

Minutes of a special meeting of the Council of the City of Oshawa held in the Committee Meeting Room on June 19, 2008 at 9:05 a.m.

Mayor Gray and Councillors Cullen (left at 10:30 a.m.), Henry, Kolodzie (left at 3:23 p.m.), Lutczyk, Marimpietri, Nicholson (left at 2:28 p.m.), Neal, Parkes, Pidwerbecki (entered at 9:23 a.m. and left at 3:23 p.m.) and Sholdra (left at 2:52 p.m.) were present.

Mayor Gray presided.

DECLARATIONS OF PECUNIARY INTEREST

Councillor Nicholson made a declaration of pecuniary interest concerning Confidential Report CM-08-45 as he is a named party in the legal action and did not participate in discussion or voting on the item and temporarily left the meeting during such discussion.

Councillor Parkes made a declaration of pecuniary interest concerning Confidential Report CM-08-45 as she is a named party in the legal action and did not participate in discussion or voting on the item and temporarily left the meeting during such discussion.

Councillors Nicholson and Parkes temporarily left the meeting.

Moved by Councillor Sholdra, seconded by Councillor Kolodzie,
(385) "That pursuant to Section 239 of the *Municipal Act* this meeting be closed to the public to consider Confidential Reports CM-08-44, CM-08-51 and CM-08-45 concerning appointment of a Hearings Officer, indemnities related to a City agreement and potential litigation and legal advice related to Brown v. Oshawa (City) et al, respectively."
CARRIED

All Council members were present for closed meeting discussions except Councillors Nicholson, Parkes and Pidwerbecki. Also present were S. Kranc, City Clerk, B. Duignan, City Manager, and D. Potts, City Solicitor. All members of the public left the meeting except David Boghosian, Boghosian + Associates, Litigation Counsel.

Closed meeting discussions were held.

Councillor Pidwerbecki entered the meeting.

Councillor Pidwerbecki made a declaration of pecuniary interest concerning Confidential Report CM-08-45 as he is a named party in the legal action and did not participate in discussion or voting on the item and temporarily left the meeting during such discussion.

Closed meeting discussions continued.

Moved by Councillor Henry, seconded by Councillor Cullen,
(386) "That Council rise from the closed meeting." CARRIED

Moved by Councillor Kolodzie, seconded by Councillor Cullen,

- (387) "1. That Council approve the terms of settlement of a proceeding in the Superior Court of Justice commenced at London as Court File No. 49036 by John Brown against the City of Oshawa and others which terms of settlement are more particularly set out in Report CM-08-45 of the City Solicitor; and,
2. That Council authorize the Mayor and City Clerk to execute such documents as the City Solicitor determines appropriate to effect the settlement." CARRIED ON THE FOLLOWING VOTE

AFFIRMATIVE – Councillors Cullen, Henry, Kolodzie, Sholdra and Mayor Gray

NEGATIVE – Councillor Lutczyk, Marimpietri and Neal

DECLARATIONS OF INTEREST/ABSENT – Councillors Nicholson, Parkes and Pidwerbecki

Moved by Councillor Cullen, seconded by Councillor Sholdra,

(388) "That Mayor Gray issue a media release with respect to Confidential Report CM-08-45 concerning Brown v. Oshawa (City) et al." CARRIED

David Boghosian left the meeting.

Councillors Nicholson, Parkes and Pidwerbecki re-entered the meeting.

Moved by Councillor Sholdra, seconded by Councillor Kolodzie,

(389) "That pursuant to Section 239 of the *Municipal Act* this meeting be closed to the public to consider Confidential Reports CM-08-44 and CM-08-51 concerning appointment of a Hearings Officer and indemnities related to a City agreement, respectively." CARRIED

All Council members were present for closed meeting discussions except Councillor Sholdra. Also present were S. Kranc, City Clerk, R. Duignan, City Manager, T. Hodgins, Commissioner of Development Services, R. Stockman, Commissioner of Corporate Services D. Potts, City Solicitor and R. Foster, Auditor General. All members of the public left the meeting except Franklin Holtforster, MHPM Project Managers Inc. and Tom Mclelwin, Golder Associates Ltd.

Closed meeting discussions were held.

Councillor Cullen left the meeting and Councillor Sholdra re-entered the meeting.

Closed meeting discussions continued.

Councillor Neal temporarily left the meeting.

Closed meeting discussions continued.

Moved by Councillor Lutczyk, seconded by Councillor Kolodzie,
(390) "That Council rise from the closed meeting." CARRIED

Moved by Councillor Lutczyk, seconded by Councillor Kolodzie,
(391) "That the recommendation contained in Confidential Report CM-08-51 concerning indemnities related to a City agreement and potential litigation be approved." CARRIED ON THE FOLLOWING VOTE

AFFIRMATIVE – Councillors Henry, Kolodzie, Lutczyk, Marimpietri, Nicholson, Parkes, Pidwerbecki, Sholdra and Mayor Gray

NEGATIVE – None

Absent – Councillors Cullen and Neal

Moved by Councillor Parkes, seconded by Councillor Kolodzie,
(392) "1. That Brian Johns be appointed the City's Hearings Officer pursuant to section 3 of Hearings Officer By-law 26-2008; and,
2. That the Hearings Officer be compensated at the rate of \$300 per diem or part thereof." CARRIED

Moved by Councillor Marimpietri, seconded by Councillor Lutczyk,
(393) "That the meeting recess." CARRIED

The meeting recessed at 11:10 a.m. and reconvened at 2:27 p.m. All members of Council were present except Councillors Cullen, Kolodzie and Sholdra.

Councillor Nicholson left the meeting.

COMMITTEE OF THE WHOLE REPORTS

1. Bob Duignan, City Manager, submitting Report CM-08-43 concerning assignment of the General Motors Centre Operations and Management Contract

Brian Ohl, Regional Vice President of Facility Management, Global Spectrum, Dave Harris, Director of Marketing, John Labatt Centre, Global Spectrum and Vince Vella, General Manager, General Motors Centre made a powerpoint presentation to Council concerning Global Spectrum, highlighting their experience in other venues and plans for the General Motors Centre.

Councillors Kolodzie and Sholdra re-entered the meeting.

Moved by Councillor Pidwerbecki, seconded by Councillor Parkes,

- (394) “1. That Council approve the draft Assignment, Assumption, Consent and Amendment Agreement between the City and Maple Leaf Sports and Entertainment Ltd. And Global Spectrum Facility Management L.P. for the General Motors Centre generally in the form attached to Report CM-08-43 dated June 16, 2008;
2. That Council approve the draft Amended and Restated Facility Operation and Management Agreement between the City and Global Spectrum Facility Management L.P. generally in the form attached to Report CM-08-43 dated June 16, 2008;
3. That the City Manager be authorized to make amendments to the above-noted draft agreements to the satisfaction of WeirFoulds LLP prior to finalization; and,
4. That the Mayor and Clerk be authorized to execute the above-noted final agreements with Maple Leaf Sports and Entertainment Ltd. and Global Spectrum Facility Management L.P. as recommended by the City Manager.” CARRIED ON THE FOLLOWING VOTE

AFFIRMATIVE – Councillors Henry, Kolodzie, Lutczyk, Marimpietri, Parkes, Pidwerbecki and Mayor Gray

NEGATIVE – Councillor Neal

Absent – Councillors Cullen, Nicholson and Sholdra

Councillors Kolodzie and Pidwerbecki left the meeting.

2. Bob Duignan, City Manager, submitting Report CM-08-42 concerning the Corporate Strategic Financial Direction

Moved by Councillor Henry, seconded by Councillor Parkes,

(395) “That Council endorse the financial objectives and related strategies as outlined in Report CM-08-42 dated June 12, 2008 as the tools to achieve fiscal sustainability and for referral to an update of the Strategic Financial Plan.” CARRIED

COMMITTEE REPORTS

The Finance and Administration Committee respectfully Reports and recommends to City Council its Thirty-eighth Report.

1. Major Capital Projects – Progress and Financial Update (FA-08-139) (All Wards)

That Report FA-08-139 dated June 5, 2008 titled 'Major Capital Projects – Progress and Financial Update' be forwarded to City Council without recommendation.

Moved by Councillor Lutczyk, seconded by Councillor Marimpietri,
(396) "That Item 1 of the Thirty-eighth Report of the Finance and Administration Committee be tabled to the June 23, 2008 City Council meeting." CARRIED

CONFIRMING BY-LAW

Moved by Councillor Henry, seconded by Councillor Marimpietri,
(397) "That the Confirming By-law be passed." CARRIED

76-2008 A By-law to confirm the City Council meeting of June 19, 2008.

ADJOURN

Moved by Councillor Henry, seconded by Councillor Lutczyk,
(398) "That the meeting adjourn." CARRIED

The meeting adjourned at 3:29 p.m.