

Approved Council : May12 , 2010



MINUTES

SESSION 6

THE COUNCIL OF

THE CORPORATION OF THE CITY OF MISSISSAUGA

(www.mississauga.ca)

WEDNESDAY, APRIL 14, 2010, 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
Marylu Javed, Committee Assistant

1. **CALL TO ORDER**

The meeting was called to order at 9:04 a.m. by Mayor Hazel McCallion, with the saying of the Lord's Prayer.

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

- (i) Mayor Hazel McCallion declared Conflict of Interest with respect to Corporate Report R-2 and the Notice of Motion as they related to the Judicial Inquiry. She left the Council Chambers during their discussion.

3. **MINUTES OF PREVIOUS COUNCIL MEETINGS**

- (a) March 31, 2010 - Session 5

Approved as Presented
MG.01

4. APPROVAL OF THE AGENDA

- (i) Councillor Carmen Corbasson introduced a motion with respect to the former Lakeview Generating lands, copies of which were distributed to all members of Council.

Resolution 0087-2010
EC.04.Lak

5. PRESENTATIONS

- (a) GFOA Award for the Financial Report

Mayor Hazel McCallion presented the GFOA Award plaque to the following staff:

Patti Elliott-Spencer
Mark Beauparlant
Tina Mackenzie
Alex Lo Basso
Barbara Campbell-Graves
Luc Talbot
Laurel Schut

Brenda Breault, Commissioner, complimented that the City received this award for the 12th year in a row.

PR.05

6. DEPUTATIONS

With concurrence of Council, the order of the deputations was revised from the listing on the Agenda.

- (a) Tax Apportionments

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

Corporate Report R-1/Resolution 0090-2010
FA.36

(b) Clarkson-Oakville Airshed

Mayor Marie Trainer of Haldimand County, spoke to the issue of power generation, particularly the benefits of having a gas powered plant in Haldimand County to replace the OPG's coal fired facility in Nanticoke. Haldimand County has the infrastructure to accommodate such a facility along with room for expansion, and have been urging the Province to support putting a gas fired plant in Haldimand County or convert the Nanticoke coal fired plant to natural gas or any other viable option. She expressed disappointment that the Provincial Government has not dealt with their request or provided a suitable solution to better utilize their facility but instead approved a new site in Oakville which is in a residential area.

Mayor Trainer urged members of council and residents to work with her to get the plant in Haldimand County which could send massive amounts of electricity to the rest of Ontario.

EC.04.

(c) Sheridan College

Mr. Jeff Zabudsky, President of Sheridan College, spoke with respect to Sheridan College and its new initiatives which will address the business needs of the community. Using a PowerPoint presentation, he showed a vision of what is planned for the site, the timelines for the completion of Phase 1 and Phase II, adding that the facility will have state of the art security, while it is accessible to all communities.

Members of Council expressed their sentiments in having Sheridan College in the downtown core.

PR.04

(c) Volunteer MBC

Carine Strong, Executive Director, addressed Council with respect to the goals and achievements of Volunteer MBC in 2009. Using a Powerpoint presentation, she explained how Volunteer MBC operated and their goals for 2010.

Discussion took place with respect to students needing to complete their 40 hour volunteer work. Councillor Carolyn Parrish invited them to assist in the Canada Day event.

PR.04

(d) Task force on Democratic Participation and Renewal : Final Report

Don McVie, a member of the Miranet's Municipal Election Sub-Committee addressed Council on the City of Vaughan's Report titled "Task Force on Democratic Participation and Renewal: Final Report. Mr. McVie advised that they have reviewed the document and urged Council to support the recommendations which include engaging citizens in the process. Mr. McVie also raised the issue of Regional Government and how the regional chair is elected. In this regard, he urged Council to go beyond the recommendations of the Vaughan Task Force and engage the citizens in the Regional Election Process.

LA.09

(e) Clarkson-Oakville Airshed

Dorothy Tomiuk, MIRANET Spokesperson, addressed Council with respect to the power plant issue in the Clarkson-Oakville Airshed. She referenced the recent Council resolution which directed staff to review the Oakville by-law. Also she explained the role they play with the task force set up by the Province. Further, she expressed support for a power plant in Nanticoke as per the presentation by Mayor M. Trainer, Haldimand County, adding that Port Credit or Clarkson were not suitable or safe locations for a power plant in an urban area. Ms. Tomiuk listed the various documents and statements prepared by Miranet in this regard, adding that they are working closely with Councillor Corbasson and MPP Charles Souza as well.

Ms. Tomiuk also spoke to their Clean Air Sub-Committee which would look closely at the certificates of approval issued by the Ministry of the Environment. Further, she indicated that while the current Official Plan still contains zoning for power plants, they would like to see a comprehensive citywide approach taken in context to the Province's Green Energy Strategy such that it can be defended at the OMB.

EC.04.C1

(f) Clarkson-Oakville Airshed

Jim Tovey, President, Lakeview Ratepayers Association addressed Council with respect to the power plant issue in south Mississauga and the need to recreate and remediate the waterfront, particularly in the Lakeview area. He spoke strongly against such uses near the waterfront but supported its location at Nanticoke that has the infrastructure. Mr. Tovey spoke to the threat that the Province may reconsider the Lakeview site and expressed grave concern in this regard.

0087-2010 Moved by: C. Corbasson

Seconded by: Nando Iannicca

Whereas City Council unanimously approved the following motion February 27, 2008: “Be it resolved that the Council of the City of Mississauga inform the Ontario Power Authority that we are strongly opposed to the construction of a gas power plant in the Lakeview Community; and further, that the Council of the City of Mississauga encourage Staff to commence planning for the redevelopment of Lakeview as a diverse, multi-faceted community for the twenty-first century.”

Whereas then Ontario Minister of Energy George Smitherman made an announcement on July 16, 2008, overlooking the old site of the Lakeview Generating Station:
“Ladies and gentlemen, I’m happy to announce that Lakeview’s future in electricity generation is over.”

Whereas a report to PDC on November 17, 2008 entitled ‘Waterfront as a Premier Destination: Update and Action Plan’ was subsequently approved by Council and received \$ 150, 000 to conduct a study of the OPG lands;

Whereas meetings were held with Ministry of the Environment Senior Policy Advisors on December 16, 2009 in which the MEI stated support for the transfer of the OPG lands – once they were cleaned up – to the Ontario Realty Corporations. ‘Pump and treat’ clean up was to commence the spring of 2010;

Therefore be it resolved;

1. Council reconfirms its strong opposition to any reconsideration of the Lakeview lands as a site for power generation.
2. Council reconfirms its strong desire and intent to develop the Lakeview lands into a diverse, multi-faceted lakefront community.
3. That an RFP be prepared immediately, utilizing the budgeted amount approved, to put in place a consulting firm to commence a tertiary study for the OPG lands.
4. That Planning staff report to the next PDC meeting regarding the various options available to Council to protect the Lakeview lands until a plan is in place for their redevelopment.
5. That Staff request an update from the MEI as to the status of the clean up of the OPG lands and report their findings to Council.
6. That a copy of this motion be forwarded to the Premier, the Ministry of Energy of Ontario, OPG, and the Member of Provincial Parliament for Mississauga South.

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	Absent	
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 – (11-0) 1 Absent

EC.04.Lak

(g) Access to and Acceptable Use of IT Technology Resources

Mike Douglas, MIRANET addressed Council with respect to the City's proposed new IT Monitoring policy. He was asked to review the policy to see if the citizens of Mississauga had a role in this policy. Mr. Douglas indicated that if the new technology could be easily accessed and monitored, then there was a concern with privacy of issues raised between elected members of council and their residents and since this new Monitoring policy is not motivated by cause, it should not be supported.

CA.24.Acc

(h) Earth Days 2010

Ella Basic, Public Affairs Consultant, Jessika Corkum-Gorrill from Recreation and Parks, and Soni Craik from EcoSource presented details regarding Mississauga's Earth Days 2010. They explained the events planned for Earth Days on April 23 and 24, 2010 and invited all members of council to participate.

Jessika Corkum-Gorrill spoke to the tree planning event at the Erindale Park. Carolyn Bailey & Soni Craik explained the school based programs and the local food programs conducted by Ecosource.

6. DEPUTATIONS (continued)**(i) Access to and Acceptable Use of IT Technology Resources Follow Up**

Due to the lateness of the meeting, Council deferred the presentation with respect to Access and Acceptable Use of IT Technology Resources to the next meeting.

Deferred

Unfinished Business UB-1

CA.24.Acc

- 7. PUBLIC QUESTION PERIOD** (in accordance with Section 36 of the City of Mississauga Procedure By-law 0421-2003, as amended - Council may grant permission to a person who is present and at Council and wishes to address Council on a matter on the Agenda. Public Question Period is limited to a total of 15 minutes. Persons addressing Council with a question should limit preamble to a maximum of two statements sufficient to establish the context for the question. For any other matter, leave must be granted by Council to deal with a matter not on the agenda).

8. CORPORATE REPORTS**R-1 Apportionment of Taxes**

Report dated March 30, 2010 from the Commissioner of Corporate Services & Treasurer with respect to Apportionment of Taxes

Resolution 0090-2010

FA.36

R-2 Judicial Inquiry – March 2010 Expense Report

Mayor Hazel McCallion declared Conflict of Interest with respect to this Corporate Report and left the Council Chambers during the discussion.

Councillor Nando Iannicca took the Chair.

Report dated April 7, 2010 from the City Solicitor with respect to the Judicial Inquiry – March 2010 Expense Report

Resolution 0091-2010

MG.01.Jud

Mayor Hazel McCallion resumed the Chair.

R-3 Proposed Access to and Acceptable Use of Information Technology Resources – Policy Update

Report dated April 9, 2010 from the Commissioner of Corporate Services & Treasurer with respect to Proposed Access to and Acceptable Use of Information Technology Resources – Policy Update

Deferred to next Council

Resolution 0092-2010

GC-0223-2010/April 7, 2010

Unfinished Business UB-1

CA.24.Acc

9. COMMITTEE REPORTS

- (a) Planning and Development Committee - Report 4-2010 dated April 6, 2010
Recommendations PDC-0011-2010 to PDC-0013-2010 inclusive

At the request of Councillor Carolyn Parrish, PDC-0011-2010 (Item 1(c)) was amended as follows:

- 1(c) Sign Variance Application 09-07039
Ward 6
Origin Evergreen Mississauga
820 Scollard Court

To permit the following:

- (i) One (1) banner sign located on the south elevation to remain provided the banner sign be removed on or before May 30, 2010 and that no further sign variances be granted for the banner sign.

Approved as Amended

Resolution 0089-2010

MG.03

- (b) General Committee – Report-7-2010 dated April 7, 2010

Approved as presented

Resolution 0089-2010

MG.23

(c) Extracts from the Planning & Development Committee meeting:

- (i) Official Plan Amendment and Rezoning
1810 Burnhamthorpe Road East
OZ 06/032 W3

This Extract was deferred from the Council meeting of March 31, 2010 to include additional information.

- (ii) Official Plan Amendment and Rezoning
1110 Lorne Park Road
OZ 08/015 W2

Received

10. UNFINISHED BUSINESS

UB-1 Access to and Acceptable Use of IT Technology Resources

General Committee at its meeting of April 7, 2010, requested that the PowerPoint Presentation by Jack Lawrence, Director of Information Technology with respect to the Access to and Acceptable Use of IT Technology Resources Policy be done again at Council to provide residents the opportunity to view the presentation.

Due to the lateness of the meeting, this matter was deferred to the next Council meeting.

Deferred to next Council

Corporate Report R-3/Resolution 0092-2010

GC-0223-2010/April 7, 2010

CA.24.Acc

UB-2 Regional Official Plan Amendment 24 (ROPA 24) – Places to Prosper, Proposing Changes Related to Growth Management, Employment Lands and Greenbelt Policies – Report on Comments

Report dated March 16, 2010 from the Commissioner of Planning & Building with respect to the Regional Official Plan Amendment 24 (ROPA 24) – Places to Prosper, Proposing Changes Related to Growth Management, Employment Lands and Greenbelt Policies – Report on Comments

This matter was referred to Council without a recommendation to allow staff additional time to bring back an appropriate recommendation based on the discussions at the Planning & Development Committee meeting of April 6, 2010.

Discussion ensued with respect to development in Caledon, whether ROPA 24 could be appealed, intensification opportunities and Ninth Line lands.

Resolution 0093-2010
CD.01.Reg

11. PETITIONS

12. CORRESPONDENCE

(a) Information Items I-5

I-1 E-mail dated April 3, 2010 from Mississauga Watch, requesting a “cut-and-pastable” (Microsoft Word) version of a Corporate Report with respect to “Responsible to Incidents in City Facilities”, from a General Committee agenda.

Received
PR.09.RES

I-2 Memorandum dated April 6, 2010 from Brenda Breault, Commissioner of Corporate Services and Treasurer, with respect to a Notice of termination of the Ontario Bus Replacement Program (OBRP) by the Province and final payments for the 2008 to 2010 program years.

Received
FA.05.ONT

I-3 Submission from Bill Tebbutt and Elaine Partridge with respect to the development application at 1110 Lorne Park Road, Jascan Construction Ltd.

Received and referred to Planning & Building Department
PDC-0013-2010/April 6, 2010
OZ 08/015 W2

I-4 Correspondence from Mr. and Mrs. Penny, resident on Maplewood Road, with respect to pine trees on the boulevard.

Received and referred to Community Services for appropriate action
PR.09.Res

I-5 Letter dated April 12, 2010 from Charles Souza, MPP, Mississauga South, with respect to Mississauga’s Lakeview lands.

Received

EC.04.Lak

(b) Direction Items – Nil.

13. RESOLUTIONS

0087-2010 Dealt with under Deputations 6(f)

0088-2010 Dealt with prior to moving Into Closed Session

0089-2010 Moved by: C. Parrish Seconded by: F. Dale

That PDC-0011-2010 to PDC-0013-2010 inclusive as contained in the Planning and Development Committee Report 4-2010 dated April 6, 2010 be approved as presented except as amended in PDC-0011-2010 (Item 1(c)).

That GC-0223-2010 to GC-0283-2010 inclusive as contained in the General Committee Report 7-2010 dated April 7, 2010 be approved.

Carried
MG.03-MG.23

0090-2010 Moved by: G. Carlson Seconded by: N. Iannicca

That the recommended apportionment of taxes and payments set out in Appendix 1 of the report dated March 30, 2010 from the Commissioner of Corporate Services & Treasurer be approved.

Carried
FA.36

0091-2010 Moved by: K Mahoney Seconded by: P. Saito

That the report of the City Solicitor dated April 7, 2010 entitled “Judicial Inquiry – March 2010 Expense Report” be received for information.

Carried
MG.01.Jud

0092-2010 Moved by: M. Prentice Seconded by: P. Mullin

1. That the report dated April 9, 2010 from the Commissioner of Corporate Services and Treasurer entitled “Proposed Access to and Acceptable Use of Information Technology Policy Update” be deferred to the next Council meeting.
2. That the revised draft Corporate Policy and Procedure - Access to and Acceptable Use of Information Technology (Appendix 1), be deferred to the next Council meeting.

Carried
CA.24.ACC

0093-2010 Moved by: P. Saito Seconded by: K. Mahoney

1. That the proposed *Regional Official Plan Amendment 24 - Places to Prosper, Proposing Changes Related to Growth Management, Employment Lands and Greenbelt Policies* be supported subject to the modifications identified in the report titled “*Regional Official Plan Amendment 24 (ROPA 24) - Places to Prosper, Proposing Changes Related to Growth Management, Employment Lands and Greenbelt Policies – Report on Comments,*” dated March 16, 2010 from the Commissioner of Planning and Building.
2. That the report titled “*Regional Official Plan Amendment 24 (ROPA 24) - Places to Prosper, Proposing Changes Related to Growth Management, Employment Lands and Greenbelt Policies – Report on Comments,*” dated March 16, 2010 from the Commissioner of Planning and Building, be forwarded, by the City Clerk, to the Region of Peel, the City of Brampton and the Town of Caledon.
3. That the proposed *Regional Official Plan Amendment 24 - Places to Prosper, Proposing Changes Related to Growth Management, Employment Lands and Greenbelt Policies* be amended to include a policy which supports the City of Mississauga in striving to achieve a gross density of between 300 to 400 residents and jobs combined per hectare within its Urban Growth Centre.

Carried
LA.09.PEE

0094-2010 Moved by: C. Parrish Seconded by: P. Mullin

That the following direction(s) be given to staff from its Council meeting on April 14, 2010:

- 1) Planning and Development Committee receive monthly updates on the status of the former Lakeview Generating Facility.

Carried
CD.09.LAK

0095-2010 Moved by: F. Dale Seconded by: N. Iannicca

That Council approve the Memorandum of Settlement reached with the Fire Fighters Association, Local 1212 which creates a one year Collective Agreement, and that a by-law be enacted authorizing City officials to sign the collective agreement.

Carried
Closed Session
HR.12

14. BY-LAWS

0091-2010 A by-law to amend By-law No.177-97, as amended, to extend the operating loan facility to the Living Arts Centre.

GC-0212-2010/March 24, 2010
FA.19

0092-2010 A by-law to amend the Purchasing By-law 374-06, to add sub-sections relating to City Standards.

GC-0233-2010/April 7, 2010
BL.08.Pur

0093-2010 A by-law to allocate sums from the Ontario Transportation Demand Management Municipal Grant Reserve Fund (Account 35190) to the Bicycle Storage Facilities Project (PN 10-234) and to authorize the withdrawal therefrom.

GC-0226-2010/April 7, 2010
RT.19.Bic

- 0094-2010 A by-law to authorize the execution of a Letter of Agreement for funding under the Ontario Transportation Demand Management Municipal Grant Program and to create a Reserve Fund for the funding received under the Program.
- GC-0226-2010/April 7, 2010
RT.19.Bic
- 0095-2010 A By-law to authorize the execution of an Amending Agreement to the Municipal Funding Agreement with the Association of Municipalities of Ontario (“AMO”) for the Transfer of Federal Gas Tax Revenues under the New Deal for Cities and Communities Program
- GC-0232-2010/April 7, 2010
FA.05.Gas
- 0096-2010 A by-law to authorize the execution of Assignment of Municipal Funding Agreements for the Transfer of Federal Gas Tax Revenues under the New Deal for Cities and Communities Program with the Regional Municipality of Peel
- GC-0232-2010/April 7, 2010
FA.05.Gas
- 0097-2010 A by-law to authorize the permanent closure of a portion of Second Line West, near Silverthorn Mill Avenue, in the vicinity of Second Line West and Old Derry Road, Ward 11.
- RT.04/PO.11.Sec
- 0098-2010 A by-law to establish certain lands as part of the municipal highway system, to be established as part of Mill Street, in the vicinity of Main Street and Church Street.
- 43R-33218
- 0099-2010 A By-law to authorize the execution of a Servicing Agreement for Municipal Works and other related documents, The Sheridan College Institute of Technology and Advanced Learning, North-west corner of Prince of Wales Drive and Duke of York Boulevard
- (SP 09/165 W4)
- 0100-2010 A by-law to authorize the execution of a Collective Agreement with the Mississauga Fire Fighters Association, Local 1212, for a 1 year term commencing on January 1, 2010 through to December 31, 2010.
- HR.12

15. OTHER BUSINESS

- (a) Mayor Hazel McCallion advised that she has met with the Mayor David Miller of Toronto with respect to the conflict between the Mississauga marathon date and the Toronto Marathon and has directed his staff to meet with the committees to change the one that is affected as the proximity of the two marathons would have a negative impact on both marathons.
- (b) Mayor McCallion provided context to the recent statements made relating to the infrastructure funding. Councillors Pat Saito and Maja Prentice responded in support of the Mayor's comments.
- (c) Mayor Hazel McCallion advised that Premier and the Prime Minister have made an announcement that they will be funding the Dixie/Hwy. 401 interchange. She advised that this would be very beneficial as there is a constant huge backlog of trucks trying to get off Highway 401 at Dixie Road.

16. INQUIRIES**17. NOTICE OF MOTION**

Mayor Hazel McCallion declared Conflict of Interest with respect to this Notice of Motion (included in the Agenda) as it dealt with the Judicial Inquiry, and left the Council Chambers.

Councillor Pat Saito took the Chair and remained in the chair for the rest of the meeting.

Discussion ensued and the following motion was tabled with a request for a recorded vote:

Moved by: M. Prentice

Seconded by: P. Mullin

WHEREAS City Council at its meeting of October 28, 2009 passed Resolution 0234-2009 requesting the Chief Justice of the Superior Court to designate a judge as Commissioner for the purpose of conducting a Judicial Inquiry into matters identified in that resolution and subsequently revised pursuant to resolution 0271-2009; and

WHEREAS a Judicial Inquiry is not a "proceeding" for purposes of the City's indemnity by-law number 146-86; and

WHEREAS Section 274(5) of the *Municipal Act, 2001* provides that any person whose conduct is called into question in the investigation or inquiry may be represented by Counsel; and

WHEREAS City Council at its meeting of February 10, 2010 adopted resolution number 0032-2010 and in so doing approved criteria for funding for parties granted standing to participate in the Mississauga Judicial Inquiry, one criteria of which is that the City shall provide funding to parties who are current or former elected officials of the City or current or former municipal employees;

NOW THEREFORE BE IT RESOLVED THAT:

1. City Council agree to pay any legal fees incurred by Members of Council to a maximum of \$10,000 each in respect of their preparation for or attendance at proceedings into the investigation and hearing parts of the Mississauga Judicial Inquiry in accordance with the criteria adopted by Council pursuant to resolution number 0032-2010.

A recorded vote was called with the following results:

	<u>YES</u>	<u>NO</u>
Mayor H. McCallion	Absent due to Conflict of Interest	
Councillor C. Corbasson	Absent	
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	Absent	
Councillor G. Carlson		X

Recorded Vote

Motion Lost – (4-4)

MG.01.Jud

18. CLOSED SESSION

This matter was dealt with earlier in the meeting just prior to Public Question Period.

- (i) Labour negotiations – Memorandum of Settlement – Firefighters Association Local 1212

MG.20

19. CONFIRMATORY BY-LAW

0101-2010 A by-law to confirm the proceedings of the Council of The Corporation of the City of Mississauga at its meeting held on April 14, 2010.

MG.01

20. ADJOURNMENT – 4:00 P.M.

MAYOR

CLERK