That the letter dated August 13, 2009 from Kelly Willis, Citizen Member, Cycling Advisory Committee be received and referred to the Cycling Master Plan team for consideration.

MG.25

(MCAC-0021-2009)

GC-0674-2009

That the Cycling Advisory Committee create a quarterly newsletter for distribution starting in Spring 2010 and that the Communications and Promotions Subcommittee of the Cycling Advisory Committee review the newsletter prior to distribution.

MG.25

(MCAC-0022-2009)

GC-0675-2009

That a subcommittee of the Mississauga Cycling Advisory Committee named "Tour de Mississauga" be formed to coordinate future Tour de Mississauga cycling events.

MG.25

(MCAC-0023-2009)

(d) **Audit Committee – Report 3-2009 dated October 21, 2009**
Recommendations AC-0014-2009 – AC-0018-2009
Approved as presented
MG.24

AC-0014-2009

That the minutes of the Audit Committee meeting held on May 11, 2009, be approved as presented.

MG.24

AC-0015-2009

That the report dated September 23, 2009 from the Director of Internal Audit with respect to final audit reports, Transportation & Works Department – Transit Division, Transit Maintenance Contracts Audit and Corporate Services Department – Revenue & Materiel Management Division, Miscellaneous Accounts Receivable Audit be received for information.

CA.25

AC-0016-2009

That the report dated September 18, 2009 from the Director, Internal Audit, with respect to the status of the 2009 Internal Audit Work Plan be received for information.

CA.15

AC-0017-2009

That the proposed dates for the 2010 Audit Committee Meetings be received, with a request to reschedule the November 2010 Audit Committee Meeting date.

MG.24

AC-0018-2009

That the e-email dated September 27, 2009 from Ursula Keuper Bennett with respect to Corporate Security be received.

PR.09

(e) **Extracts of the public meetings held by the Planning and Development Committee on October 19, 2009:**

- (i) Official Plan Amendment and Rezoning Application
615, 6225 Mississauga Road and 3 Alpha Mills Road
OZ 09/003 W11 (Ward 11)

Received

10. UNFINISHED BUSINESS**11. PETITIONS****12. CORRESPONDENCE**

(a) Information Items I-1 – I-8

I-1 Toronto Bank Towers Decision – Divisional Court

Correspondence dated September 30, 2009 from the Municipal Property Assessment Corporation (MPAC) with respect to the decision made on August 11, 2009 in the case of the Toronto Bank Towers Decision.

Received

LA.18.BAN

I-2 Public Question Period

Email dated October 21, 2009 from Dagmar Sullivan with respect to keeping the Public Question Period within Council meetings as it is in the interest of the public.

Received

MG.20.PUB

I-3 Formal Request to Change the Sept.30th, Council Minutes

Correspondence dated October 21, 2009 from Donald Barber, Editor of The Democratic Reporter requesting an amendment to the minutes from the September 30, 2009 Council meeting to include his recommendations.

Received

MG.01

I-4 Formal Complaint Regarding the Conduct of City Staff and Councillor Carolyn Parrish

Letter dated October 21, 2009 from Donald Barber, Editor of The Democratic Reporter in regards to a formal complaint against his treatment during the Public Question Period at the September 30, 2009 Council meeting.

Received

PR.09.RES

I-5 Changes to Public Question Period (PQP).

Correspondence dated October 25, 2009 from Donald Barber, President, FCB, in regards to his opposition to the proposed changes to the Public Question Period.

Received
MG.20.PUB

I-6 Response to the Complaint from Donald Barber

Letter dated October 26, 2009 from Carolyn Parrish, Councillor, Ward 6, to Mr. Donald Barber in response to Mr. Barber's submission of a formal complaint.

Received
MG.20.PUB

I-7 Request for Conflict of Interest Information

Letter dated October 21, 2009 from Haitham Ajoury to the City Clerk enquiring about possible conflict of interest occurrences with Council members.

Referred to the Office of the City Clerk for response
PR.09.RES

I-8 Proposed Official Plan and Zoning By-law Amendments

Letter dated October 20, 2009 from Peter Smith of Bousfields Inc. to Ms. Lesley Pavan, Manager, Planning and Building with respect to their concerns relating to the FSI in the Official Plan and Zoning By-law Amendments for the Airport Corporate District Plan.

Received
PDC-0092-2009 (amended)
TS.14.REN W5

I-9 Judicial Inquiry - OMERS

Letter dated October 27, 2009 from OMERS with respect to their comments on the Judicial Inquiry which was proposed by Council in Resolution 0222-2009.

Received
MG.01.Pub

(b) Direction Items – Nil.

13. RESOLUTIONS

0237-2009 Moved by : M. Prentice

Seconded by : P. Mullin

That PDC-0086-2009 to PDC-0093-2009 as contained in the Planning & Development Committee Report 15- 2009 dated October 19, 2009 be amended in PDC 0092-2009;

That BC-0021-2009 to BC-0027-2009 as contained in the Budget Committee Report 6-2009 dated October 20, 2009 be amended in BC 0021-2009 and BC 0027-2009;

That GC-0653-2009 to GC-0675-2009 inclusive as contained in the General Committee Report 15-2009 dated October 21, 2009 be amended in GC-0664-2009;

That AC-0014-2009 to AC-0018-009 inclusive as contained in the Audit Committee Report 3-2009 dated October 21, 2009 be approved.

Carried
MG.01

The following resolution was not called to a vote and will be presented again at the next Council meeting of November 11, 2009:

That the recommended apportionment of taxes and payments set out in Appendix 1 of the report dated October 13, 2009 from the Commissioner of Corporate Services & Treasurer be approved.

FA.36

0239-2009 Moved by : George Carlson

Seconded by : C. Parrish

That Council reaffirms its intention passed in Resolution 0217-2009, to apply the new provisions to Public Question Period at Council meetings only, in the current position on the agenda and that the necessary by-law be enacted.

Carried
MG.20.Pub

0240-2009 Moved by : C. Corbasson

Seconded by : P. Mullin

That the Report dated October 5, 2009, from the Commissioner of Planning and Building recommending approval of the application under File OZ 08/019 W1, Nigel and Phyllis Briggs, 12 Elmwood Avenue North, north of Lakeshore Road East, west side of Elmwood Avenue North, be adopted in accordance with the following:

1. That the application to change the Zoning from "R15-2" (Detached Dwelling or Retirement Dwelling) to "RM7" (Detached, Semi-Detached, Duplex and Triplex Dwellings) to permit the existing dwelling to be used as a duplex dwelling in accordance with the proposed zoning standards described in the Information Report, be approved subject to the following conditions:
 - (a) That the applicant agree to satisfy all the requirements of the City and any other official agency concerned with the development;
 - (b) That the school accommodation condition as outlined in City of Mississauga Council Resolution 152-98 requiring that satisfactory arrangements regarding the adequate provision and distribution of educational facilities have been made between the developer/applicant and the Dufferin-Peel Catholic District School Board and Peel School Board not apply to the subject lands.
2. That the decision of Council for approval of the rezoning application be considered null and void, and a new development application be required unless a zoning by-law is passed within 18 months of the Council decision.

Carried
OZ 08/019 W1

0241-2009 Moved by : P. Mullin

Seconded by : C. Corbasson

That up to \$3000 in the 2009 Mississauga Cycling Advisory Committee budget be allocated to cover the costs spent promoting the Tour de Mississauga event on Sunday September 20, 2009.
(MCAC-0017-2009)

Carried
MG.25

0247-2009 Moved by : C. Corbasson

Seconded by : M. Prentice

That Legal Services be instructed to SUPPORT the decision of the Committee of Adjustment (File No."272/09" with respect to J. Holland Motors Ltd. – 366 Revus Avenue – Ward 1) and to attend before the Ontario Municipal Board along with any necessary staff and/or consultants to represent the City of Mississauga

Carried

Closed Session Report #80

"A"272/09

Councillor Katie Mahoney took the Chair for the following resolution as Mayor Hazel McCallion had declared Conflict of Interest to matters relating to the Judicial Inquiry. The Mayor left the meeting during this time.

0248-2009 Moved by: C. Parrish

Seconded by: G. Carlson

That the revised Shareholders' Agreement between the Corporation of the City of Mississauga and Borealis Energy Corporation (Borealis) substantially in the form attached to the report of the City Solicitor dated October 15, 2009 entitled "Enersource Corporation – Revisions to Shareholders' Agreement" be deferred until after the report of the Judicial Review is completed and presented.

A recorded vote was called with the following results:

	<u>YES</u>	<u>NO</u>
Mayor H. McCallion	Absent due to Declared Conflict of Interest	
Councillor C. Corbasson	X	
Councillor P. Mullin		X
Councillor M. Prentice		X
Councillor F. Dale	X	
Councillor E. Adams	X	
Councillor C. Parrish	X	
Councillor N. Iannicca	Absent	
Councillor K. Mahoney		X
Councillor P. Saito		X
Councillor S. McFadden	X	
Councillor G. Carlson	X	

Recorded Vote

Carried – (6-4) 1 Absent due to declared Conflict of Interest and 1 Absent

Closed Session Report #81

Mg.11.Ene

Mayor Hazel McCallion resumed the Chair.

0249-2009 Moved by : C. Corbasson Seconded by : M. Prentice

That the report of the City Solicitor dated October 20, 2009 on the Committee of Adjustment matter in File No. “A”298/09 with respect to Irena and Stanistan Zebrouski – 1072 Ogden Avenue - Ward 1, be received for information

Carried

Closed Session Report #82

“A”298/09

0250-2009 Moved by : Sue McFadden Seconded by : George Carlson

That the report of the City Solicitor dated October 20, 2009 on the Committee of Adjustment matter in File No. “A”310/09 with respect to Jinnia Batista – 7166 Tottington Drive - Ward 11, be received for information

Carried

Closed Session Report #82

“A”310/09

0251-2009 Moved by : Frank Dale Seconded by : C. Parrish

That Legal Services be instructed to SUPPORT the decision of the Committee of Adjustment (File No. “A”312/09 with respect to Shamima Parveen and Sharine Ahmed – 3529 Old Orchard Park Drive – Ward 7), and to attend before the Ontario Municipal Board along with any necessary staff and/or consultants to represent the City of Mississauga

Carried

Closed Session Report #82

“A”312/09

0252-2009 Moved by : P. Mullin Seconded by : P. Saito

That the report of the City Solicitor dated October 20, 2009 on the Committee of Adjustment matter in File No. “A”306/09 with respect to Lori Ann Simpson and Paul Roman – 1201 Mount Vernon Street - Ward 2, be received for information

Carried

Closed Session Report #82

“A”303/09

0253-2009 Moved by : P. Mullin Seconded by : P. Saito

That the report of the City Solicitor dated October 20, 2009 on the Committee of Adjustment matters in File Nos. "B"34/09, "B" 35/09 and "B" 36/09 with respect to 1829 Lakeshore Road West and 1865 Lakeshore road West - Ward 2, be received for information.

Carried

Closed Session Report #83

"B"34/09, "B" 35/09 and "B" 36/09

0254-2009 Moved by : George Carlson Seconded by : C. Parrish

That the request for a Citizen Member of the Environmental Advisory Committee to participate on the Holcim (Canada) Inc.'s "Community Advisory Panel" be received and that the Mississauga EAC members be surveyed to find a volunteer. If none are available, Councillor Parrish will seek a local community member to serve.

Carried

Closed Session Report #84

MG.31

0255-2009 Moved by : Frank Dale Seconded by : C. Parrish

1. That the proposed Master Plan document entitled "Sheridan College Downtown Mississauga", dated October 2009, and attached as Appendix 1 to this report, be received by Council.
2. That a by-law be enacted authorizing the City Manager and Chief Administrative Officer and City Clerk to affix the Corporate Seal and execute the Ground Lease Agreement, between the Corporation of the City of Mississauga, as landlord, and The Sheridan College Institute of Technology and Advanced Learning, as tenant, for the leased lands, described as Parts 21 and 22 on the draft Reference Plan attached hereto and labelled as Appendix 2, for a period of 99 years, with consideration being the nominal rate of two (\$2.00) dollars per year, including such ancillary agreements and subsequent amending agreements as may be necessary to carry out the terms of the Ground Lease, in form and content satisfactory to the City Solicitor.

3. That a by-law be enacted authorizing the City Manager and Chief Administrative Officer and City Clerk to affix the Corporate Seal to a Consent to Enter Agreement, to be executed between the Corporation of the City of Mississauga and The Sheridan College Institute of Technology and Advanced Learning, for certain lands to be used by the latter for construction staging purposes, in a form and content satisfactory to the City Solicitor.
4. That a by-law be enacted authorizing the City Manager and Chief Administrative Officer and City Clerk to affix the Corporate Seal and execute a Licence Agreement for Parking, between the Corporation of the City of Mississauga and The Sheridan College Institute of Technology and Advanced Learning, for certain lands to be used for surface parking purposes, in accordance with the terms and conditions to be negotiated and settled by the City and Sheridan, as outlined in Schedule "J" of the Ground Lease Agreement, in a form and content satisfactory to the City Solicitor.
5. That a by-law be enacted authorizing the City Manager and Chief Administrative Officer and City Clerk to affix the Corporate Seal and execute a Maintenance Agreement for Parkland, between the Corporation of the City of Mississauga and The Sheridan College Institute of Technology and Advanced Learning, for certain lands to be used for public park purposes, in accordance with the provisions outlined in Section 15.4 of the Ground Lease Agreement, in a form and content satisfactory to the City Solicitor.
6. That the projects outlined in Appendix 6 - Sheridan Mississauga Campus Development Projects be established and that the funds be allocated from the Capital Reserve Fund (Account #33121), Development Charges - Recreation Reserve Fund (Account #31315) and the Development Charges - Storm Reserve Fund (Account #31350) in the amount totalling \$4,653,900 and that the gross and net budgets be approved.
7. That a new project Land Acquisition – Oxford/ 156 Square One (PN 09-950) be established with a gross and net budget of \$15,000,000.
8. That funds of \$4,636,193.00 from the Cash-in-Lieu of Parkland Dedication (Account #32121) and \$10,363,807.00 from the Capital Reserve Fund (Account #33121) be transferred into the Land Acquisition – Oxford/ 156 Square One Project (PN 09-950).
9. That all necessary by-laws be enacted.

Carried
Closed Session Report #85

By-laws 0330-2009 – 0335-2009
CD.12.She

17. NOTICES OF MOTION

A Notice of Motion relating to the retention of an Integrity Commissioner was placed on the October 14, 2009 Agenda. Councillor Katie Mahoney was absent from the meeting and the motion was deferred. Subsequently, Councillor Mahoney has provided a revised motion on the same matter.

A recorded voted was called on the above Notice of Motion with the following results:

0245-2008 Moved by: K. Mahoney Seconded by: P. Saito

That staff bring to Council a report which would provide a range of options for council to consider with respect to the retention of an Integrity Commissioner to deal with matters that may arise with the Council of the Corporation of the City of Mississauga.

Also that staff bring a report which would provide a range of options to put in place a Code of Conduct that would apply to The Mayor and Members of Council of the Corporation of the City of Mississauga.

A recorded vote was called with the following results:

	<u>YES</u>	<u>NO</u>
Mayor H. McCallion	X	
Councillor C. Corbasson	X	
Councillor P. Mullin	X	
Councillor M. Prentice	X	
Councillor F. Dale	X	
Councillor E. Adams	Absent	
Councillor C. Parrish	X	
Councillor N. Iannicca	Absent	
Councillor K. Mahoney	X	
Councillor P. Saito	X	
Councillor S. McFadden	X	
Councillor G. Carlson	X	

Recorded Vote

Carried – (Unanimous) 10 - 2 Absent

MG.01.Pub/LA.07

14. BY-LAWS

- 0315-2009 A by-law to authorize the closure of a portion of Kozel Court

GC-0664-2009/October 21, 2009
RT.06.Koz
- 0316-2009 A by-law to establish certain lands as part of the municipal highway system, to be known as Balsam Avenue, in the vicinity of Lakeshore Road West and Southdown Road (Ward 2)

SP 09/007 (Ward 2)
RT.04.Byl
- 0317-2009 A by-law to establish certain lands as part of the municipal highway system, to be known as Wild Cherry Lane and Terragar Boulevard, in the vicinity of Derry Road West and Tenth Line West (Ward 10)

SP 09/013 (Ward 10)
RT.04.Byl
- 0318-2009 A by-law to establish certain lands as part of the municipal highway system, to be known as Millworks Crescent, Stargazer Drive, White Clover Way and Sandford Farm Drive, in the vicinity of Eglinton Avenue West and Mavis Road (Ward 6)

M-1786 (Ward 6)
RT.04.Byl
- 0319-2009 A by-law to adopt Mississauga Plan (Official Plan) Amendment No.101, specifically the Lakeview District Policies.

PDC-0059-2009/June 15, 2009
OZ 09/001 W1
- 0320-2009 A by-law to authorize the execution of a Servicing Agreement, a Development agreement and other related documents, Dan-Con Developments Inc., City of Mississauga and Region of Peel, west side of Cawthra Road, north of Rathburn Road East (Ward 4).

T-M07002 W4

- 0321-2009 A by-law to adopt Mississauga Plan (Official Plan) Amendment No.102, specifically the Airport District Policies.
- PDC-0093-2009/October 19, 2009
TS.14.Spec
- 0322-2009 A by-law to amend By-law Number 225-2007, as amended, to add an exception table as listed in the by-law, lands located east of the Etobicoke Creek, south of Matheson Boulevard, north of Eglinton Avenue West and west of Explorer Drive, Ward 5
- PDC-0093-2009/October 19, 2009
TS.14.Spec
- 0323-2009 A by-law to amend By-law Number 225-2007, as amended, to add an exception table as listed in the by-law, lands located east of the Explorer Drive, south of Matheson Boulevard East, north of Eglinton Avenue West, a portion of lands north of Matheson Boulevard East, south of Highway 401 and west of the City of Toronto Boundary, Ward 5
- PDC-0093-2009/October 19, 2009
TS.14.Ren
- 0324-2009 A by-law to establish certain lands as part of the municipal highway system, in the vicinity of Britannia Road West and Silken Laumann Way, Ward 11
- M-1533 (Ward 11)
RT.04.Byl
- 0325-2009 A by-law to amend By-law 360-79, as amended, being the Noise Control By-law to add or delete certain events to the current list of exempted events.
- GC-0447-2009/June 17, 2009
BL.08.NoI
- 0326-2009 A by-law to amend Council Procedure By-law 0421-2003, as amended, to implement changes to the provisions of the Public Question Period to reflect Resolution 0217-2009.
- Corporate Report R-3/Motion
BL.08.Pro

0327-2009 A by-law to temporarily close a public highway, Lorne Park Road from Albertson Crescent to Birchview Drive from Friday November 6, 2009 to Monday November 9, 2009.

Resolution 0228-2009/October 14, 2009
RT.10

0328-2009 A by-law to amend By-law 555-2000, as amended, being the Traffic By-law, to add No Heavy Vehicles, Prohibited Turns and Driveway Boulevard Parking Meadowvale Boulevard, Confederation Parkway and Princess Royal Drive, Bristol Road East and Bryce Road as per General Committee Recommendations.

GC-0657-2009/October 21, 2009 /BL.02.Tra (Ward 4)
GC-0658-2009/October 21, 2009/ BL.02.Tra (Ward 5)
GC-0659-2009/October 21, 2009 /BL.02.Tra (Ward 11)
GC-0660-2009/October 21, 2009/ BL.02.Tra (Ward 3)

0329-2009 A by-law to support a restructuring proposal, City of Mississauga, Town of Milton, Region of Halton and Region of Peel.

GC-0655-2009/October 21 2009
PO.13.Ann

15. OTHER BUSINESS

16. INQUIRIES

(a) Telecommunication Towers

Councillor Pat Mullin expressed grave concern that a telecommunication tower was installed on Lorne Park Road without any communication to her office and now she has been advised that another tower is going to be erected in her ward, again without consultation with her office. She asked for suggestions as to how as a council, they can deal with this as these towers are being erected in residential communities without an approval process. She asked for a contact person in this regard so that she can ask if they can come to a compromise on the location.

Ed Sajecki, Commissioner, advised that these are federally erected and statutorily, the municipality does not have a role. Staff are going to look at it this afternoon.

CA.13

BY-LAWS EMANATING FROM THE IN CAMERA SESSION

0330-2009 A by-law to authorize the Execution of a Ground Lease Agreement, License Agreement, Consent to Enter Agreement and a Maintenance Agreement, Sheridan College Institute of Technology and Advanced Learning

Closed Session Report # 85
Resolution 0255-2009
H OZ 09/004 W4

0331-2009 A by-law to allocate sums from the Capital Reserve Fund (Account 33121) and to authorize the withdrawal for certain projects approved in prior Capital Budgets.

Closed Session Report # 85
Resolution 0255-2009
FA.19.Cap

0332-2009 A by-law to allocate sums from the New Development Charges Reserve Fund and to authorize the withdrawal for certain projects approved in prior Capital Budgets.

Closed Session Report # 85
Resolution 0255-2009
FA.19.Cap

0333-2009 A by-law to allocate sums from the Capital Reserve Fund (Account 33121) to the Land Acquisition – Oxford/156 Square One project (PN 09-950) and to authorize the withdrawal therefrom.

Closed Session Report # 85
Resolution 0255-2009
FA.19.Cap/H OZ 09/002

0334-2009 A by-law to allocate sums from the Parkland Dedication Reserve Fund (Account 32121) to the Land Acquisition – Oxford/156 Square One project (PN 09-950) and to authorize the withdrawal therefrom.

Closed Session Report # 85
Resolution 0255-2009
FA.19.Cap/H OZ 09/002

0335-2009 A by-law to amend By-law 0225-2007, as amended, to remove the H Symbol from the CC2(1) zoning designation on the lands known as 4225 Living Arts Drive, 4200 Duke of York Boulevard and 285 Prince of Wales Drive, Sheridan College Campus Building.

Closed Session Report # 85
Resolution 0255-2009
H OZ 09/002

19. CONFIRMATORY BY-LAW

0336-2009 A by-law to confirm the proceedings of the Council of The Corporation of the City of Mississauga at its meeting held on October 28, 2009.

MG.01

20. ADJOURNMENT – 3.45 P.M.

MAYOR

CLERK