



Regular Meeting of Council
Agenda

Date: November 23, 2021
Time: 1:00 pm
Location: Council Chambers - members participating remotely

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

1. **Call to Order:**
2. **National Anthem:**
3. **Land Acknowledgement:**
4. **Regrets:**
5. **Proclamations:**
 - 5.1. Zero Tolerance for Women Abuse Month: November 2021
 - 5.2. Community Living Burlington Day: November 12, 2021
 - 5.3. Giving Tuesday: November 30, 2021
 - 5.4. International Day of Persons with Disabilities: December 2, 2021
 - 5.5. Salvation Army Week: December 19- December 24, 2021
6. **Recognitions and Achievements:**
7. **Motion to Approve Council Minutes:**

Confirm the minutes of the following meeting of Council:

 - 7.1. Regular Meeting of Council October 19, 2021

- 7.2. Special Meeting of Council October 22, 2021
- 7.3. Special Meeting of Council November 3, 2021
- 7.4. Special Meeting of Council November 10, 2021

8. Presentations:

9. Declarations of Interest:

10. Delegations:

In order to speak at a Council meeting, Individuals must register as a delegation no later than noon the day before the meeting. To register, complete the online application at www.burlington.ca/delegation or by submitting a written request by email to the Office of the City Clerk at clerks@burlington.ca

If you do not wish to delegate, but would like to submit feedback, please email your comments to clerks@burlington.ca by noon the day before the meeting. Your comments will be circulated to Council members in advance of the meeting and will be attached to the minutes, forming part of the public record.

11. Petitions:

12. Recommendations from Standing Committees:

- 12.1. Council Workshop meeting of October 18, 2021

There were no recommendations from this meeting.

- 12.2. Corporate Services, Strategy, Risk & Accountability Budget meeting of November 3, 2021

- a. Expenses excluded from the budget (F-44-21)

Receive and file finance department report F-44-21 regarding expenses excluded from the budget to meet the requirements of Regulation 284/09 Municipal Act, 2001.

- b. 2022 budget overview (F-36-21)

Receive the proposed 2022 budget book; and

Direct staff to present the recommendations in Appendix A to the Corporate Services, Strategy, Risk and Accountability Committee meetings of November 30 and December 2, 2021 for review and approval, taking into consideration committee amendments.

12.3. Community Planning, Regulation & Mobility meeting of November 9, 2021

- a. Official Plan and Zoning By-law amendments for 720, 735, 740 Oval Court and 5135 and 5155 Fairview Street (PL-53-21)

Direct staff to continue to proceed with the processing of the submitted official plan and zoning by-law amendments for 720, 735, 740 Oval Court, 5135 and 5155 Fairview Street, including evaluating and incorporating any/all comments received by committee and the public at the statutory public meeting, as well as the comments received through the ongoing technical review of this application by agency partners and internal departments.

- b. Relocation of parking penalty rates (TS-13-21)

Approve the amendments to By-law 39-2016, otherwise known as the "Parking and Idling By-law" and amendments to By-law 40-2016, otherwise known as the "Administrative Penalty By-law" to relocate the parking penalty amounts from By-law 39-2016 into By-law 40-2016 as outlined in Appendix A to transportation services department report TS-13-21, in a form satisfactory to the Executive Director of Legal Services and Corporation Counsel.

- c. Updated Housing and Development Liaison Committee Terms of Reference (PL-54-21)

Approve the updated Terms of Reference for the Housing and Development Liaison Committee contained in Appendix A to community planning department report PL-54-21.

- d. By-law amendments to extend COVID By-laws into 2022 (BB-11-21)

Approve the amendment to By-law 62-2020, otherwise known as the "COVID-19 Mask By-law", by deleting section 25 in its entirety and replacing it with the following new section 25:

This By-law comes into force on the date of its passing and shall remain in effect until 12:01 a.m. on June 30, 2022, or within 5 business days of when the Province of Ontario repeals their mask mandate, whichever comes first, OR unless extended or revoked by City Council; and

Approve the amendment to By-law 17-2020, otherwise known as the "COVID-19 Physical Distancing By-law", to extend the expiry date to June 30, 2022 and remove Community Centres from the physical distancing requirement, as attached as Appendix B to Building and By-law Department report BB-11-21, in a form satisfactory to the Executive Director of Legal

Services and Corporation Counsel.

e. 90-Minute waived parking fees update (TS-11-21)

Direct staff to cease the 90-minute waived parking fees pilot program and reinstate paid hourly parking within the downtown, effective December 1, 2021.

f. Speed limits in residential neighbourhoods (TS-14-21)

Direct the Director of Transportation Services to prepare for the approval of Council the necessary by-laws amending Traffic By-law 86-2007 to designate the areas identified in transportation services department report TS-14-21 with a 40 km/h speed limit and to establish a 30 km/h speed limit in front of schools within these areas; and

Direct the Director of Transportation Services to amend the city's Speed Limit Policy to include provisions for 30 km/h speed limits on roadways with school frontage within a designated speed limit area.

g. Red Tape Red Carpet (RTRC) update for Q3 2021 (ECDEV-05-21)

Receive and file Burlington Economic Development report ECDEV-05-21 regarding Red Tape Red Carpet (RTRC) implementation update for Q3 2021 and associated appendices.

h. Future of City of Burlington Outdoor Patio Program (CPRM-07-21) (SD-31-21, SD-32-21, SD-33-21, SD-34-21)

Direct the Director of Community Planning to report back in Q1 2022 with a report, including options and recommendations, outlining a plan and process for moving forward with a permanent city-wide outdoor patio program (post COVID-19 recovery); and (SD-31-21)

Direct the Director of Community Planning to include the following areas and considerations:

- Update and alignment of city patio related policies, zoning requirements and bylaws with current, pending or proposed Province of Ontario legislation/regulations inclusive of the Municipal Act;
- Duration of the outdoor patio season(s);
- Differentiation of patios on city-owned public lands and private property;
- City patio fee options including potential waiver of patio and

adjacent parking fees;

- City departmental support to facilitate patio installation and safe operation of patios on city sidewalks, parking lots and/or road allowances;
- Environmental scan of other GTHA municipalities related to the future of outdoor patios;
- Access to potential funding and other small business support from federal or provincial governments;
- Application of CaféTO best practices or similar patio program to the Burlington Downtown Business Areas; and (SD-31-21)

Direct the Chief Financial Officer to report on the future city operating and capital budget requirements to support the outdoor patio program in conjunction with the above report; and (SD-32-21)

Direct the Director of Community Planning to complete a review of the city policy and by-law changes (e.g. zoning) contributing to the effectiveness of the 2020 and 2021 outdoor patio program; and (SD-33-21)

Direct the Director of Planning and the Executive Director of Burlington Economic Development to undertake hospitality industry stakeholder engagement consultation, (including BDBA, Aldershot BIA & Burlington Restaurant Association) with respect to the proposed plan for the city's permanent outdoor patio program; and (SD-31-21)

Direct the Director of Community Planning to report on options for the standardization of patio materials for patios on municipal property. (SD-34-21)

12.4. Corporate Services, Strategy, Risk & Accountability meeting of November 10, 2021

- a. Council Remuneration Review Working Group recommendations (CL-33-21) (SD-35-21)

Approve the recommendations from the Council Remuneration Review Working Group on council compensation, expense limits and resources attached as appendix A to office of the city clerk report CL-33-21; and

Direct the City Clerk to report back to the Corporate Services, Strategy, Risk and Accountability Committee with a timeline for each of the Council Remuneration Review Working Group recommendations, including an implementation plan. (SD-35-21)

- b. Information Management Strategy (CL-13-21)

Receive and file the information management report from Ergo Group Inc. attached as appendix A, and the information management strategy attached as appendix B to office of the city clerk report CL-13-21.

c. Information Management Policy (CL-27-21)

Approve the Information Management (IM) Policy attached as appendix A to office of the city clerk report CL-27-21; and

Repeal the Records Management (RM) Policy attached as appendix B to office of the city clerk report CL-27-21.

d. 2022 calendar of meetings for Council and standing committees (CL-31-21)

Approve the 2022 calendar of meetings for Council and standing committees attached as appendix A to office of the city clerk report CL-31-21, with the following amendments:

- move the September cycle of standing committee meetings to the week of September 12, 2022 and City Council to September 20, 2022;
- schedule an additional City Council meeting on November 8, 2022; and

Enact an amendment to Procedure By-law 31-2021, attached as appendix C to office of the city clerk report CL-31-21, amending section 21 of Procedure By-law 31-2021 regarding the inaugural meeting of Council.

e. 2022 Rates and Fees (F-35-21)

Approve the 2022 rates and fees as outlined in finance department report F-35-21, effective January 1, 2022 unless otherwise indicated, with the following amendment:

- reflect a cost recovery basis for the Adult 55 plus breakfast at the bistro and Adult 55 plus dinner at the bistro items; and

Approve By-Law 61-2021, attached as appendix A to finance department report F-35-21 and repeal By-Law 92-2020 effective January 1, 2022.

f. Confidential labour relations update (HR-06-21)

Pursuant to Section 239(2)(d) of the Municipal Act, labour relations or employee negotiations.

Receive and file confidential human resources department report HR-06-21 providing a labour relations update.

- g. Confidential update on a litigation matter (L-31-21)

Pursuant to Section 239(2)(e) of the Municipal Act, litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board.

Instruct the Executive Director of Legal Services and Corporation Counsel or their designate to proceed in accordance with the instructions sought in confidential legal department report L-31-21.

- h. Confidential real estate matter (CM-25-21)

Pursuant to Section 239(2)(c) of the Municipal Act, a proposed or pending acquisition or disposition of land by the municipality or local board.

Receive and file confidential city manager's office report CM-25-21 regarding a real estate matter.

- i. Confidential update on a real estate matter (L-26-21)

Pursuant to Section 239(2)(c) of the Municipal Act, a proposed or pending acquisition or disposition of land by the municipality or local board.

Receive and file confidential legal department report L-26-21 providing an update on a real estate matter.

12.5. Environment, Infrastructure & Community Services meeting of November 15, 2021

- a. Great Lakes Protection Initiative – areas of concern funding for Grindstone Creek erosion control (CS-14-21)

Authorize the Mayor and City Clerk to execute the necessary Contribution Agreements, along with any other related documents or by-laws between the City of Burlington and Her Majesty the Queen in Right of Canada, as represented by the Minister of the Environment who is responsible for the Department of the Environment ("Environment and Climate Change Canada" or "ECCC") with respect to the Great Lakes Protection Initiative – Areas of Concern Funding Stream, to the satisfaction of the Executive Director of Legal Services and Corporation Counsel.

- b. Municipal Consent By-law update (ES-14-21)

Approve the Municipal Consent By-law 65-2021, attached as appendix A to engineering services department report ES-14-21.

- c. Pride (rainbow) benches and City Bench Programs (ES-40-21)

Receive and file engineering services department report ES-40-21 regarding an overview of all bench programs offered by the city; and

Authorize the Director of Engineering Services to incorporate the inclusion of Pride (rainbow) themed benches as an option in the Council Bench Program; and

Authorize the Director of Engineering Services to implement a revised Recognition Celebration Program utilizing the amendments included in appendix C of engineering services department report ES-40-21.

- d. COVID 19 emergency response verbal update (EICS-C-07-21)

Receive and file the November 15, 2021 staff presentation providing the COVID-19 emergency response verbal update; and

Direct the City Manager to review and report back as part of the COVID 19 emergency response verbal update starting in the December cycle on the considerations pertaining to the Municipal Termination of Declaration of Emergency. (SD-36-21)

- e. 2021 Asset Management Plan (ES-47-21)

Approve the City's 2021 Asset Management Plan attached as appendix A to engineering services department report ES-47-21.

- f. 2021 Asset Management Financing Plan update (F-34-21)

Receive and file finance department report F-34-21, 2021 Asset Management Financing Plan update; and

Direct the Chief Financial Officer to consider inclusion of the increased dedicated infrastructure levy of 1.60% in the 2023 Budget, as Council's five-year commitment to the long-term infrastructure renewal program; and

Direct the Chief Financial Officer to update the Asset Management Financing Plan in alignment with updates to the Asset Management Plan every five years.

- g. Robert Bateman High School surplus school site update (CM-26-21)

Receive and file city manager's office report CM-26-21 regarding an update related to the proposed acquisition of the Robert Bateman High School surplus school site.

12.6. Community Planning, Regulation & Mobility Public meeting of November 16, 2021

- a. Cannabis Production Study (PL-06-21)

Receive and file community planning department report PL-06-21 regarding the Cannabis Production Study; and

Direct the Director of Community Planning to report back to the Community Planning, Regulation and Mobility Committee in Q1 of 2022 with final recommendations.

13. Motion to Approve Standing Committee Minutes:

Approve the following minutes:

- 13.1. Council Workshop meeting minutes of October 18, 2021
- 13.2. Corporate Services, Strategy, Risk & Accountability Budget meeting minutes of November 3, 2021
- 13.3. Community Planning, Regulation and Mobility Committee meeting minutes of November 9, 2021
- 13.4. Corporate Services, Strategy, Risk & Accountability meeting minutes of November 10, 2021
- 13.5. Environment, Infrastructure & Community Services meeting minutes of November 15, 2021
- 13.6. Community Planning, Regulation and Mobility Public Committee meeting minutes of November 16, 2021

14. Urgent Business:

- 14.1. Hybrid Council and standing committee meeting strategy (CL-39-21)

Note: This item was referred from the November 10, 2021, Corporate Services Strategy, Risk and Accountability Committee.

Approve the hybrid City Council and standing committee meeting strategy as outlined in office of the city clerk report CL-39-21.

- 14.2. Confidential COVID-19 emergency response verbal update

Pursuant to section 239(2)(b) of the Municipal Act, personal matters about an identifiable individual, including municipal or local board employees.

Note: This item was referred from the November 15, 2021, Environment, Infrastructure and Community Services Committee.

- 14.3. Confidential verbal update on a litigation matter

Pursuant to Section 239(2)(e) of the Municipal Act, litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board.

15. Motions of Members:

15.1. Motion regarding Skyway Community Centre Project (ADM-08-21)

Whereas the redevelopment of the Skyway Arena as the community centre for south east Burlington was identified 2015, as a need in the Parks & Recreation Arena Facilities Review; and

Whereas the new Skyway Community Centre helps address a number of strategic priorities identified in the Vision 2040, Burlington's Strategic Plan 2015-2040; and

Whereas the designs for the new Skyway Community Centre align with both the City of Burlington's Climate Emergency Declaration and our Corporate Energy and Emissions Management Plan; and

Whereas the following features of the new design will bring the City closer to achieving Council's approved target to be carbon neutral in our City Operations by 2040: a geothermal system as well as recovered heat from the refrigeration plant, which avoids the use of natural gas and reduces the greenhouse gases, a zero-emission electric ice resurfer will be used, planned warm and cold areas to minimize energy consumption; and

Whereas the new Skyway Community Centre will provide inclusive, year-round programming for residents of all ages; and

Whereas the new facility will exceed the Ontario Building Code and Accessibility for Ontarians with Disabilities requirements through the provision of universal washrooms equipped with lift and adult change table, ramps, hearing loops in program rooms, accessible customer service, recharging stations for scooters and accessible dressing rooms, accessible shade structures and site furnishings in the naturalized playground and an 85'x200' ice surface designed to accommodate sledge hockey and other accessible sports; and

Whereas parking and pedestrian pathways through the park will facilitate connections to the surrounding neighbourhood; and

Whereas the Skyway Community Centre project is at the building permit stage. Once a building permit has been issued construction must commence within six months; and

Whereas Burlington City Council directed the Mayor and City Manager to continue to pursue, and advocate for funding from the Federal and Provincial levels of Government; and

Whereas the City of Burlington submitted a funding application to the Government of Canada's Green and Inclusive Community Buildings funding program; and

Whereas projects that can start sooner will be scored higher in the application review process;

Therefore be it resolved that Burlington City Council declares the Skyway Community Centre as the City's top infrastructure project for senior government funding; and

That the Mayor and City Manager continue their advocacy efforts with the Federal Government; and

That a copy of this resolution be sent to The Honourable Karina Gould, Minister of Families, Children and Social Development, The Honourable Dominic LeBlanc, Minister of Intergovernmental Affairs, Infrastructure and Communities, Pam Damoff, MP Oakville North- Burlington and Adam van Koeverden, MP Milton.

15.2. Motion regarding Affordable Childcare for Halton Families (ADM-09-21)

Note: This item will require a motion to waive Rule #36.2 of the Procedure By-law to allow discussion, as it was not received by the required agenda deadline.

Whereas childcare spaces in Halton and across Ontario have decreased as a result of the pandemic, and the lack of childcare spaces is a barrier to our economic recovery, and an Ontario Chamber of Commerce report, "The She-Covery Project: Confronting the Gendered Economic Impacts of COVID-19 in Ontario", confirmed that childcare is simply unaffordable and/or inaccessible for too many working families in Ontario; and

Whereas Halton Region Council unanimously supported the Notice of Motion Affordable Childcare for Halton Families tabled by Mayor Burton and Councillor O'Meara on November 17th, 2021; and

Whereas Joey Edward, Chair of the Income Security Standing Committee of Advancement of Women Halton, has stated that: "As Ontario lays the groundwork for economic recovery, the development of universal, quality, affordable, inclusive, and publicly funded childcare is necessary for a socially progressive and economically resilient society. Why? It invests in the development of Ontario's children; it supports economic development to end the 'she-cession' and supports the return of women to the labour force. It pays for itself through employment and income taxes; and it eliminates parent's financial barriers to a quality and inclusive childcare system"; and

Whereas the Federal government introduced its plan for early learning and childcare in April 2021, and made agreements with eight provinces and one territory and recently campaigned on delivering \$10 a day care in five years or less; and

Whereas Ontario's Minister of Education stated in August 2021 "We're very committed to a good deal for Ontario, but it must respond to the unique advantages of this province"; and

Whereas the Canadian Centre for Policy Alternatives reported that in 2020, the median cost for an infant in full-day childcare in the GTA suburbs was between \$17,400 and \$19,300, and under the new national childcare plan, parents in Halton would save \$14,843 a year for an infant in 2026;

Now therefore be it resolved that Burlington City Council supports the creation of accessible, quality, and affordable childcare spaces for Halton families being served in Burlington; and

That Burlington City Council encourages the Federal government and the Ontario government to reach an equitable childcare agreement that acknowledges the provincial investment in full-day kindergarten and delivers affordable and accessible childcare spaces for Ontario families; and

That a copy of this resolution be sent to Prime Minister Justin Trudeau, the Federal Minister of Families, Children and Social Development, Premier Doug Ford, the Minister of Education for Ontario, local Members of Provincial Parliament, local Members of Parliament, the Association of Municipalities of Ontario, Ontario's Big City Mayors, the Big City Mayors Caucus (Canada), the Federation of Canadian Municipalities, the Ontario Coalition for Better Childcare and the Advancement of Women Halton.

16. Council Information Packages:

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

- 16.1. Council Information Package October 22, 2021
- 16.2. Council Information Package October 29, 2021
- 16.3. Council Information Package November 5, 2021
- 16.4. Council Information Package November 12, 2021
- 16.5. Council Information Package November 19, 2021

17. Motion to Receive and File Information Items:

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

18. Motion to Consider Confidential Items:

19. Notices of Motion:

20. Motion to Approve By-Laws:

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

20.1. 60-2021- Procedure By-law Amendment

Report CL-31-21- Corporate Services, Strategy, Risk and Accountability Committee meeting of November 10, 2021

20.2. 61-2021- Rates and Fees By-law

Report F-35-21- Corporate Services, Strategy, Risk and Accountability Committee meeting of November 10, 2021

20.3. 62-2021- A by-law to amend By-law Number 39-2016 and By-law Number 40-2016 to regulate parking and idling and to provide for a system of administrative penalties and fees for parking infractions in the City of Burlington

Report TS-13-21- Community Planning, Regulation and Mobility Committee meeting of November 9, 2021

20.4. 63-2021- A by-law to amend the COVID-19 Mask By-law 62-2020

Report BB-11-21- Community Planning, Regulation and Mobility Committee meeting of November 9, 2021

20.5. 64-2021- A by-law to amend By-Law 17-2020, being a by-law to Promote and Regulate Physical Distancing During the COVID-19 Pandemic State of Emergency

Report BB-11-21- Community Planning, Regulation and Mobility Committee meeting of November 9, 2021

20.6. 65-2021- Municipal consent by-law

Report ES-14-21- Environment, Infrastructure and Community Services Committee meeting of November 15, 2021

21. Confirmatory By-law:

Enact and pass By-law Number 66-2021, being a by-law to confirm the proceedings of Council at its meeting held Tuesday, November 23, 2021, being read a first, second and third time.

22. Statements by Members:

23. Motion to Adjourn:

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