

Date: July 8, 2020

File: A-2110

To: Mayor Carter and Members of City Council

From: Mary Medeiros, City Clerk

Re: Agenda/Notice for Special Meeting of City Council

This is to provide the agenda for the Special Meeting of City Council called for:

Monday, July 13, 2020

At 9:30 a.m.

Electronic Meeting

Public Meeting Agenda

Additional Items

(As may be presented at the meeting)

Declarations of Pecuniary Interest

(As may be presented by Council Members)

Delegations

Shailene Panylo, Durham Black Accountability Coalition requesting to address City Council to ask that Council take action to address anti-black racism within the Region.

Matters Requiring Direction

Correspondence Requiring Action

CNCL-20-140 Durham Black Accountability Coalition requesting Council Take Action to Address Anti-Black Racism within the Region

(See Pages 1 to 10)

Public Consent Agenda

That all items listed under the heading of Public Consent Agenda for the July 13, 2020 City Council meeting be adopted as recommended.

Reports

CNCL-20-144

Rent Abatement Requests

(See Pages 11 to 16)

Recommendation

1. That the rent abatement requests outlined in Report CNCL-20-144, dated July 8, 2020 be received for information; and,
2. That current and future requestors be advised that the City is unable to provide commercial rent assistance due to ineligibility for the Canada Emergency Rent Assistance program and due to the restrictions of the Municipal Act, 2001.

CNCL-20-145

Municipal Accommodation Tax

(See Pages 17 to 23)

Recommendation

That based upon the information contained in Report CNCL-20-145 dated July 8, 2020, concerning a Municipal Accommodation Tax:

1. The City of Oshawa Council approves, in principle, the establishment of a Municipal Accommodation Tax Program for transient accommodation providers in the City of Oshawa; and,
2. That staff report back to the Finance Committee with a proposed Municipal Accommodation Tax implementation plan and associated By-law prior to the approval of the 2021 budget.

CNCL-20-146

Oshawa Generals Request for Support for 2021 Memorial Cup Bid

(See Pages 24 to 61)

Recommendation

1. That the funding requests outlined in Report CNCL-20-146, dated July 8, 2020 be approved as follows:
 - a. 2021 budget funding in the amount of \$200,000 of in-kind services and \$50,000 cash, as outlined in Section 6.1 of this Report, to support the operating expenses of the Memorial Cup tournament; and,

- b. 2021 capital budget funding in the amount of \$110,000 (including non-rebatable H.S.T.), as outlined in Section 6.2 of this Report, allocated from the T.C.C. Capital allocation to support capital upgrades for the Memorial Cup tournament; and,
2. That this Report and Council resolution be shared with the Region of Durham for information.

CNCL-20-147

Request from the Oshawa Airport Golf Club to Suspend Lease Payments

Recommendation

Whereas the Oshawa Airport Golf Club leases lands at 1145 Thornton Road North from the City to operate a golf course; and,

Whereas by letter dated April 21, 2020, CNCL-20-27, the Oshawa Airport Golf Club requested that the City suspend the lease payments given the Provincial orders prohibiting golf courses from opening related to the COVID-19 pandemic; and,

Whereas on April 27, 2020, City Council referred the letter to staff for a report; and,

Whereas on May 16, 2020, the Province allowed golf courses to open; and,

Whereas on July 7, 2020, the Oshawa Airport Golf Club withdrew its request to suspend the lease payments since the golf course is now open;

Therefore Report CNCL-20-147 concerning a request from the Oshawa Airport Golf Club to suspend lease payments be received for information.

CNCL-20-148

Revised Applications to Amend Zoning By-law 60-94 and for Approval of a Draft Plan of Subdivision (S-O-2016-04), 820 Conlin Road East, Delta-Rae Developments Limited

(See Pages 62 to 86)

Recommendation

1. That, pursuant to Report CNCL-20-148 dated July 8, 2020, the revised application submitted by Delta-Rae Developments Limited to amend Zoning By-law 60-94 (File: Z-2016-04) to implement a revised draft plan of subdivision (File: S-O-2016-04) located at 820 Conlin Road East be approved generally in accordance with the comments contained in said Report and that the necessary by-law be passed in a form and content acceptable to the Commissioner, Development Services Department and Legal Services; and,

2. That, pursuant to Report CNCL-20-148 dated July 8, 2020, the revised application submitted by Delta-Rae Developments Limited for a draft plan of subdivision (File: S-O-2016-04) at 820 Conlin Road East for 77 lots for single detached dwellings, a medium density residential block to accommodate up to 167 apartments and/or block townhouse dwellings, a block for part of a public elementary school, two landscape strip blocks, two road widening blocks, and new local roads be approved, subject to the conditions as generally set out in Attachment 6 of said Report; and,
3. That, in accordance with Section 34(17) of the Planning Act and notwithstanding that the Zoning By-law Amendment proposed in Report DS-16-60 dated April 14, 2016 presented at the public meeting of April 18, 2016 differs to some degree from the proposed amendment recommended to be approved by City Council, pursuant to Part I of this recommendation, such differences are not substantial enough to require further notice and another public meeting.

CNCL-20-149**Referral CNCL-20-67 Regarding the Construction of Accessible Units as Part of all Residential Development Projects**

(See Pages 87 to 131)

Recommendation

1. That, pursuant to Report CNCL-20-149 dated July 8, 2020, Development Services staff be authorized to initiate the public process for Council to consider an amendment to Section 9.3.5 of the Oshawa Official Plan to permit Council to authorize increases in height and density in return for the provision of affordable housing, seniors housing and accessible housing.
2. That, pursuant to Report CNCL-20-149 dated July 8, 2020, the Province of Ontario be requested to amend the Ontario Building Code in consultation with municipalities, the building and development industry and other stakeholders to permit individual municipalities to establish in consultation with the public and the building and development industry unique approaches and standards applicable only to that municipality to advance accessibility such as a minimum number of accessible units in new development projects.
3. That a copy of Report CNCL-20-149 dated July 8, 2020 and the related Council resolution be sent to:
 - Region of Durham and Durham Area Municipalities
 - Durham Region Members of Provincial Parliament
 - Association of Municipalities of Ontario

- Oshawa's Accessibility Advisory Committee
- Durham Regional Accessibility Advisory Committee
- Large Urban Mayor's Caucus of Ontario
- Advocacy Centre for the Elderly
- Provincial Ministers for Seniors
- United Senior Citizens of Ontario
- Oshawa Senior Citizens Centres
- Ministry of Municipal Affairs and Housing
- Ministry of Government and Consumer Services
- The City's Building Industry Liaison Team including Durham Region Homebuilder's Association and Building Industry and Land Development Association
- Ontario Building Officials Association
- The Accessibility Directorate of Ontario

CNCL-20-151 Mary Street Parking Garage - New License Agreement with TT7 Inc.
(Former Genosha Hotel – 70 King Street E.)

Recommendation

Whereas on September 23, 2019 Oshawa City Council approved Report CS-19-101 to enter into a license agreement with Summers & Co. Developments Inc. for the use of a maximum of 35 parking spaces at the Mary Street Parking Garage, subject to certain terms and conditions for residents at the former Genosha Hotel site at 70 King Street E; and,

Whereas on October 15, 2019 Oshawa City Council approved Report CS-19-112 to update this agreement to be with TT7 Inc. instead of Summers & Co. Developments Inc.; and,

Whereas before the legal agreement could be finalized, by email dated June 29, 2020, TT7 Inc. requested an additional 10 parking spaces in the Mary Street Parking Garage for a total of 45 parking spaces; and,

Whereas Community Services staff have confirmed there is capacity to provide a total of 45 parking spaces in the Mary Street Parking Garage;

Therefore be it resolved:

That pursuant to Reports CS-19-101 and CS-19-112 approved by City Council on September 23, 2019 and October 15, 2019 respectively, the Commissioner, Community Services Department be authorized to enter into a new license agreement with TT7 Inc. for the use of a maximum of 45 parking spaces in the Mary Street Parking Garage at 1 Mary Street North, consistent with the terms and conditions as generally set out in Report CS-19-101 and in a form and content satisfactory to the Commissioner, Community Services Department and the City Solicitor.

CNCL-20-152**Request to Amend Trent University Durham Multi-year Fitness Membership Agreement**

(See Pages 132 to 133)

Recommendation

Whereas on June 11, 2018, Council approved the recommendation contained in Report CS-18-45 dated May 25, 2018 regarding an agreement between the City of Oshawa and Trent University Durham for Multi-year Fitness Membership and Rental of Facilities for Student Use (“Agreement”); and,

Whereas the Agreement was for a term from September 1, 2018 to April 30, 2021 and primarily addresses fitness memberships for Trent Durham students at the Civic Recreation Complex; and,

Whereas attached correspondence dated June 29, 2020 from Dr. Scott Henderson, Dean and Head, Trent University Durham G.T.A. was received by staff requesting suspension of fees for the upcoming Fall term and beyond as necessary as per the existing Agreement, given that the majority of Trent Durham students will not be on campus as a result of the Covid-19 pandemic; and,

Whereas our facilities are currently closed and it is unclear when they will reopen;

Therefore be it resolved that Council authorize City staff:

1. To amend the Agreement to suspend fees for the upcoming 2020 Fall term and beyond as necessary in a form acceptable to the Commissioner, Community Services Department, the City Solicitor and Commissioner, Finance Services/Treasurer; and,
2. As required, provide Trent University Durham with an affordable Opt-in Fee for students should facilities re-open in the Fall or thereafter.

CNCL-20-154**City Comments on Proposed Amendment 1 to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, and the Proposed Land Needs Assessment Methodology**

(See Pages 134 to 158)

Recommendation

1. That Report CNCL-20-154 dated July 8, 2020, be endorsed as the City's comments on Proposed Amendment 1 to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019 and the proposed Land Needs Assessment Methodology; and,
2. That staff be authorized to forward a copy of Report CNCL-20-154 dated July 8, 2020 and its related resolution by City Council to the Ministry of Municipal Affairs and Housing for its consideration; and,
3. That a copy of Report CNCL-20-154 dated July 8, 2020, and the related Council resolution be sent to the Association of Municipalities of Ontario, the Region of Durham, Durham area municipalities, Durham area M.P.P.s., the Central Lake Ontario Conservation Authority, the City's Building Industry Liaison Team which includes the Durham Chapter of the Building Industry and Land Development Association and the Durham Region Home Builders' Association.

CNCL-20-155**Conlin Road East at Grandview Street North - Roundabout Design**

Recommendation

Whereas on January 19, 2018 Council approved Project 73-0450 in the amount of \$50,000 to provide for the design of a roundabout on Conlin Road East at Grandview Street North; and,

Whereas this Project was intended to supplement the 2015 approved funding of \$75,000 for project 7017-2-6; and,

Whereas Request for Proposal C2018-074 for the Conlin Road Roundabout Design was awarded to CIMA Canada Inc. in the amount of \$121,032 (excluding taxes) ; and,

Whereas the City of Oshawa is responsible for undertaking subsurface utility investigations, additional surveys and placing of ads in both of the local newspaper for public consultation; and,

Whereas subsurface utility investigations were to be undertaken by City staff in Operations Services; and,

Whereas due to the COVID-19 situation, the duties of Operations staff has been reprioritized and no longer includes undertaking subsurface utility investigations; and,

Whereas a geotechnical investigation undertaken by CIMA Canada Inc. found areas of impacted soil with levels of Arsenic, Molybdenum, Xylenes, Lead and Mercury that were beyond acceptable limits in the tested soil samples; and,

Whereas additional engineering consulting services are required from CIMA Canada Inc. to delineate and obtain information on the extent and depths of the impacted areas; and,

Whereas CIMA Canada Inc. were required to perform additional work to address design challenges resulting from the proposed road profile along Conlin Road East, east of Grandview Street North; and,

Whereas the expanded scope of work in 2020 will require an additional \$40,000 excluding H.S.T.; and,

Whereas the additional engineering consulting services are outside the scope of work for the CIMA Canada Inc. contract; and,

Whereas Projects 73-0450 and 7017-2-6 are funded from the Transportation Development Charges Reserve as approved in the respective capital budgets; and,

Whereas Finance Services has confirmed that the additional cost of \$40,000 can be funded from the Transportation Development Charges Reserve;

Therefore be it resolved that the additional funding of \$40,000 excluding H.S.T. from the Transportation Development Charges Reserve be approved by Council for the City's costs associated with additional work required for the Conlin Road East Roundabout Design at Grandview Street North.

CNCL-20-156

Request for Tender O 20-07 Harmony Creek Branch 1 Watercourse Improvement

Recommendation

Whereas Council approved in the 2016 Budget Project No 54-0039 in the amount of \$400,000 and 2019 Budget Project 54-0039 in the amount of \$225,000 for a total of \$625,000 including the non-rebateable H.S.T. for the provision of Harmony Creek Branch 1 Watercourse Improvement; and,

Whereas the work in this tender includes the protection of the sanitary sewer and the environment and the relocation of a Multi-use Pathway on the east side of the creek, from approximately 25m South of King Street East to 300m South of King Street and from 360m South of King Street East to 400m South of King Street; and,

Whereas Purchasing Services issued a Request for Tender (R.F.T) O 20 07 for the provision of Harmony Creek Branch 1 Watercourse Improvement; and,

Whereas four bids were received and opened by Purchasing Services on June 24, 2020; and,

Whereas the lowest compliant bid that satisfies the requirements of the R.F.T. was received from Dynex Construction Inc. in the amount of \$777,212 including the non-rebateable H.S.T.; and,

Whereas funding is required for the R.F.T. work in the amount of \$854,935 including the non-rebateable H.S.T. and a 10% contingency; and,

Whereas reference checks were completed for Dynex Construction Inc. and were favourable; and,

Whereas the Region of Durham is funding the Sanitary Sewer Protection Works, in the amount of \$83,645; and,

Whereas in addition to the R.F.T. work, the overall project cost is \$895,347 and also included a Tree Clearing Contract (\$31,294), CLOCA permit fees (\$5,185), and GEMS fish rescue services (\$3,933) in the cumulative amount of \$40,412; and,

Whereas the Harmony Creek Branch 1 Watercourse Improvement overall cost to the City is therefore \$811,702 after subtracting the Regional contribution of \$83,645 and will therefore require an additional \$186,702 to cover these costs; and,

Whereas Finance Services has confirmed that the additional cost of \$186,702 can be funded from the Watercourse Development Charge Reserve and the Growth Related Non-Development Charge Reserve;

Therefore be it resolved that the additional funding of \$186,702 including H.S.T. from the Watercourse Development Charge Reserve (\$158,700) and the Growth Related Non-Development Charge Reserve (\$28,002) be approved by Council for the Harmony Creek Branch 1 Watercourse Improvement.

Public Discussion Agenda

Matters Excluded from Public Consent Agenda

Recess (minimum 30 minutes)

Closed Consent Agenda

That all items listed under the heading of Closed Consent Agenda for the City Council meeting dated July 13, 2020 be adopted as recommended.

Closed Reports

Report of the Development Services Committee

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

DS-20-80 Matters Proposed to be Included in a Memorandum of Understanding
Between the Corporation of the City of Oshawa and the Hamilton Oshawa
Port Authority (PORT-20-04)

Closed Pursuant to Sections 239 (2) (c) and (k) of the Municipal Act

Recommendation

That the recommendation contained in Report DS-20-80 being the Fifth Report of the Port of Oshawa Working Group be endorsed:

- “1. That, pursuant to Closed Report PORT-20-04 dated June 26, 2020, the Commissioner, Development Services Department, City Solicitor and the Chief Administrative Officer or his designate be authorized to initiate discussions on terms of a potential Memorandum of Understanding with the Hamilton-Oshawa Port Authority, generally consistent with those key terms identified in Section 5.2 of said Report, as a means to advance a potential settlement regarding the land holdings at 1615 Simcoe Street South; and,
2. That staff be directed to report back to the Port of Oshawa Working Group, the Development Services Committee and Council on the outcome of the negotiations with the Hamilton-Oshawa Port Authority for terms of a Memorandum of Understanding as provided in Part 1 above, including a summary of key terms on which the parties have reached consensus and, if required, a summary of key terms where consensus remains outstanding, together with recommendations, as appropriate, to address matters that would be affected by the terms of the Memorandum of Understanding or which remain outstanding after attempted negotiation.”

CNCL-20-150 Canadian Flight Academy – Further Update

(Closed pursuant to Sections 239 (2) (e) and (f) of the Municipal Act

(See Pages 159C to 194C)

Recommendation

That staff be authorized to proceed as directed in the recommendation contained in Closed Memorandum CNCL-20-150 dated July 8, 2020.

CNCL-20-153 Yoo Aviation Ltd. – Option to Purchase

(Closed pursuant to Section 239 (2) (c) of the Municipal Act

(See Pages 195C to 246C)

Recommendation

That staff be authorized to proceed as directed in the recommendation contained in Section 5.4 of Report CNCL-20-153.

Closed Discussion Agenda

Matters excluded from Closed Consent Agenda

Closed Correspondence Requiring Action

CNCL-20-141 Peter Dyson, President, I.A.F.F. requesting to address City Council concerning the Draft Fire Master Plan

(See Page 247C)

Rise and Report

By-laws

68-2020 A By-law to Designate the Properties Located at 62 to 68 King Street West and 10 to 12A Centre Street North
(Implements Council Direction of May 25, 2020 through Report CNCL-20-34 to designate 62 to 68 King Street West and 10 to 12A Centre Street North as properties of cultural heritage value or interest.)

69-2020 A By-law to Amend Zoning By-law 60-94, as amended
(Implements Council Direction of July 13, 2020 through Report CNCL-20-148 to change the zoning for lands known municipally as 820 Conlin Road East to facilitate implement a draft plan of subdivision to accommodate a number of residential dwellings, a part of an elementary school, landscaping, road widenings and new local roads.)

- 70-2020 A By-law to Amend Zoning By-law 60-94, as amended
(Implements the direction of the Commissioner, Development Services Department to lift the Holding “h” provisions on certain lands located north of Merivale Court, west of Townline Road South to facilitate the development of 18 single detached dwellings and a future development block for a part of one additional single detached dwelling in draft plan of subdivision S-O-2016-12.)
- 71-2020 A By-law to Amend Licensing By-law 120-2005, as amended
(Implements Council Direction of May 25, 2020 through Report CNCL-20-73 to provide for a local contact in rental properties regulated by Schedule K of the Licensing By-law.)
- 72-2020 A By-law to amend Traffic By-law 79-99 as amended
(Implements Council Direction of June 22, 2020 through Item CS-20-34 of the Twentieth report of the Community Services Committee to reduce the speed limit on Grandview Street North to 40 km/h between Beatrice Street North and Corbett’s Road.)

Confirming By-law

A by-law to confirm the City Council meeting of July 13, 2020.

Adjournment

In accordance Council’s Procedure By-law 111-2017, as amended, during the COVID-19 Pandemic Emergency and in order to maintain the Provincial guidelines regarding limiting public gatherings to 10 persons or less, the Mayor or Deputy Mayor (or designate), the City Clerk, the Deputy City Clerk (or designate), City Clerk Services support staff and Information Technology Services staff will be permitted in the Council Chamber. All other Members of Council and City staff will participate electronically from their offices or an alternate private location to maintain required physical distance in accordance with Provincial orders.

In-person attendance by the public will not be permitted. The Municipal Act, 2001 requires that, subject to the provisions in Section 239, all meetings be open in order for members of the public to observe the meetings. In order to comply with these provisions, members of the public may still view open meeting web streams online live and following the meeting as archived on the City’s website.

Members of the public may request to address Council as a delegation through remote electronic access regarding an item printed on the Agenda by submitting a written request to City Clerk Services a minimum of two business days before the meeting. Members of the public unable to meet the timeline may submit written correspondence regarding an item on the agenda up to two hours prior to the meeting for Council’s consideration. The Clerk will e-mail the correspondence to all members of Council.

The City of Oshawa is committed to providing services as set out in the *Accessibility for Ontarians with Disabilities Act, 2005*. If you have accessibility needs and require alternate formats or other accommodations, contact City Clerk Services at clerks@oshawa.ca or by telephone at 905-436-3311.

City Council – July 13, 2020

Additional Items distributed at the meeting

1. Report **CNCL-20-157** concerning Radio Park Redevelopment – Additional Funding
2. **CNCL-20-158** Correspondence from Wayne Wood concerning Report CNCL-20-145 regarding Municipal Accommodation Tax