



Regular Meeting of Council
Agenda

Date: January 18, 2022
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 clerk and audio/visual technician, will be in council chambers, with all other staff, Mayor 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. Year of the Garden: 2022
 - 5.2. Black History Month: February 2022
 - 5.3. International Day of Zero Tolerance for Female Genital Mutilation: February 6, 2022
 - 5.4. Wear Red Canada Day: February 13, 2022
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 December 14, 2021
 - 7.2. Special Meeting of Council January 11, 2022

8. Presentations:

9. Declarations of Interest:

10. Delegations:

Due to COVID-19 this meeting will be conducted as a virtual meeting. Only the chair of the meeting, along with a clerk and audio/visual technician, will be in council chambers, with all other staff, members of council and delegations participating in the meeting by calling in remotely. The meeting will be live webcasted, as usual, and archived on the city website.

Requests to delegate to this virtual meeting can be made by completing the online delegation registration form at www.burlington.ca/delegate or by submitting a written request by email to the Office of the City Clerk at clerks@burlington.ca by noon the business day before the meeting is to be held. It is recommended that delegates include their intended remarks, which will be circulated to all members of the standing committee in advance, as a backup to any disruptions in technology issues that may occur.

If you do not wish to delegate, but would like to submit feedback, please email your comments to clerks@burlington.ca. Any delegation notes and comments will be circulated to committee 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. Special Community Planning, Regulation and Mobility meeting of December 13, 2021

- a. Integrated Mobility Plan - presentation of the preferred network solution (TS-16-21)

Endorse the recommended concept (also referred to as the preferred network solution) as discussed in transportation services department report TS-16-21; and

Direct the Director of Transportation Services to authorize the initiation of the final phase of the Integrated Mobility Plan including preparation of the implementation, financing and monitoring plans.

12.2. Corporate Services, Strategy, Risk and Accountability meeting of January 10, 2022

- a. Confidential update on a litigation matter (L-07-22)

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.

Receive and file confidential legal department report L-07-22 providing an update on a litigation matter.

- b. Confidential labour relations update - collective bargaining (HR-01-22)

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

Instruct the Executive Director of Human Resources to proceed as outlined in confidential human resources department report HR-01-22.

- c. Confidential update on a litigation matter (L-01-22)

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-01-22.

12.3. Community Planning, Regulation and Mobility meeting of January 11, 2022

- a. Amending agreement – Metrolinx Co-Fare Agreement (TR-01-22)

Authorize the Mayor and City Clerk to sign the amending agreement for the Fare Integration Agreement between the Toronto Area Transit Operating Authority (now Metrolinx) and the Corporation of the City of Burlington related to integrated transit fares, subject to final review by the Legal Services Department.

- b. Submission on Region of Halton's Draft Preferred Growth Concept and Draft Land Needs (PL-06-22)

Direct the Director of Community Planning to submit Community Planning Department report PL-06-22 as the City of Burlington's submission on the Region of Halton's Draft Preferred Growth Concept and Draft Land Needs Assessment; and

Direct the Director of Community Planning to provide additional comments to the Region, if any, upon Council approval; and

Authorize the Director of Community Planning to provide draft City comments, in advance of Council approval, on the remaining documents to be released in Q1, 2022 in support of the preparation of the Regional Official Plan Amendment to implement the findings of the Region of Halton's IGMS,

as discussed in the Strategy section of this report.

c. Major Transit Station Area (MTSA) Area-Specific recommended Preferred Precinct Plans (PL-02-22)

Endorse in principle the recommended Preferred Precinct Plans for the Downtown UGC/ Burlington GO MTSA, Appleby GO MTSA, and Aldershot GO MTSA (December 2021) as detailed in Appendix A of community planning department report PL-02-22 (Interim Report) and Appendix B of community planning department report PL-02-22; and

Receive the Background Report, Planning for Burlington's Major Transit Station Areas: What you Need to Know (September 2021), as contained in Appendix C of community planning department report PL-02-22; and

Receive the Engagement Plan, Major Transit Station Area (MTSA) Area-Specific Planning Project Engagement Plan (September 2021), as contained in Appendix D of community planning department report PL-02-22; and

Receive the MTSA Area-Specific Planning Project: Feedback Report 1 (Fall 2021) as contained in Appendix E of community planning department report PL-02-22; and

Receive the technical documents completed as of December 1, 2021 (Appendices F-L) as follows:

- GO Station Mobility Hub Market Analysis, Burlington, Ontario (August 2017) as prepared by N. Barry Lyon Consultants Limited and contained in Appendix F of community planning department report PL-02-22; and
- Pre-Feasibility Noise and Vibration Study Burlington Mobility Hubs (August 2021) as prepared by Wood and contained in Appendix G of community planning department report PL-02-22; and
- Cultural Heritage Resource Assessment: Built Heritage Resources and Cultural Heritage Landscapes Appleby Mobility Hub Study Area (October 2019) as prepared by ASI and contained in Appendix H of community planning department report PL-02-22; and
- Cultural Heritage Resource Assessment: Built Heritage Resources and Cultural Heritage Landscapes Aldershot Mobility Hub Study Area (October 2019) as prepared by ASI and contained in Appendix I of community planning department report PL-02-22; and
- Stage 1 Archaeological Assessment Mobility Hub Planning Consulting Services: Burlington PART OF LOT 18, CONCESSION 2 SDS, LOTS 17-18, CONCESSION 3 SDS AND PART OF BRANT'S BLOCK CITY OF BURLINGTON (August 2018) as prepared by ASI and contained in Appendix J of community

planning department report PL-02-22; and

- Stage 1 Archaeological Assessment Mobility Hub Planning Consulting Services: Appleby LOTS 2-7, CONCESSION III SDS (FORMER TOWNSHIP OF NELSON, COUNTY OF HALTON) CITY OF BURLINGTON (August 2018) as prepared by ASI and contained in Appendix K of community planning department report PL-02-22; and
- Stage 1 Archaeological Assessment Mobility Hub Planning Consulting Services: Aldershot PART OF LOTS 4-8, CONCESSION 1 AND LOTS 5-8, BROKEN FRONT CONCESSION (FORMER TOWNSHIP OF EAST FLAMBOROUGH, COUNTY OF WENTWORTH) CITY OF BURLINGTON (August 2018) as prepared by ASI and contained in Appendix L of community planning department report PL-02-22.

- d. City of Burlington Housing Strategy, Inclusionary Zoning initial report (PL-03-22)

Receive and file community planning department report PL-03-22 regarding the City of Burlington Housing Strategy, Inclusionary Zoning initial report, attached as Appendix A.

- e. Waterfront Hotel Planning Study update (PL-15-22) (SD-01-22)

Receive and file community planning department report PL-15-22 regarding an update on the Waterfront Hotel Planning Study; and

Direct the Director of Community Planning to complete the Waterfront Hotel Study within the statutory time frame of processing the pending application related to the Waterfront Hotel (2020 Lakeshore Road) so as to inform the review of any development proposal on this site in accordance with the policies of the Official Plan (SD-01-22).

12.4. Environment, Infrastructure and Community Services meeting of January 13, 2022

- a. Federal funding programs to reduce greenhouse gas emissions (CS-01-22)

Authorize the Mayor and City Clerk to execute the necessary agreements and other related documents or by-laws between the City of Burlington and Federation of Canadian Municipalities, in relation to the Greenhouse Gas (GHG) Reduction Pathway Feasibility Studies Program, to the satisfaction of the Executive Director of Legal Services and Corporation Counsel; and

Authorize the Mayor and City Clerk to execute the necessary agreements and other related documents or by-laws between the City of Burlington and the Government of Canada, in relation to the National Resources of Canada Zero Emission Vehicle Infrastructure Program (ZEVIP), should our

application be successful, to the satisfaction of the Executive Director of Legal Services and Corporation Counsel.

b. Regional Waterpipe Smoking By-law (CL-01-22)

Whereas on October 20, 2021 Halton Regional Council approved Report MO-05-21 – Halton Region Waterpipe Smoking By-law and enacted By-law 41-21, to Regulate Waterpipe Smoking in the Regional Municipality of Halton; and

Whereas pursuant to the Municipal Act, 2001, S.O. 2001, c.25, Section 115, (5) when a smoking in public places by-law from an upper tier municipality is passed, a majority of councils of all its lower municipalities must pass a resolution giving their consent, representing a majority of all electors in the upper tier municipality.

Therefore, be it resolved that the Council for the Corporation of the City of Burlington consents to the passage and implementation of Halton Region By-law 41-21, to Regulate Waterpipe Smoking in the Regional Municipality of Halton; and

That a copy of this resolution be sent to the municipal clerks of Halton Region, Town of Oakville, Town of Milton, and the Town of Halton Hills to provide notice of giving consent to Halton Region By-law 41-21.

c. Ryerson Park renaming (RCC-01-22)

Approve Sweetgrass Park as the new name for the park formally called Ryerson.

d. 2021 community survey results (CC-01-22)

Receive and file corporate communications and government relations department report CC-01-22 providing the 2021 community survey results.

e. Delegated Authority By-law (CL-03-22)

Approve the by-law attached as Appendix A to office of the city clerk report CL-03-22, being a by-law to delegate various approvals to staff, and repeal by-laws 99-2012, 56-2017 and 157-1991; and

Amend the Signing Authority Corporate Policy, attached as Appendix C to office of the city clerk report CL-03-22; and

Approve the by-law attached as Appendix D to office of the city clerk report CL-03-22, being a by-law to appoint a Treasurer and Deputy Treasurer for the City of Burlington.

f. Procurement By-law (F-13-22)

Approve the updated Procurement By-law, substantially as attached in Appendix A to finance department report F-13-22, in a form satisfactory to the Executive Director of Legal Services & Corporation Counsel.

g. Confidential update on a litigation matter (L-06-22)

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 given in closed session regarding legal department report L-06-22.

13. Motion to Approve Standing Committee Minutes:

Approve the following minutes:

- 13.1. Special Community Planning, Regulation and Mobility meeting of December 13, 2021
- 13.2. Corporate Services, Strategy, Risk and Accountability Committee meeting of January 10, 2022
- 13.3. Community Planning, Regulation and Mobility Committee meeting of January 11, 2022
- 13.4. Environment, Infrastructure and Community Services Committee meeting of January 13, 2022

14. Urgent Business:

14.1. Confidential update on a litigation matter (L-02-22)

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.

Please note: This item was referred from the Corporate Services, Strategy, Risk and Accountability Committee Meeting of January 10, 2022

14.2. Ontario Municipal Commuter Cycling Program Extension Agreement (CS-03-22)

Authorize the Mayor and City Clerk to execute on behalf of The Corporation of the City of Burlington transfer payment amending agreements extending the term and

scope of the Ontario Municipal Commuter Cycling agreement dated March 26, 2018, and any other ancillary document or further amendments required to the agreement between the City of Burlington and the Province of Ontario regarding the Ontario Municipal Commuter Cycling Program, to the satisfaction of the Executive Director of Legal Services and Corporation Counsel.

That the by-law authorizing the execution of amending agreements with the Province of Ontario as represented by the Minister of Transportation for the Province of Ontario for the Ontario Municipal Commuter Cycling Program, substantially in the form attached as Appendix A to Report CS-03-22, be enacted

14.3. Completeness Review for Zoning By-law Amendment Application for 5030-5045 Tico Creek Common (PL-16-22)

Deem, in accordance with section 34(10.4) of the Planning Act, that the application submitted by Wellings Planning Consultants Inc. to amend the Zoning By-law for lands at 5030-5045 Tico Creek Common, as the required information and materials were provided on December 23, 2021; and

Direct the Director of Community Planning to notify Wellings Planning Consultants Inc. that the required information and material have been provided for the applications to amend the Zoning By-law for lands at 5030-5045 Tico Creek Common, in accordance with section 34(10.4) of the Planning Act; and

Direct the Director of Community Planning to provide notification of receipt of a complete application to prescribed persons and public bodies, pursuant to Section 34(10.7) of the *Planning Act*.

14.4. Completeness Review for Official Plan and Zoning By-law Amendment applications for 1860-1900 Appleby Line (PL-19-22)

Deem, in accordance with sections 22(6.1) and 34(10.4) of the Planning Act, that the applications submitted on November 22, 2021 by ICP Developers Inc. to amend the Official Plan and Zoning By-law for the lands known as 1860-1900 Appleby Line are complete and that the required information and materials have been provided.

Direct the Director of Community Planning to notify ICP Developers Inc. that the required information and material have been provided for the applications to amend the Official Plan and Zoning By-law for lands at 1860-1900 Appleby Line, in accordance with sections 22(6.1) and 34(10.4) of the *Planning Act*.

Direct the Director of Community Planning to provide notification of receipt of a complete application to prescribed persons and public bodies, pursuant to Section 22(6.4) and Section 34(10.7) of the *Planning Act*.

15. Motions of Members:

15.1. Motion regarding Joint and Several Liability (ADM-01-22)

Whereas municipal governments provide essential services to the residents and businesses in their communities; and

Whereas the ability to provide those services is negatively impacted by exponentially rising insurance costs; and

Whereas one driver of rising insurance costs is the legal principle of 'joint and several liability,' which assigns disproportionate liability to municipalities for an incident relative to their responsibility for it; and

Whereas, the Government of Ontario has the authority and responsibility for the legal framework of 'joint and several liability; and

Whereas the Premier of Ontario committed to review the issue in 2018 with a view to helping municipal governments manage their risks and costs; and

Whereas the Association of Municipalities of Ontario (AMO) on behalf of municipal governments has provided recommendations, in their policy paper, "Towards a Reasonable Balance – Addressing Growing Municipal Liability and Insurance Costs", to align municipal liability with the proportionate responsibility for incidents and capping awards;

Therefore be it resolved that, the City of Burlington does hereby support the following AMO recommendations;

1. The provincial government adopt a model of full proportionate liability to replace joint and several liability.
2. Implement enhancements to the existing limitations period including the continued applicability of the existing 10-day rule on slip and fall cases given recent judicial interpretations, and whether a 1-year limitation period may be beneficial.
3. Implement a cap for economic loss awards.
4. Increase the catastrophic impairment default benefit limit to \$2 million and increase the third-party liability coverage to \$2 million in government regulated automobile insurance plans.
5. Assess and implement additional measures which would support lower premiums or alternatives to the provision of insurance services by other entities such as non-profit insurance reciprocals.
6. Compel the insurance industry to supply all necessary financial evidence including premiums, claims, and deductible limit changes which support its, and municipal arguments as to the fiscal impact of joint and several liability.

7. Establish a provincial and municipal working group to consider the above and put forward recommendations to the Attorney General;

And further that it be resolved that the City of Burlington does hereby call on the Attorney General of Ontario to work with municipal governments to put forward a plan of action to address “joint and several liability” before the end of the government’s current term so that municipalities can continue to offer high quality services to their communities;

And that a copy of this resolution be forwarded to Attorney General, the Honourable Doug Downey, the Minister of Municipal Affairs and Housing, the Honourable Steve Clark and to AMO President Jamie McGarvey.

15.2. Motion to Support the Challenge of Bill 21 (ADM-02-21)

Whereas Bill 21 – An Act Respecting the Laicity of the State, bans public servants from wearing religious symbols; and

Whereas Bill 21 was passed by the Province of Quebec in June 2019 and has led to loss of employment and reassignment for workers in Quebec based on them wearing religious symbols such as headscarves; and

Whereas Burlington City Council condemns Bill 21 as it is discriminatory and does not uphold equality of all citizens, regardless of their religious affiliation, as protected under the Canadian Charter of Rights and Freedoms; and

Whereas the City of Burlington supports residents of all faiths and backgrounds, and works to ensure everyone in the community feels safe and included; and

Whereas the City of Burlington stands with other municipalities, such as Calgary, Brampton, Toronto, Winnipeg and municipalities across Canada, who have also condemned Bill 21 and support the current legal challenge to Quebec’s Bill 21;

Whereas there is a municipal interest in joining with others across Canada to uphold and defend the rights of all citizens of our country to freedom from discrimination based on religion;

Whereas the Ontario Big City Mayor’s Caucus (OBCM), at their meeting of Dec. 16, 2021, approved a motion that OBCM stand in solidarity recognizing that Bill 21 is discriminatory and does not uphold equality of all citizens, regardless of their religious affiliation, as protected under the Canadian Charter of Rights and Freedoms; and further that OBCM asks the Parliament of Canada (both government and opposition), to support the challenge of Bill 21 at the Supreme Court;

Therefore be it resolved that:

The City of Burlington asks the Parliament of Canada (both government and opposition) to condemn Bill 21, and support the challenge of Bill 21 at the Supreme

Court;

The City of Burlington stand alongside other municipalities to officially signal our support for the legal challenge against Bill 21 by the National Council of Canadian Muslims, the World Sikh Organization, and the Canadian Civil Liberties Association; and

A copy of this resolution be sent to The Right Honourable Justin Trudeau, P.C., M.P. Prime Minister of Canada, The Honourable, P.C., M.P. Erin O'Toole, The Honourable, P.C., M.P. Yves-Francois Blanchet, The Honourable, P.C., M.P., Jagmeet Singh, Burlington and Halton MPs, The Honourable Doug Ford, M.P.P. Premier of Ontario, Andrea Horwath, M.P.P., Steven Del Duca, M.P.P., Mike Schreiner, M.P.P., Burlington and Halton MPP's, the National Council of Canadian Muslims, the World Sikh Organization, the Canadian Civil Liberties Association, the Federation of Canadian Municipalities, the Association of Municipalities of Ontario, Ontario Big City Mayor's Caucus and be made available to the public.

16. Council Information Package:

Receive the following information packages, having been prepared and distributed to Council.

16.1. Council Information Package December 17, 2021

16.2. Council Information Package December 22, 2021

16.3. Council Information Package January 7, 2022

16.4. Council Information Package January 14, 2022

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. Notice 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. 02-2022- A by-law to authorize a request for the issuing of debentures by the Regional Municipality of Halton for the City Hall Modernization – Construction Manager

Report EICS-18-21, DA-87-21

- 20.2. 03-2022- A by-law to assume parcels of land in the City of Burlington as Public Highway

Report ES-51-21- Environment, Infrastructure and Community Services Committee of December 9, 2021

- 20.3. 04-2022- A by-law to adopt and maintain a procurement policy for the City of Burlington

Report F-13-22- Environment, Infrastructure and Community Services Committee of January 13, 2022

- 20.4. 05-2022- A by-law to authorize the execution of amendments and ancillary documents to the 2018 Ontario Municipal Commuter Cycling Program Transfer Payment Agreement

Report CS-03-22- Regular Meeting of Council of January 18, 2022

- 20.5. 06-2022- Amendments to the traffic By-law

Report TS-14-21- Community Planning, Regulation and Mobility Committee of November 9, 2021

- 20.6. 07-2022- A by-law to delegate approvals to staff

Report CL-03-22, Environment Infrastructure and Community Services Committee of January 13, 2022

- 20.7. 08-2022- A by-law to appoint a Treasurer and Deputy Treasurer for the City of Burlington

Report CL-03-22, Environment, Infrastructure and Community Services Committee of January 13, 2022

21. Confirmatory By-law:

Enact and pass By-law Number 09-2022, being a by-law to confirm the proceedings of Council at its meeting held Tuesday, January 18, 2022, 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.