Minutes of a special meeting of the Council of the City of Oshawa held in the Council Chamber on February 8, 2019 at 9:30 a.m.

Mayor Carter and Councillors Chapman, Giberson, Gray, Hurst, Kerr, Marimpietri, Marks, McConkey, Neal and Nicholson were present.

Mayor Carter presided.

Mayor Carter advised that this meeting was called to continue deliberation of the 2019 Budget.

**Declarations of Interest**

Councillor Marimpietri made a declaration of interest concerning Correspondence CNCL-19-10 from the Durham Outlook for the Needy as he is a contributing member to the culture club adjacent to the proposed subject site and did not take part in discussion or voting on the item.

Councillor Marimpietri made a declaration of interest concerning Capital Projects 21-0015, 21-0019, 73-10048 and 73-10456 as they are all located in the downtown business improvement area and as his spouse is an owner of a business in and contributes to the Business Improvement Area, he did not take part in discussion or voting on these items.

Councillor Marimpietri made a declaration of interest concerning Capital Projects 73-0048 and 73-0046 as both projects are located in the proposed Northwood Industrial Business Park and as he has family residing in the area did not take part in discussion or voting on these items.

Councillor Neal made a declaration of interest concerning the External Agency tab for the Oshawa Senior Citizens Centre and Page 15 of the I.T.S. Tab and Program 086 Corporate Security as he is currently on the Board of Directors for the Oshawa Senior Citizens Centre as a citizen appointment and did not take part in discussion or voting on these items.

Moved by Councillor Marimpietri, seconded by Councillor Marks, “That the order of the agenda be altered to bring forward Item DS-19-19 and related correspondence from the Second Report of the Development Services Committee at this time.” Lost on the following vote (required 2/3 vote of members present)

Affirmative – Councillors Chapman, Giberson, Hurst, Kerr, Marimpietri, Marks and Mayor Carter

Negative – Councillors Gray, McConkey, Neal and Nicholson

Absent – None

**Delegations**

Sherry Colbourne, Spark Centre addressed Council concerning the request for additional support for a Business Incubation Centre.
Members of Council questioned Sherry Colbourne.

Moved by Councillor Marimpietri, seconded by Councillor Marks, (150) “That the delegation request of Larry Ladd be added to the agenda for the Council meeting of February 8, 2019.” Carried on the following 2/3 vote of members present

Affirmative – Councillors Chapman, Giberson, Gray, Hurst, Kerr, Marimpietri, Marks, McConkey, Neal, Nicholson and Mayor Carter

Negative – None

Absent – None

Moved by Councillor Marimpietri, (151) “That Larry Ladd be heard.” Carried

Larry Ladd addressed City Council in opposition to Item DS-19-19 concerning the new proposal from the Oshawa Port Authority concerning the Harbour Road extension.

Members of Council questioned Larry Ladd. Pippa Feinstein, lawyer for the Lake Ontario Water Keeper assisted Larry Ladd in responding to questions.

Councillor Marks temporarily left and re-entered the meeting during questions.

Moved by Councillor Nicholson, seconded by Councillor Neal, (152) “That Additional Correspondence from Jeff Davis, requesting City Council include all costs for the development and implementation of a new Records Management Plan in the 2019 Budget, be added to the agenda for the Council meeting of February 8, 2019.” Carried on the following vote

Affirmative – Councillors Chapman, Giberson, Gray, Marimpietri, Marks, McConkey, Neal, Nicholson and Mayor Carter

Negative – Councillors Hurst and Kerr

Absent- None

Moved by Councillor Marimpietri, seconded by Councillor Neal, (153) “That the rules of procedure be waived to hear the delegation request from Jeff Davis.” Carried on the following 2/3 vote of members present

Affirmative – Councillors Chapman, Giberson, Gray, Kerr, Marimpietri, Marks, McConkey, Neal, Nicholson and Mayor Carter

Negative – Councillor Hurst

Absent – None

Jeff Davis addressed City Council requesting additional funding be directed for a Corporate Records management program in the 2019 budget.
Moved by Councillor Marimpietri, seconded by Councillor Marks, (154) “That Additional Correspondence from Jeff Davis requesting City Council include all costs for the development and implementation of a new Records Management Plan in the 2019 Budget be received for information.” Carried

Moved by Councillor Chapman, seconded by Councillor Giberson, (155) “That Additional Correspondence from the Oshawa Port Authority advising that deadlines related to the Harbour Road Extension Agreement will not be put on hold be added to the agenda for the Council meeting of February 8, 2019.” Carried on the following vote

Affirmative – Councillor Chapman, Giberson, Gray, Hurst, Kerr, Marimpietri, Marks, McConkey and Mayor Carter

Negative – Councillors Neal and Nicholson

Absent – None

Moved by Councillor Chapman, seconded by Councillor Giberson, (156) “That Additional Correspondence from Donna Taylor, Oshawa Port Authority advising the City that the Minister’s Office has assured the Board of the OPA that all contracts and obligations of the OPA will be assumed by the new entity should amalgamation occur be received for information.” Carried

Moved by Councillor Chapman, seconded by Councillor Kerr, (157) “That the meeting recess.” Carried

The meeting recessed at 10:57 and reconvened at 11:11 with all members in attendance except Councillors Gray and Kerr.

Presentations

Tony Malfara, K.P.M.G. presented the proposed 2019 Audit Plan.

Councillors Gray and Kerr entered the meeting during the presentation.

Members of Council questioned Tony Malfara.

Matters Referred by Council

FIN-19-04 2019 Internal Audit Plan and Directional Plan 2020-2023

Recommendation (Amended – See Page 73)

That the 2019 Internal Audit Plan and Directional Plan 2020-2023, as set out in Attachment 1 to Report FIN-19-04 dated January 2, 2019, be endorsed.

Moved by Councillor Chapman, seconded by Councillor Marimpietri, (158) “That Council adopt the recommendation contained in Report FIN-19-04 concerning the 2019 Internal Audit Plan and Directional Plan 2020-2023.” Carried as amended by later votes
Moved by Councillor Nicholson, seconded by Councillor McConkey, (159) "That the motion be amended to add: "and That the $45,000 be funded from the Project Contingency with respect to the Cityview Milestone Assessment." Carried on the following vote

Affirmative – Councillors Giberson, Gray, Hurst, Marimpietri, McConkey, Neal and Nicholson

Negative – Councillors Chapman, Kerr, Marks and Mayor Carter

Absent – None

Moved by Councillor Nicholson, seconded by Councillor Neal, (160) "That the motion be amended to add: "and That the $45,000 be funded from the Project Contingency with respect to the Maximo Milestone Assessment.'." Carried on the following vote

Affirmative – Councillors Chapman, Giberson, Gray, Hurst, Marimpietri, McConkey, Neal and Nicholson

Negative – Councillors Kerr, Marks and Mayor Carter

Absent – None

Moved by Councillor Neal, seconded by Councillor Nicholson, (161) “That the motion be amended to add: ‘and, That snow clearing, including sidewalks and roads, and parks and recreation internal audits be added to the internal audit program for 2019.’." Carried as amended by later vote

Moved by Councillors Chapman, seconded by Councillor Giberson, (162) “That the amendment be further amended to add: ‘for a cost not to exceed $90,000 all inclusive.” Carried on the following vote

Affirmative – Councillors Chapman, Giberson, Gray, Hurst, Kerr, Marimpietri, Marks, McConkey, Neal, Nicholson and Mayor Carter

Negative – None

Absent – None

The vote on the amendment to add snow clearing and parks and recreation audits Carried as amended on the following

Affirmative – Councillors Chapman, Giberson, Gray, Hurst, Kerr, Marimpietri, Marks, McConkey, Neal, Nicholson and Mayor Carter

Negative – None

Absent – None
The vote on the main motion concerning Item FIN-19-04 Carried as amended on the following

Affirmative – Councillors Chapman, Giberson, Gray, Hurst, Kerr, Marimpietri, Marks, McConkey, Neal, Nicholson and Mayor Carter

Negative – None

Absent – None

Moved by Councillor Nicholson, seconded by Councillor Neal, (163) “That the meeting recess.” Carried

The meeting recessed at 12:50 p.m. and reconvened at 2:00 p.m. with all members in attendance.

Standing Committee Reports

The Development Services Committee respectfully reports and recommends to City Council its Second Report.

DS-19-14 Joe Arruda requesting the 2019 Development Services Department Budget include a new FTE staff person to work on and promote the City's Active Transportation Network

Recommendation (Carried – See Page 76)

That Correspondence DS-19-14 from Joe Arruda requesting the 2019 Development Services Department Budget include a new FTE staff person to work on and promote the City's Active Transportation Network be received for information.

DS-19-15 Oshawa Port Authority submitting a new Proposal for the Harbour Road Extension Agreement

DS-19-16 Oshawa Port Authority Providing the Corporation of the City of Oshawa Six Months Written Notice Pursuant to Section 2 of the Agreement to Cause to be constructed the Extension of Harbour Road

DS-19-21 James Roderick McGillawee – In support of the City of Oshawa constructing the Harbor Road extension up to the boundary of the Second Marsh

DS-19-19 Declaration of Certain City-Owned Lands as Surplus: Part of the Unimproved Portion of Harbour Road Road Allowance East of Farewell Street and a Proposal from the Oshawa Port Authority to
Construct a Private Driveway Access rather than a City-owned Collector Road

Recommendation  (Tabled – See Page 77)

Whereas there is considerable history with the last term of Council concerning the 1976 Harbour Road Extension Agreement between the City and the former Oshawa Harbour Commission (now Oshawa Port Authority) and a proposal by the Oshawa Port Authority (O.P.A.) to construct a private driveway rather than a City collector road; and,

Whereas by memorandum dated January 8, 2019 the Commissioner of Development Services provided Council with the background from the previous term of Council for information; and,

Whereas by letter dated January 21, 2019 the O.P.A. presented a new proposal to the City related to this matter that the O.P.A. Board requires acceptance by February 15, 2019; and,

Whereas representatives of the O.P.A. made a presentation to Council on January 22, 2019 concerning the new proposal and responded to questions; and,

Whereas on January 22, 2019 City Council referred the O.P.A.’s correspondence (CNCL-19-14) to CNCL-18-82 which is the O.P.A.’s notice under the Harbour Road Extension Agreement triggering the City’s requirement to construct the road extension; and,

Whereas on January 22, 2019 City Council referred Correspondence CNCL-18-82 from the O.P.A. to Development Services staff to report back to Development Services Committee on February 4, 2019 and to Council on February 8, 2019; and,

Whereas on January 22, 2019 City Council also decided that in the event that Council chooses not to proceed with the construction of the Harbour Road extension, the funds set aside for this project from Development Charges be set aside and earmarked for the Go Train Mobility Hub (Page 15 of 2020-2023) Capital Budget Submission 73-0459 and that the Provincial Government, Metrolinx and all involved agencies be informed of this action; and,

Whereas the new proposal dated January 21, 2019 from the O.P.A. is appropriate from a financial, environmental and asset management perspective and which involves a proposed amendment to the Land Use, Development and Municipal Services Agreement between the O.P.A. and the City;

Therefore, be it resolved:
1. That, pursuant to DS-19-19, City Council approve, in principle, the request from the Oshawa Port Authority to amend the 1976 Harbour Road Extension Agreement to convey a portion of the City-owned Harbour Road road allowance east of Farewell Street to the Federal Crown, “as is where is” and for a nominal amount to allow the Oshawa Port Authority to construct a driveway access rather than a City-owned collector road subject to the following amendments to the Land Use, Development and Municipal Services Agreement between the City of Oshawa and the Oshawa Port Authority, dated July 15, 2010 as extended:

(a) Clarification that the Oshawa Port Authority will secure the future of the 120 metre Second Marsh buffer zone by limiting its uses to the current uses set out in the Oshawa Port Authority’s Land Use Plan as a zone that will be maintained as a buffer and berm area with no public access, and planted with indigenous species in recognition of the proximity of Oshawa’s Second Marsh;

(b) Extending the term of the Land Use, Development and Municipal Services Agreement for an additional 30 years beyond July 15, 2020;

(c) The Oshawa Port Authority be requested to consult with the City during the last two years of the amending agreement on the use and ownership of the Second Marsh buffer;

(d) Addition of a Clause acknowledging that the City will be able to engage the Oshawa Port Authority’s dredge contractor at the same time as the Oshawa Port Authority will be dredging the port area;

(e) Addition of a Clause that if the dredged material, after being tested by the City, is deemed qualified for disposal in the berm on the buffer zone by the appropriate Government Agency standards, the Oshawa Port Authority agrees to nominate an area for the placement of this material in the berm; and,

2. That, in the event Part 1 above is approved, the Mayor and Clerk be authorized to execute an amending agreement or new agreement and any required documentation concerning the Harbour Road Extension Agreement and the Land Use, Development and Municipal Services Agreement with the Oshawa Port Authority and, as necessary, the Federal Crown, in a form and content acceptable to the Commissioner, Development Services Department and Legal Services; and,
3. That, in the event Part 1 above is approved, the requirement to declare the subject City-owned lands, being a portion of the Harbour Road road allowance east of Farewell Street, as generally identified on Attachments 1 and 2 to DS-19-19 as potentially surplus and all requirements in accordance with By-law 97-2000 be waived; and,

4. That, in the event Part 1 above is approved, the subject City-owned land comprising part of the Harbour Road road allowance east of Farewell Street as generally shown on Attachments 1 and 2 to DS-19-19 be declared surplus to municipal needs and requirements and conveyed to the Federal Crown subject to the City retaining a portion of the Harbour Road road allowance sufficient to accommodate the City’s current and planned needs for the waterfront trail; and,

5. That, in the event that Part 1 above is approved, all of the City-owned unimproved portion of the Harbour Road road allowance east of Farewell Street be formally closed by By-law as a Public Highway and that the notice requirements (e.g. newspaper advertisements) of the City’s Notice By-law 147-2007, as amended, be waived; and,

6. That, in the event that Part 1 above is approved, once the Harbour Road road allowance east of Farewell Street is closed by by-law then the City initiate an amendment to the Oshawa Official Plan to delete the collector road designation.

7. That, in the event that Part 1 above is approved, the Oshawa Port Authority be advised that City Council accepts the 30 year extension of the term of the Land Use, Development and Municipal Services Agreement beyond July 15, 2020, but that the City respectfully requests that the Oshawa Port Authority consider an additional 25 years beyond July 15, 2050 for a total extension of 55 years. For greater clarity and certainty the Oshawa Port Authority is advised that the City can “live with” the 30 year extension as part of this agreement on this matter but respectfully requests that the Oshawa Port Authority consider a total extension of 55 years from July 15, 2020.

Moved by Councillor Marimpietri, seconded by Councillor Marks, (164) “That Council adopt all items listed on the Second Report of the Development Services Committee except:

Correspondence DS-19-14; and,
Report DS-19-19.” Carried

Moved by Councillor McConkey, seconded by Councillor Marimpietri, (165) “That Correspondence DS-19-14 from Joe Arruda requesting the 2019 Development Services Department Budget include a new FTE staff person to work on
and promote the City's Active Transportation Network be referred to the 2020 Budget process. Carried on the following vote

Affirmative – Councillors Giberson, Gray, Hurst, Kerr, Marimpietri, Marks, McConkey, Neal and Mayor Carter

Negative – Councillors Chapman and Nicholson

Absent – None

Moved by Councillor Marimpietri, seconded by Councillor Chapman, (166) “Whereas by letter dated January 21, 2019 the Oshawa Port Authority (O.P.A.) presented a new proposal concerning the Harbour Road Extension matter with a request that the City respond to this proposal by February 15, 2019; and,

Whereas on February 4, 2019 the Development Services Committee considered a related staff recommendation (DS-19-19) and adopted the recommendation with one additional part with the intent of Council dealing with the matter on February 8, 2019 in order to meet the O.P.A.’s requested deadline; and,

Whereas on February 5, 2019 the Federal Minister of Transport announced the government’s intent to amalgamate the O.P.A. and the Hamilton Port Authority, and that the formal notice will be published in the Canada Gazette on February 9, 2019 and that interested parties have until March 11, 2019 (30 days) to submit comments on this proposal; and,

Whereas there is now great uncertainty with respect to the operation of the Port given the Federal Government’s announcement and lack of details; and,

Whereas it is unclear whether the current O.P.A. is a “lame duck” board with respect to matters such as those that affect the long term operation of the Port and use of Crown lands under the administration of the O.P.A.;

Therefore in consideration of the foregoing be it resolved:

1. That Item DS-19-19 and related correspondence be tabled; and,

2. That the Oshawa Port Authority, in an effort to work collaboratively during this uncertain period, be requested to stay the notice dated September 26, 2018 and received pursuant to the 1976 Harbour Road Extension Agreement to trigger the construction of the road extension (CNCL-18-82); and,

3. That a copy of this resolution be forwarded to the Federal Minister of Transport.” Carried as amended by later vote

A request was made to vote on Part 2 separately.
The vote on Parts 1 and 3 Carried on the following

Affirmative – Councillors Chapman, Giberson, Gray, Hurst, Kerr, Marimpietri, Marks, McConkey, Neal, Nicholson and Mayor Carter

Negative – None

Absent – None

Moved by Councillor Nicholson, seconded by Councillor Giberson,
(167) “That Part 2 of the motion be amended to add: ‘If the O.P.A. does not agree to stay its request to proceed with the extension of Harbour Road, the City of Oshawa request the Minister of Transport to use his authority to stay this project until such a time as the future direction and governance of the Port of Oshawa is determined by the Federal Government.’.” Carried as amended by later vote

Moved by Councillor Gray, seconded by Councilor Marks,
(168) “That Part 2 of the motion be further amended to add: ‘That in the event that the Minister does not allow the stay, the issue be brought back to Council before the deadline.’.” Carried on the following vote

Affirmative – Councillors Chapman, Giberson, Gray, Hurst, Kerr, Marimpietri, Marks, McConkey, Neal, Nicholson and Mayor Carter

Negative – None

Absent – None

The vote to adopt the amendment as amended Carried on the following

Affirmative – Councillors Chapman, Giberson, Gray, Hurst, Kerr, Marimpietri, Marks, McConkey, Neal, Nicholson and Mayor Carter

Negative – None

Absent – None

The vote to adopt Part 2 of the motion Carried as amended on the following

Affirmative – Councillors Chapman, Giberson, Gray, Hurst, Kerr, Marimpietri, Marks, McConkey, Neal, Nicholson and Mayor Carter

Negative – None

Absent – None

Moved by Councillor Chapman, seconded by Councillor Marimpietri,
(169) “That the order of the agenda be altered to bring forward Report CNCL-19-18 at this time.” Carried on a 2/3 vote of members present
Moved by Councillor Chapman, Councillor Marks, 
(170) “Whereas, on February 5, 2019 the Honourable Marc Garneau, Minister of Transport, announced that the Government of Canada intends to amalgamate the Oshawa and Hamilton Port Authorities to form a new entity in an effort to improve port efficiencies and planning in the region; and,

Whereas, the notice of intent to amalgamate will be published in the Canada Gazette on February 9, 2019; and,

Whereas, the publication of the notice of intent to amalgamate will mark the beginning of a 30 day consultation period, and interested parties will only have until March 11, 2019 to submit comments on the Government’s proposal to amalgamate the Oshawa Port Authority and Hamilton Port Authority; and,

Whereas, after the 30 day consultation period the Government of Canada can decide to confirm the amalgamation through the publication of a certificate of amalgamation in the Canada Gazette; and,

Whereas, it appears the Federal Government has been working on this proposal for some time without consulting with the City and without any details concerning this important matter at this time such as a proposed governance structure, the business case for the amalgamation and the priorities for this new entity; and,

Whereas, the Port of Oshawa is a major economic driver and the City recognizes the importance of the port from an economic development and jobs creation perspective; and,

Whereas, given the importance of the Port of Oshawa to the Regional and City economies, the importance of a good working relationship between the Port Authority and the City, 30 days is an insufficient amount of time for the public, the Indigenous community and other stakeholders to provide comments; and,

Whereas, on September 24, 2018 in accordance with Report DS-18-150 dated September 20, 2018, City Council provided comments on Transport Canada’s Ports Modernization Review and requested that Transport Canada meet with the Mayor to discuss the City’s comments; and,

Whereas, as of the current date Transport Canada has yet to schedule a meeting with the Mayor to discuss the future of Canada Port Authorities, and more specifically the future of the Oshawa Port Authority and the City is unaware that a final report has been released on Transport Canada’s Port Modernization Review; and,

Whereas it comes as a surprise to the City that the notice of intent to amalgamate the two Port Authorities was provided before the final report of Transport Canada’s Port Modernization Review was released;

Therefore be it resolved:

1. That the Development Services staff be directed to present a report to the February 25, 2019 Development Services Committee regarding the proposal to
amalgamate the Oshawa Port Authority and Hamilton Port Authority in order to provide a submission to the Federal Minister of Transport on this matter and that a Special Council meeting be held thereafter to meet the March 11, 2019 deadline for comments; and,

2. That the Federal Minister of Transport be requested to meet with the Mayor, Regional Chair and Chair of Development Services Committee to discuss the Government of Canada’s intent to amalgamate the Oshawa Port Authority and Hamilton Port Authority before any final decision is made on the matter; and,

3. That Transport Canada be requested to provide the public, the Indigenous community and other stakeholders additional time (90 additional days) to provide comments to the Government of Canada’s certificate of intent to amalgamate the Oshawa Port Authority and Hamilton Port Authority and to allow the City of Oshawa to host a public meeting to obtain comments from its residents and businesses, the Indigenous community and other stakeholders on this important matter to Council and which could influence the Federal Government’s final decision on this matter; and,

4. A copy of this resolution be forwarded to the Prime Minister of Canada, the Federal Minister of Transport, Region of Durham, all Durham area municipalities, the Greater Oshawa Chamber of Commerce, all Durham MP’s and MPP’s, the Oshawa Port Authority, Friends of the Second Marsh and Central Lake Ontario Conservation Authority.” Carried as amended by later votes

Moved by Councillor Nicholson, seconded by Councillor Giberson,

(171) “That Part 2 of the motion concerning CNCL-19-18 be amended to add:

‘a) That the City re-establish a city working group consisting of the Mayor, Chair of Development Services Committee, the two Ward 5 City Councillors and appropriate City staff to monitor the evolving governance and land use issues at the Port of Oshawa and adjacent lands and to provide recommendations and advice to City Council through the Development Services Committee.” Carried as amended by later votes

Moved by Councillor Nicholson, seconded by Councillor Giberson,

(172) “That Part 2 of the motion be further amended to replace the words ‘Mayor, Regional Chair and Chair of Development Services Committee’ with the words ‘Working Group’ so that the motion will read as follows:

b) That the Federal Minister of Transport be requested to meet with the Working Group to discuss the Government of Canada’s intent to amalgamate the Oshawa Port Authority and Hamilton Port Authority before any final decision is made on the matter.” Carried as amended by later votes

Moved by Councillor Kerr, seconded by Councillor Hurst,

(173) “That Part 2 a) of the amendment be further amended to strike the words ‘the two Ward 5 City Councillors’ in Part a) and replace them with ‘a Ward 5 Councillors and a Councillor from another Ward as determined by Council’.” Carried on the following vote
Moved by Councillor Marimpietri, seconded by Councillor Marks, “That the amendments related to Part 2 be referred to staff.” Lost on the following vote

Affirmative – Councillors Chapman, Kerr, Marimpietri, Marks and Mayor Carter

Negative – Councillors Giberson, Gray, Hurst, McConkey, Neal and Nicholson

Absent – None

Moved by Councillor Chapman, seconded by Councillor Gray (174) “That the question be put.” Carried on the following vote

Affirmative – Councillors Chapman, Giberson, Gray, Hurst, Kerr, Marimpietri, Marks, McConkey, Neal, Nicholson and Mayor Carter

Negative – None

Absent – None

The vote to adopt the amendment to the amendment related to Part 2 a) to change the composition of the working group Carried on the following

Affirmative – Councillors Chapman, Giberson, Gray, Hurst, Kerr, Marimpietri, Marks, McConkey, Neal, Nicholson and Mayor Carter

Negative – None

Absent – None

The vote to adopt Part 2 of the main motion as amended Carried on the following

Affirmative – Councillors Chapman, Giberson, Gray, Hurst, Kerr, Marimpietri, Marks, McConkey, Neal, Nicholson and Mayor Carter

Negative – None

Absent – None

The vote to adopt CNCL-19-18 as amended Carried on the following

Affirmative – Councillors Chapman, Giberson, Gray, Hurst, Kerr, Marimpietri, Marks, McConkey, Neal, Nicholson and Mayor Carter

Negative – None

Absent – None
Moved by Councillor Chapman, seconded by Councillor Marimpietri, “That Councillor Gray be nominated as the Ward 5 Councillor to the Port of Oshawa Working Group.”

Councillor Marimpietri temporarily left the meeting.

Moved by Councillor Kerr, seconded by Councillor Marks, (175) “That Councillor Nicholson be nominated as the Ward 5 Councillor to the Port of Oshawa Working Group.” Carried by later vote

Moved by Councillor Gray, seconded by Councillor Chapman, (176) “That nominations for a Ward 5 Councillor to the Port of Oshawa Working Group be closed.” Carried on the following vote

Affirmative – Councillors Chapman, Giberson, Gray, Hurst, Kerr, Marks, McConkey, Neal, Nicholson and Mayor Carter

Negative – None

Absent – None

Councillor Gray declined the nomination.

Councillor Nicholson accepted the nomination.

The vote to appoint Councillor Nicholson to the Port of Oshawa Working Group Carried.

Moved by Councillor Nicholson, seconded by Councillor Neal, “That Councillor Giberson be nominated as the Councillor from another Ward to the Port of Oshawa Working Group.”

Moved by Councillor Chapman, seconded by Councillor Marks, “That Councillor Kerr be nominated as the Councillor from another Ward to the Port of Oshawa Working Group.”

Moved by Councillor Giberson, seconded by Councillor Gray, (177) “That Councillor McConkey be nominated as the Councillor from another Ward to the Port of Oshawa Working Group.” Carried by later votes

Moved by Councillor Gray, seconded by Councillor Hurst, (178) “That nominations for a Councillor from another Ward to the Port of Oshawa Working Group be closed.” Carried

Councillor Giberson declined the nomination.

Councillor Kerr declined the nomination

Councillor McConkey accepted the nomination.

Councillor Marimpietri re-entered the meeting.

The vote to appoint Councillor McConkey to the Port of Oshawa Working Group Carried.
Moved by Councillor Marks, seconded by Councillor Marimpietri, 
(179) “That the meeting recess.” Carried

The meeting recessed at 3:00 p.m. and reconvened at 3:15 p.m. with all members of 
Council in attendance.

Operating Budget

CNCL-19-19 Potential Reductions Information Memo to reduce the 2019 tax rate 
percentage down to 1.85%

Moved by Councillor Chapman, seconded by Councillor Marimpietri, 
(180) “That Council adopt the recommended reductions set out in Report CNCL-19-19 
to reduce the 2019 tax rate.” Carried by later vote

Moved by Councillor Nicholson, seconded by Councillor Neal, 
“That the motion be amended such that the reduction in revenues allocated to the Mary 
Street Parkade be deleted.” Lost

Moved by Councillor Nicholson, seconded by Councillor Neal, 
“That the motion be amended such that the $450,000 that results from the payment of 
the interfund note originally projected to be added to the Infrastructure Reserve be 
earmarked for the purpose of funding service level enhancements approved by Council 
during the 2019 operational year.” Lost on the following vote

Affirmative – Councillors Giberson, Gray, McConkey, Neal and Nicholson

Negative – Councillors Chapman, Hurst, Kerr, Marimpietri, Marks and Mayor Carter

Absent – None

The vote to adopt CNCL-19-19 Carried on the following

Affirmative – Councillors Chapman, Giberson, Gray, Hurst, Kerr, Marimpietri, Marks, 
McConkey, Neal, Nicholson and Mayor Carter

Negative – None

Absent – None

Program 015 Innovation and Transformation

Moved by Councillor Giberson, seconded by Councillor Chapman, 
(181) “That Council approve the 2019 budget for Program 015 Innovation and 
Transformation.” Carried

Tab 7 Corporate Services Department Tab

Moved by Councillor Marks, seconded by Councillor Giberson, 
(182) “That the Corporate Services Department Tab and Program 086 Corporate 
Security be lifted from the table.” Carried

Moved by Councillor Kerr, seconded by Councillor Marks,
(183) “That Council approve the 2019 Operating Budget for the Corporate Services Department.” Carried as amended by later vote

Moved by Councillor Nicholson, seconded by Councillor Marimpietri,
(184) “That the motion be amended such that the service enhancements in Program 086 for security in the parking system be reflected in the parking system revenues.” Carried on the following vote

Affirmative – Councillors Chapman, Giberson, Gray, Hurst, Kerr, Marimpietri, Marks, McConkey, Nicholson and Mayor Carter

Negative – None

Absent – None

Declaration of Interest – Councillor Neal

The vote to approve the 2019 Operating Budget for the Corporate Services Department Carried as amended.

Tab 8 Community Services

Moved by Councillor Kerr, seconded by Councillor Marimpietri,
(185) “That Council approve the 2019 Operating Budget for the Community Services Department.” Carried by later vote

Moved by Councillor Marimpietri, seconded by Councillor Nicholson,
“Whereas the Oshawa Professional Fire Fighters Association commissioned a report on the Oshawa Fire Services’ emergency response in accordance with the fire and emergency service industry standard known as the National Fire Protection Association Standard 1710 (NFPA 1710); and,

Whereas the Geographic Information System (GIS) Emergency Services Response Capabilities Analysis report conducted by the International Association of Fire Fighters was released to the previous Council Administration in October 2018; and,

Whereas the report highlighted the necessity for an industry standard minimum number of firefighters required to respond to each risk and hazard level as determined by risk assessment of the community and in accordance with the NFPA 1710 Standard; and,

Whereas the Oshawa Fire Services currently does not yet deploy the industry NFPA Standard compliment of firefighters to meet the minimum number for low hazard level incidents; and,

Whereas this council strives to have the most effective fire and emergency community safety services to protect our citizens and property within the City of Oshawa;

Therefore, be it resolved that effective immediately the Community Services Department of The Corporation of The City of Oshawa commence the process of further establishing it’s on-duty staffing to effectively achieve community safety by securing 36 firefighters and 1 Platoon Chief in accordance with the recommendation in the IAFF report; and,
Be it further resolved that effective immediately the Oshawa Fire Service will deploy the minimum number of fire fighters required to respond to low hazard emergencies in accordance with the NFPA 1710 Standard.” Referred as amended by later vote

Moved by Councillor Gray, seconded by Councillor Giberson, (186) “That the motion be amended to delete the reference to an additional platoon chief.” Referred by the following motion

Moved by Councillor Kerr, seconded by Councillor Chapman, (187) “That the motion and the amendment concerning Oshawa Fire Services deploy the minimum number of fire fighters required to respond to low hazard emergencies in accordance with the NFPA 1710 Standard be referred to the upcoming Fire Master Plan review process.” Carried on the following vote

Affirmative – Councillors Chapman, Gray, Hurst, Kerr, Marks and Mayor Carter

Negative – Councillors Giberson, Marimpietri, McConkey, Neal and Nicholson

Absent – None

Moved by Councillor Nicholson, seconded by Councillor Neal, “That the City of Oshawa hire an additional four fire suppression staff for the 2019 operational year.” Lost on the following vote

Affirmative – Councillors Giberson, Gray, Marimpietri, Neal and Nicholson

Negative – Councillors Chapman, Hurst, Kerr, Marks, McConkey and Mayor Carter

Absent – None

Moved by Councillor Chapman, seconded by Councillor Gray, (188) “That the meeting recess.” Carried on the following vote

Affirmative – Councillors Chapman, Giberson, Gray, Hurst, Kerr, Marimpietri, Marks and Mayor Carter

Negative – Councillors McConkey, Neal and Nicholson

Absent – None

The meeting recessed at 5:45 p.m. and reconvened at 6:30 p.m. with all members in attendance except Councillor Gray (entered the meeting at 6:33 p.m.).

Moved by Councillor McConkey, seconded by Councillor Nicholson, “That Council move into Committee of the Whole.” Lost on the following vote

Affirmative – Councillors Marimpietri, McConkey, Neal and Nicholson

Negative – Councillors Chapman, Giberson, Hurst, Kerr, Marks and Mayor Carter

Absent – Councillor Gray

Councillor Gray entered the meeting.
The vote to approve the 2019 Operating Budget for the Community Services Department Carried.

Tab 9 Municipal Parking

Moved by Councillor Marimpietri, seconded by Councillor Marks, (189) “That Council approve the 2019 Operating Budget for Municipal Parking.” Carried

Tab 10 Development Services

Moved by Councillor Marimpietri, seconded by Councillor Marks, (190) “That Council approve the 2019 Operating Budget for the Development Services Department.” Carried

Tab 11 Oshawa Executive Airport

Moved by Councillor Marimpietri, seconded by Councillor Marks, (191) “That Council approve the 2019 Operating Budget for the Oshawa Executive Airport.” Carried

Tab 12 Corporate Expenditures

Moved by Councillor Kerr, seconded by Councillor Hurst, (192) “That Council approve the Corporate Expenditures as presented.” Carried

CNCL-19-09 Spark Centre Requesting a One-Time Investment of $30,000 to Support a Business Incubation Centre

Moved by Councillor Chapman, seconded by Councillor Giberson, (193) “That Correspondence CNCL-19-09 from the Spark Centre be lifted from the table.” Carried

The following motion was now before Council:

“That in accordance with CNCL-19-09, Council approve the one-time City investment of $30,000 per year over a 3-year lease to support an Oshawa-centric technology business incubation centre be approved.” Lost on the following vote

Affirmative – Councillor Kerr

Negative – Councillors Chapman, Giberson, Gray, Hurst, Marks, McConkey, Neal, Nicholson and Mayor Carter

Absent – None

Declaration of Interest – Councillor Marimpietri

Tab 13 External Agency Summary (Advisory Committees)

Moved by Councillor Chapman, seconded by Councillor Giberson, (194) “That Council approve the 2019 Operating Budgets and related work plans for the Advisory Committees.” Carried
Moved by Councillor Gray, seconded by Councillor Nicholson,

(195) “1. That the Harbour Capital Fund of $368,000 be combined with the Harbour Reserve (2019 Budget) of $250,000 and,

2. That $382,000 be transferred from the rate stabilization into a newly named Harbour Rehabilitation and Improvements Reserve.” Carried as amended by later votes

A request was made to divide the motion to vote on Part 1 separately.

Moved by Councillor Chapman, seconded by Councillor Gray,

(196) “That the motion be amended to add the following to Part 1: ‘into a newly named Harbour Rehabilitation and Improvement Reserve.’” Carried on the following vote

Affirmative – Councillors Chapman, Giberson, Gray, Hurst, Kerr, Marimpietri, Marks, McConkey, Neal, Nicholson and Mayor Carter

Negative – None

Absent – None

The vote to adopt Part 1 of the main motion Carried as amended on the following

Affirmative – Councillors Chapman, Giberson, Gray, Hurst, Kerr, Marimpietri, Marks, McConkey, Neal, Nicholson and Mayor Carter

Negative – None

Absent – None

The vote to adopt Part 2 of the motion Carried on the following

Affirmative – Councillors Giberson, Gray, Hurst, Kerr, Marks, Nicholson and Mayor Carter

Negative – Councillors Chapman, Marimpietri, McConkey and Neal

Absent – None

Moved by Councillor Giberson, seconded by Councillor Chapman,

(197) “That OUR Program Initiatives be funded for 2019 in the amount of $200,000.” Carried by later vote
Moved by Councillor Nicholson, seconded by Councillor Marimpietri, “That the 2019 net budget impact for OUR Program Initiative in the amount of $200,000 be funded from the tax rate stabilization reserve and that staff investigate future years funding for inclusion in the 2020 budget and beyond.” Lost on the following

Affirmative – None

Negative – Councillors Chapman, Giberson, Gray, Hurst, Kerr, Marimpietri, Marks, McConkey, Neal, Nicholson and Mayor Carter

Absent – None

The vote to adopt the recommendation concerning OUR program Carried on the following

Affirmative – Councillors Chapman, Giberson, Gray, Hurst, Kerr, Marks, Nicholson and Mayor Carter

Negative – Councillors Marimpietri, McConkey and Neal

Absent - None

**Capital Budget**

**Project 40-0037 Environmental Site Assessment**

Moved by Councillor Chapman, seconded by Councillor Giberson, (198) “That Project 40-0037 Environmental Site Assessment be lifted from the table.” Carried

The following motion was now before Council:

“That Project 40-0037 be deleted from the 2019 Capital Budget.” Withdrawn by later vote

Moved by Councillor Chapman, seconded by Councillor Giberson, (199) “That the meeting recess for 5 minutes in order to shut down the webstream; and, that pursuant to the Municipal Act Section 239 (2)(c), this meeting reconvene in a session closed to the public in order to receive information regarding Project 40-0037 which is related to a pending acquisition or disposition of property.” Carried on the following vote

Affirmative – Councillors Chapman, Giberson, Gray, Hurst, Kerr, Marimpietri, Marks, Nicholson and Mayor Carter

Negative – Councillors McConkey and Neal

Absent – None

The meeting recessed at 8:20 p.m. and reconvened in a session closed to the public at 8:28 p.m. with all members of Council present except Councillor McConkey (entered the meeting at 8:33 p.m.).
All members of the public left the meeting.

Council went into closed session at 8:28 p.m.

Closed meeting discussions were held.

Councillor McConkey re-entered the meeting during discussions.

Moved by Councillor Chapman, seconded by Councillor Giberson, (200) “That Council rise from the closed meeting and report.” Carried

**Closed Meeting Report**

The following is a summary of the closed portion of the meeting.

Council discussed Project 40-0037 Environmental Site Assessment and received information related to a pending acquisition or disposition of land.

Councillor McConkey re-entered the meeting.

Closed meeting discussions continued.

This concludes the closed meeting summary report.

Moved by Councillor Nicholson, seconded by Councillor Chapman, (201) “That the motion to delete Project 40-0037 Environmental Site Assessment be withdrawn.” Carried

**Project 40-0036 Farewell Operations Yard Improvements**

Moved by Councillor Nicholson, seconded by Councillor Chapman, (202) “That Project 40-0036 be lifted from the table.” Carried

Moved by Councillor Nicholson, seconded by Councillor Chapman, (203) “That Project 40-0036 be approved.” Carried
Confirming By-law

 Moved by Councillor Chapman, seconded by Councillor Giberson, (204) “That the confirming by-law be passed.” Carried on the following vote

 Affirmative – Councillors Chapman, Giberson, Gray, Hurst, Kerr, Marimpietri, Marks and Mayor Carter

 Negative – Councillors McConkey, Neal and Nicholson

 Absent - None

 11-2019 A by-law to confirm the City Council meeting of February 8, 2019.

 Adjournment

 Moved by Councillor Chapman, seconded by Councillor Marimpietri, (205) “That the meeting adjourn.” Carried

 The meeting adjourned at 8:50 p.m.