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CITY OF VAUGHAN

COUNCIL MEETING

MONDAY, JUNE 15, 2009

MINUTES

1:00 P.M.

Council convened in the Municipal Council Chambers in Vaughan, Ontario, at 1:12 p.m.

The following members were present:

Mayor Linda D. Jackson, Chair
Regional Councillor Joyce Frustaglio (2:47 p.m.)
Regional Councillor Mario F. Ferri
Regional Councillor Gino Rosati
Councillor Tony Carella
Councillor Bernie Di Vona
Councillor Peter Meffe
Councillor Sandra Yeung Racco

114. CONFIRMATION OF AGENDA

MOVED by Regional Councillor Ferri
seconded by Councillor Meffe

THAT the agenda be confirmed.

AMENDMENT

MOVED by Councillor Di Vona
seconded by Councillor Carella

That the following addendums be added to the agenda:

- 1) ONTARIO MUNICIPAL BOARD HEARING
OFFICIAL PLAN AMENDMENT NO. 661 APPEAL
OFFICIAL PLAN AMENDMENT FILE OP.07009
ZONING BY-LAW AMENDMENT FILE Z.070049
PINEGROVE ON SEVEN INC.
5263 REGIONAL ROAD 7 AND 7720 KIPLING AVENUE – WARD 2

Confidential report of the Commissioner of Legal and Administrative Services and City Solicitor with respect to the above.

- 2) AWARD OF TENDER T09-040
TRAFFIC CALMING - VARIOUS LOCATIONS
WARDS 2 AND 3

Report of the Commissioner of Engineering and Public Works with respect to the above.

- 3) AWARD OF TENDER T09-039
TRAFFIC CALMING – SUMMERIDGE DRIVE, AUTUMN HILL BOULEVARD
AND CONFEDERATION PARKWAY/DUFFERIN HILL DRIVE
WARD 4

Report of the Commissioner of Engineering and Public Works with respect to the above.

- 4) BY-LAW NUMBER 137-2009
(Council, February 3, 2009, Item 12, Committee of the Whole Report No. 2)

A By-law to adopt Amendment Number 699 to the Official Plan of the Vaughan Planning Area. (Nashville Heights Holding & Pinestaff Developments Inc., File No. OP.06.006 (OP.06.015 & OP.06.018), located on the east side of Huntington Road and on the west side of the CP Railway, between Nashville Road and Major Mackenzie Drive, in Part of Lots 21 to 25 inclusive, Concession 9)

CARRIED UNANIMOUSLY

Upon the question of the main motion:

CARRIED AS AMENDED

115. DISCLOSURE OF INTEREST

Mayor Jackson declared an interest with respect to Item 36, Committee of the Whole Report No. 32, COMPLIANCE AUDIT REPORT – MICHAEL DIBIASE, as she is the subject of an audit which has similar implications.

Mayor Jackson declared an interest with respect to Item 1, Audit and Operational Review Committee Report No. 1, SUPPLEMENTAL REPORT REGARDING THE MAYOR'S CITY-RELATED EXPENSES FOR 2007, as the matter deals with her expenses.

Councillor Di Vona declared an interest with respect to Item 36, Committee of the Whole Report No. 32, COMPLIANCE AUDIT REPORT – MICHAEL DIBIASE, as he is the subject of an audit which has similar implications.

116. ADOPTION OR CORRECTION OF MINUTES

MOVED by Councillor Di Vona
seconded by Councillor Yeung Racco

THAT the minutes of the meeting of May 26, 2009 be adopted as presented.

CARRIED

117. TAX ADJUSTMENTS PURSUANT TO SECTIONS 357, 358, 359 OF THE MUNICIPAL ACT, S.O. 2001

No one appeared either in support of or in opposition to this matter.

MOVED by Councillor Meffe
seconded by Councillor Carella

That the recommendation contained in the following report of the Director of Financial Services, dated June 15, 2009, be approved:

CARRIED

Recommendation

The Director of Financial Services, in consultation with the Manager of Property Tax & Assessment recommends:

That the tax adjustments as outlined on the attached report be approved.

Contribution to Sustainability

Not applicable.

Economic Impact

The City's share of these property tax adjustments is approximately \$13,958. A provision for tax adjustments has been budgeted.

Communications Plan

As required by the Act, notification of this meeting has been sent to all applicants and persons in respect of whom the applications were made, at least 14 days prior to the meeting.

Purpose

To obtain Council's approval for the increase or cancellation of property taxes as permitted under the *Municipal Act, 2001*.

Background - Analysis and Options

Sections 357 and 358 – Cancellation, Reduction or Refunds:

Twelve (12) applications have been prepared for Council's consideration for the cancellation, reduction or refund of taxes for the current and prior tax years, under sections 357 and 358 of the *Municipal Act, 2001, as amended*. There are various reasons for tax adjustments such as property becoming exempt, roll numbers being cancelled by the Municipal Property Assessment Corporation (MPAC), buildings that have been demolished or razed by fire, and properties that have been over assessed by a gross or manifest clerical error. These tax adjustments do not relate to collection issues.

Eleven (11) applications have been included for Council's consideration but do not require adjustment. They have not qualified for any adjustment under sections 357 and 358 of the *Municipal Act, 2001, as amended*.

The total cancellation, reduction or refund of taxes, as recommended is \$112,098. The City portion of this amount is \$15,448, or approximately 14%. The tax adjustments relating to commercial and industrial properties are prior to any recalculations resulting from the capping legislation.

Section 359 – Increase of Taxes:

Three (3) applications has been prepared under section 359, *Municipal Act, 2001, as amended*, for Council's consideration. The increase in tax on these applications is the result of a MPAC assessment roll error where the property was incorrectly assessed under an apportioned roll number. The apportionment should not have occurred. Reasons for Section 359 adjustments can include gross or manifest errors that are clerical or factual, including transposition of figures, topographical, but cannot be an error in judgment in assessing the land. The total additional tax as recommended is \$11,786. This City portion of this amount is \$1,490.

Relationship to Vaughan Vision 2020

This report is consistent with the priorities previously set by Council and the necessary resources have been allocated and approved.

Regional Implications

The Region's share of these property tax adjustments is approximately \$27,226 or 27%.

Conclusion

Council approval of the applications in this report will allow staff to proceed with the property tax adjustments as applicable. The applicant also has the right to appeal the decision to the Assessment Review Board if so desired.

Attachments

Attachment 1 - Tax Appeal Report

Report prepared by:

Maureen E. Zabiuk, A.I.M.A., AMTC
Manager, Property Tax & Assessment
Ext. 8268

(A copy of the attachments referred to in the foregoing have been forwarded to each Member of Council and a copy thereof is also on file in the office of the City Clerk.)

118. TAX ADJUSTMENTS PURSUANT TO SECTION 356 OF THE MUNICIPAL ACT, 2001

No one appeared either in support of or in opposition to this matter.

MOVED by Regional Councillor Ferri
seconded by Councillor Yeung Racco

That the recommendation contained in the following report of the Director of Financial Services, dated June 15, 2009, be approved:

CARRIED

Recommendation

The Director of Financial Services, in consultation with the Manager of Property Tax and Assessment recommends:

That the tax adjustments as outlined on the attached report be approved in accordance with the requirements under the Municipal Act.

Contribution to Sustainability

Not applicable.

Economic Impact

There is no economic impact to the City of Vaughan.

Communications Plan

As required by the Act, notification of this meeting has been sent to all applicants and persons in respect of whom the applications were made, at least 14 days prior to the meeting.

Purpose

To obtain Council approval for the apportionment of property taxes as permitted under the *Municipal Act, 2001*.

Background - Analysis and Options

Section 356 – Division Into Parcels:

Three (3) applications have been received to sever property that was returned on the roll as one parcel. The Municipal Property Assessment Corporation (MPAC) provides the City with a report outlining the value of each separate piece, and the taxes levied on the single piece are apportioned to the various parts in accordance with the assessment.

An apportionment does not result in a reduction or increase of taxes; it simply shares the taxes levied among the parcels based on the apportioned value of assessment. Should any property owner disagree with the recommendation approved by Council, they can appeal the decision to the Assessment Review Board (ARB) for a further hearing.

Relationship to Vaughan Vision 2020

This report is consistent with the priorities previously set by Council and the necessary resources have been allocated and approved.

Regional Implications

There are no Regional Implications in this Report.

Conclusion

Council approval of the recommendations in this report will allow staff to bill the separate property owners their proportionate share, and confirm their right to appeal the decision to the ARB. If no appeals are filed with the ARB, staff will proceed with the property tax apportionments.

Attachments

Attachment 1 – Severance Report

Report prepared by:

Maureen E. Zabiuk, A.I.M.A., AMTC
Manager, Property Tax & Assessment
Ext. 8268

(A copy of the attachments referred to in the foregoing have been forwarded to each Member of Council and a copy thereof is also on file in the office of the City Clerk.)

119. STREET NAMING/RENAMING FOR CERTAIN PUBLIC LANEWAYS

No one appeared either in support of or in opposition to this matter.

MOVED by Councillor Carella
seconded by Councillor Meffe

That the recommendation contained in the following report of the City Clerk, dated June 15, 2009, be approved:

CARRIED

Recommendation

The City Clerk recommends:

- 1) That any deputations on the matter be received; and
- 2) That a By-law be enacted to name/rename public laneways as outlined on Attachment 1.

Purpose

To enact a by-law to name/rename laneways.

Contribution of Sustainability

Not applicable.

Economic Impact

It is estimated that the one-time cost of \$20,100.00 required by the Public Works Department to install the identification signs for the 33 existing assumed laneways. The funds have been provided in the 2009 operating budget.

Communications Plan

The required notice (Attachment 2) was advertised for two (2) consecutive weeks (May 21st and May 29th, 2009) in the City Page of the following papers: Vaughan Today and Vaughan Citizen/Liberal. The appropriate agencies have been notified of the proposed by-law. No objections have been received.

Background – Analysis and Options

At its meeting of November 10th, 2008, Council directed staff to commence procedures as required by the Municipal Act to advertise and schedule a Public Hearing to name/rename existing laneways that have been dedicated as public highways. The Development Planning Department has recommended that all existing and future laneways should be identified and signed at each end of a laneway in the event of emergency.

Relationship to Vaughan Vision 2020/Strategic Plan

This report is consistent with the priorities previously set by Council and the necessary resources have been allocated and approved.

Regional Implications

Not Applicable.

Conclusion

In order to complete the road name change process, Council's approval of this recommendation is required. A By-law will be brought forward to a future council meeting.

Attachments

1. List of affected laneways
2. Notice of Road Renaming

Report Prepared by:

Brenda Macdonald, Administrative Co-ordinator, Ext. 8286
Todd Coles, Manager of Development Services, Ext. 8332

(A copy of the attachments referred to in the foregoing have been forwarded to each Member of Council and a copy thereof is also on file in the office of the City Clerk.)

120. PROPOSED AMENDMENT TO 2009 CAPITAL & OPERATING BUDGETS – VAUGHAN HEALTH CAMPUS OF CARE

MOVED by Regional Councillor Ferri
seconded by Councillor Di Vona

That the recommendation contained in the following report of the City Manager, the Deputy City Manager/Commissioner of Finance & Corporate Services and the Director of Reserves & Investments, dated June 15, 2009, be approved;

That the confidential memorandum from the Director of Legal Services, dated June 12, 2009, be received; and

That the deputation of Mr. Nick Pinto be received.

NOT VOTED UPON

MOVED by Regional Councillor Rosati
seconded by Councillor Carella

That this matter be dealt with in Closed Session.

CARRIED

Refer to Minute No. 124 for further disposition regarding this matter.

121. DETERMINATION OF ITEMS REQUIRING SEPARATE DISCUSSION

The following items were identified for separate discussion:

Audit and Operational Review Committee Report No. 1

Item 1

Committee of the Whole Report No. 32

Items 10, 11, 12, 22, 25, 29, 34, and 36

Committee of the Whole (Closed Session) Report No. 33

Items 1 and 2

MOVED by Regional Councillor Ferri
seconded by Councillor Di Vona

THAT Items 1 to 5 of the Economic Development Committee Report No. 1 BE APPROVED and the recommendations therein be adopted;

THAT Items 1 to 5 of the Environment Committee Report No. 5 BE APPROVED and the recommendations therein be adopted;

THAT Items 1 to 6 of the Audit and Operational Review Committee Report No. 1, with the exception of the item identified for separate discussion, BE APPROVED and the recommendations therein be adopted;

THAT Items 1 to 3 of the Committee of the Whole (Working Session) Report No. 31 BE APPROVED and the recommendations therein be adopted;

THAT Items 1 to 40 of the Committee of the Whole Report No. 32, with the exception of the items identified for separate discussion, BE APPROVED and the recommendations therein be adopted; and

THAT Items 1 to 5 of the Committee of the Whole (Closed Session) Report No. 33, with the exception of the items identified for separate discussion, BE APPROVED and the recommendations therein be adopted.

CARRIED

Addendum

122. ADDENDUM BY-LAW 137-2009
BY-LAWS FIRST, SECOND AND THIRD READINGS
(Addendum No. 4)

MOVED by Councillor Carella
seconded by Councillor Di Vona

THAT the following by-law be read a First, Second and Third time and enacted:

BY-LAW NUMBER 137-2009
(Council, February 3, 2009, Item 12, Committee of the Whole Report No. 2)

A By-law to adopt Amendment Number 699 to the Official Plan of the Vaughan Planning Area. (Nashville Heights Holding & Pinestaff Developments Inc., File No. OP.06.006 (OP.06.015 & OP.06.018), located on the east side of Huntington Road and on the west side of the CP Railway, between Nashville Road and Major Mackenzie Drive, in Part of Lots 21 to 25 inclusive, Concession 9)

CARRIED

123. CONSIDERATION OF ITEMS REQUIRING SEPARATE DISCUSSION

COMMITTEE OF THE WHOLE REPORT NO. 32

(Refer to Committee Report for complete recommendations and documentation on all Committee items.)

COUNCIL MEETING MINUTES – JUNE 15, 2009

ITEM - 22 SIGN VARIANCE APPLICATION
FILE NO: SV.09-003
OWNER: PINEGROVE ON SEVEN INC.
LOCATION: 5263 HIGHWAY 7
7730 KIPLING AVENUE
7720 KIPLING AVENUE
LOTS 10 TO 13, REGISTERED PLAN 3762
WARD 2

MOVED by Councillor Carella
seconded by Regional Councillor Ferri

THAT Item 22, Committee of the Whole Report No. 32 be adopted and amended, as follows:

By receiving the following written submissions:

- a) Mr. Drazen Bulat, dated June 1, 2009; and
- b) Ms. Ann Grech, dated June 1, 2009.

CARRIED

MOVED by Regional Councillor Ferri
seconded by Regional Councillor Rosati

That Council resolve into Closed Session for the purpose of discussing the following matter:

- i) Item 5. iv) (Minute Nos. 120 and 124) PROPOSED AMENDMENT TO 2009 CAPITAL & OPERATING BUDGETS – VAUGHAN HEALTH CAMPUS OF CARE (solicitor/client matter).

CARRIED

Council recessed at 1:30 p.m.

MOVED by Regional Councillor Ferri
seconded by Regional Councillor Rosati

THAT Council reconvene at 2:47 p.m.

CARRIED

Council reconvened at 2:47 p.m. with the following members present:

Mayor Linda D. Jackson, Chair
Regional Councillor Joyce Frustaglio (2:47 p.m.)
Regional Councillor Mario F. Ferri
Regional Councillor Gino Rosati
Councillor Tony Carella
Councillor Bernie Di Vona
Councillor Peter Meffe
Councillor Sandra Yeung Racco

124. PROPOSED AMENDMENT TO 2009 CAPITAL & OPERATING BUDGETS – VAUGHAN HEALTH CAMPUS OF CARE

MOVED by Councillor Carella
seconded by Councillor Di Vona

COUNCIL MEETING MINUTES – JUNE 15, 2009

That the recommendation contained in the following report of the City Manager, the Deputy City Manager/Commissioner of Finance & Corporate Services and the Director of Reserves & Investments, dated June 15, 2009, be approved;

That By-law 134-2009, be referred to staff for resubmission at the Council meeting of June 30, 2009;

That the confidential memorandum from the Director of Legal Services, dated June 12, 2009, be received; and

That the deputation of Mr. Nick Pinto be received.

AMENDMENT

MOVED by Regional Councillor Rosati
seconded by Councillor Di Vona

That, should an external source of additional funding become available that is specifically for the funding of the “local share” for hospitals i.e. hospital development charges, the City will apply the additional funding to reduce the overall cost of borrowing.

WITHDRAWN

AMENDMENT

MOVED by Councillor Meffe
seconded by Regional Councillor Rosati

That the word “City’s” be inserted before the word “local” in the foregoing amendment.

WITHDRAWN

AMENDMENT

MOVED by Regional Councillor Rosati
seconded by Councillor Meffe

That, should the provincial government bring forward legislation authorizing funding for the local share for hospitals, the City will apply the additional funding to reduce the overall cost of borrowing.

CARRIED

Upon the question of the main motion, as amended, being:

- 1) That the recommendation contained in the following report of the City Manager, the Deputy City Manager/Commissioner of Finance & Corporate Services and the Director of Reserves & Investments, dated June 15, 2009, be approved;
- 2) That By-law 134-2009, be referred to staff for resubmission at the Council meeting of June 30, 2009;
- 3) That the confidential memorandum from the Director of Legal Services, dated June 12, 2009, be received;
- 4) That the deputation of Mr. Nick Pinto be received; and
- 5) That, should the provincial government bring forward legislation authorizing funding for the

local share for hospitals, the City will apply the additional funding to reduce the overall cost of borrowing.

CARRIED

125. CONSIDERATION OF ITEMS REQUIRING SEPARATE DISCUSSION

COMMITTEE OF THE WHOLE REPORT NO. 32

(Refer to Committee Report for complete recommendations and documentation on all Committee items.)

ITEM - 25 SITE DEVELOPMENT FILE DA.08.082
2044632 ONTARIO LTD.
WARD 1

MOVED by Councillor Meffe
seconded by Regional Councillor Ferri

THAT Item 25, Committee of the Whole Report No. 32 be adopted and amended, as follows:

By approving the following recommendation in accordance with the memorandum from the Director of Development Planning, dated June 12, 2009:

1. That the revised site plan, landscape plan, building elevations, and landscape details plan as shown on Attachments #3 o #7 to this memorandum be approved, to the satisfaction of the Vaughan Development Planning Department.

CARRIED

ITEM - 29 ZONING BY-LAW AMENDMENT FILE Z.08.019
KRCMAR PROPERTIES INC.
WARD 4

MOVED by Councillor Yeung Racco
seconded by Regional Councillor Frustaglio

THAT Item 29, Committee of the Whole Report No. 32 be adopted and amended, as follows:

By receiving the memoranda from the Commissioner of Planning, dated June 9 and June 12, 2009; and

By receiving the written submission from Danielle and Alan Morris, 44 Thornway Avenue, Thornhill, L4J 7R8 dated June 11, 2009.

CARRIED

ITEM - 10 AWARD OF TENDER – T09-165 FOR CURB AND SIDEWALK REPAIR & REPLACEMENT

MOVED by Councillor Carella
seconded by Regional Councillor Ferri

THAT Item 10, Committee of the Whole Report No. 32 be adopted and amended, as follows:

COUNCIL MEETING MINUTES – JUNE 15, 2009

By approving the following in accordance with the memorandum from the Commissioner of Engineering and Public Works, dated June 8, 2009:

1. That Tender T09-165 be awarded to Four Seasons Site Development Ltd. of Mississauga, Ontario at a bid price of \$520,485.00, including GST, from the execution date of the Contract, to December 31st, 2010, with the option to renew this contract for three additional one year extensions, subject to the performance of the Contractor to the City's satisfaction during the previous year, and, availability of funds to perform such work during 2011, 2012 and 2013;
2. That staff be authorized to perform the necessary curb and sidewalk repairs up to the approved annual Capital budget amount; and
3. That the Mayor and Clerk be Authorized to sign the necessary documents.

CARRIED

ITEM - 11 AWARD OF TENDER T09-094
PENNON ROAD, DALEVIEW COURT AND KIPLING AVENUE ROAD
RECONSTRUCTION AND VILLAGWOOD COURT RESURFACING
WARDS 1 AND 2

MOVED by Councillor Carella
seconded by Regional Councillor Frustaglio

THAT Item 11, Committee of the Whole Report No. 32 be adopted and amended, as follows:

By approving the following in accordance with the memorandum from the Commissioner of Engineering and Public Works, dated June 4, 2009:

1. That Tender T09-094, Pennon Road, Daleview Court and Kipling Avenue Road Reconstruction and Villagewood Court Road Resurfacing be awarded to NEI Construction Corp. in the amount of \$951,173.50, plus G.S.T.;
2. That a contingency allowance in the amount of \$100,000.00, plus G.S.T. be approved within which the Commissioner of Engineering and Public Works or his designate is authorized to approve amendments to the Contract;
3. That the City retain AECOM Canada Ltd. to provide contract administration and construction inspection services, including geotechnical and material testing and disbursements at an estimated cost of \$68,970.00, plus G.S.T., funded from Capital Budget Project EN-1712-08;
4. That a contingency allowance in the amount of \$7,000.00, plus G.S.T. be approved for contract administration and inspection within which the Commissioner of Engineering and Public Works or his designate is authorized to approve additional engineering services; and
5. That the Mayor and City Clerk be authorized to sign the appropriate documents.

CARRIED

ITEM - 12 AWARD OF TENDER T09-157
ROAD RESURFACING/REHABILITATION - WEST VAUGHAN
VARIOUS LOCATIONS
WARD 2

MOVED by Councillor Carella
seconded by Regional Councillor Ferri

THAT Item 12, Committee of the Whole Report No. 32 be adopted and amended, as follows:

By approving the following in accordance with the memorandum from the Commissioner of Engineering and Public Works, dated June 4, 2009:

1. That Tender T09-157, Road Resurfacing/Rehabilitation – West Vaughan, Various Locations be awarded to D. Crupi & Sons Limited in the amount of \$1,402,124.00, plus G.S.T.;
2. That a contingency allowance in the amount of \$140,000.00, plus G.S.T. be approved within which the Commissioner of Engineering and Public Works or his designate is authorized to approve amendments to the Contract;
3. That a geotechnical and material testing amount of \$15,000.00, plus G.S.T. be approved to ensure compliance with all applicable standards; and
4. That the Mayor and City Clerk be authorized to sign the appropriate documents.

CARRIED

ITEM - 34 2009 ADOPTION OF TAX RATES AND THE ISSUANCE OF
PROPERTY TAX NOTICES

MOVED by Councillor Yeung Racco
seconded by Councillor Meffe

THAT Item 34, Committee of the Whole Report No. 32 be adopted and amended, as follows:

By receiving the memorandum from the Director of Financial Services, dated June 12, 2009.

CARRIED

Addendums

**126. AWARD OF TENDER T09-040
TRAFFIC CALMING - VARIOUS LOCATIONS
WARDS 2 AND 3
(Addendum No. 2)**

MOVED by Councillor Di Vona
seconded by Councillor Carella

That the recommendation contained in the following report of the Commissioner of Engineering and Public Works, dated June 15, 2009, be approved:

CARRIED

Recommendation

The Commissioner of Engineering and Public Works in consultation with the Director of Purchasing Services recommends:

COUNCIL MEETING MINUTES – JUNE 15, 2009

1. That Tender T09-040 - Traffic Calming - Various Locations be awarded to Vaughan Paving Ltd. in the amount of \$270,827.00, plus G.S.T.;
2. That a contingency allowance in the amount of \$2,000.00, plus G.S.T. be approved within which the Commissioner of Engineering and Public Works or his designate is authorized to approve amendments to the Contract;
3. That the 2009 Capital Budget for Traffic Calming (EN-1760-09) be increased by \$134,386.00, from \$579,088.00 to \$713,474.00, to cover the cost of work for the project identified in this tender;
4. That the increase be funded \$10,428.00 from Bridge/Culvert Assessment (1471-0-04), \$68,246.00 from SW & STL-Older Areas (1567-0-05), \$13,518.00 from Woodbridge Avenue Resurfacing (1572-0-05), \$27,000.00 from Bridge Deck Condition Survey (1598-0-06), \$10,988.00 from Traffic Data Collecting Equipment (EN-1681-08), and \$4,206.00 from Charlton Avenue Drainage (EN-1694-07); and
5. That the Mayor and City Clerk be authorized to sign the necessary documents:

Economic Impact

Should Council approve this capital project budget, the 2009 Capital Budget for Traffic Calming (EN-1760-09) will be increased by \$134,386.00, from \$579,088.00 to \$713,474.00. The closing of projects: Bridge/Culvert Assessment 1471-0-04 (\$10,428.00), SW & STL-Older Areas 1567-0-05 (\$68,246.00), Woodbridge Avenue Resurfacing 1572-0-05 (\$13,518.00), Bridge Deck Condition Survey 1598-0-06 (\$27,000.00), Traffic Data Collecting Equipment EN-1681-08 (\$10,988.00), and Charlton Avenue Drainage EN-1694-07 (\$4,206.00), will be made available to off-set this increase. There is no net impact.

Communications Plan

Once the project is awarded, staff will advise the Ward Sub-Committee and will send out a notice of construction letter to the affected residents.

Purpose

The purpose of this report is to request Council approval to award Tender T09-040, Traffic Calming – Various Locations, and to increase the 2009 Capital Budget for Traffic Calming (EN-1760-09) by \$134,386.00, from \$579,088.00 to \$713,474.00, to cover the cost of work at the locations identified in this tender.

Background - Analysis and Options

The work covered by this Tender requires the supply of materials and services for traffic calming measures – various locations.

This tender was advertised in the Daily Commercial News on the Ontario Public Buyers Association (OPBA) and on the Electronic Tendering Network (ETN), and closed on April 28, 2009. A total of 6 sets of bid documents were picked up from Purchasing Services Department, and the following 2 bids were received:

<u>Contractor</u>	<u>Total Bid Amount (excluding G.S.T.)</u>
Vaughan Paving Ltd.	\$270,827.00
Crownwood Construction Ltd.	\$285,260.00

The estimated cost for this project, including provisional items, a contingency allowance and all taxes is \$281,011.80 and is calculated as follows:

COUNCIL MEETING MINUTES – JUNE 15, 2009

Vaughan Paving Ltd. Bid Price (excluding G.S.T.)	\$270,827.00
Contingency Amount	\$ 2,000.00
G.S.T. (5% amount is 100% recoverable)	\$ 13,641.35
Treasury Administration	<u>\$ 8,184.81</u>
Total	\$294,653.16
Less G.S.T. rebate	\$ 13,641.36
Net Total Cost	\$281,011.80

Based on the engineering estimate of \$238,800, tendered prices were approximately 25% higher. Engineering Services staff have reviewed the submitted bids and are satisfied that Vaughan Paving Ltd. has successfully completed similar works for the City, is deemed qualified to undertake this project. Therefore, it is appropriate to award this contract to the low bidder, Vaughan Paving Ltd.

Engineering staff have reviewed a list of previously approved Engineering Services taxation funded capital projects and have identified \$134,386; \$10,428.00 from Bridge/Culvert Assessment (1471-0-04), \$68,246.00 from SW & STL-Older Areas (1567-0-05), \$13,518.00 from Woodbridge Avenue Resurfacing (1572-0-05), \$27,000.00 from Bridge Deck Condition Survey (1598-0-06), \$10,988.00 from Traffic Data Collecting Equipment (EN-1681-08), and \$4,206.00 from Charlton Avenue Drainage (EN-1694-07). These projects will be closed and surplus funding transferred to project EN-1760-09.

Relationship to Vaughan Vision 2020/Strategic Plan

This project is consistent with Vaughan Vision 2020, particularly “Enhance and Ensure Community Safety, Health & Wellness”.

This report is consistent with the priorities previously set by Council.

Regional Implications

Not Applicable.

Conclusion

It is recommended that Tender T09-040 - Traffic Calming - Various Locations be awarded to Vaughan Paving Ltd.

Attachments

1. Location Map

Report prepared by:

Mark Ranstoller, Senior Traffic Technologist, ext. 3141
Mike Dokman, C.E.T. Supervisor, Traffic Engineering ext 3118

(A copy of the attachments referred to in the foregoing have been forwarded to each Member of Council and a copy thereof is also on file in the office of the City Clerk.)

- 127. AWARD OF TENDER T09-039
TRAFFIC CALMING – SUMMERIDGE DRIVE, AUTUMN HILL BOULEVARD
AND CONFEDERATION PARKWAY/DUFFERIN HILL DRIVE
WARD 4
(Addendum No. 3)**

MOVED by Councillor Yeung Racco
seconded by Regional Councillor Ferri

That the recommendation contained in the following report of the Commissioner of Engineering and Public Works, dated June 15, 2009, be approved:

CARRIED

Recommendation

The Commissioner of Engineering and Public Works in consultation with the Director of Purchasing Services recommends:

1. That Tender T09-039 for Traffic Calming – Summeridge Drive, Autumn Hill Boulevard and Confederation Parkway/Dufferin Hill Drive intersection be awarded to Vaughan Paving Ltd. In the amount of \$380,671.00, plus G.S.T.;
2. That a contingency allowance in the amount of \$3,000.00, plus G.S.T. be approved within which the Commissioner of Engineering and Public Works or his designate is authorized to approve amendments to the Contract; and
3. That the Mayor and City Clerk be authorized to sign the necessary documents:

Economic Impact

The total cost of \$395,181.13 for the project falls within the approved budget amount of \$579,088.00 (Traffic Calming – EN-1760-09) and as such, there is no additional economic impact to the 2009 Capital Budget.

Communications Plan

Once the project is awarded, staff will advise the Ward Sub-Committee and will send out a notice of construction letter to the affected residents.

Purpose

The purpose of this report is to request Council approval to award Tender T09-039, Traffic Calming – Summeridge Drive, Autumn Hill Boulevard and Confederation Parkway/Dufferin Hill Drive intersection.

Background - Analysis and Options

The work covered by this Tender requires the supply of materials and services for traffic calming measures to be installed on Summeridge Drive, Autumn Hill Boulevard, and Confederation Parkway/Dufferin Hill Drive intersection.

This tender was advertised in the Daily Commercial News on the Ontario Public Buyers Association (OPBA) and on the Electronic Tendering Network (ETN), and closed on April 28, 2009. A total of 6 sets of bid documents were picked up from Purchasing Services Department, and the following 2 bids were received:

<u>Contractor</u>	<u>Total Bid Amount (excluding G.S.T.)</u>
Vaughan Paving Ltd.	\$380,671.00
Crownwood Construction Ltd.	\$422,338.00

The estimated cost for this project, including provisional items, a contingency allowance and all taxes is \$395,181.13 and is calculated as follows:

Vaughan Paving Ltd. Bid Price (excluding G.S.T.)	\$380,671.00
Contingency Amount	\$ 3,000.00

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G.S.T. (5% amount is 100% recoverable)	\$ 19,183.55
Treasury Administration	<u>\$ 11,510.13</u>
Total	\$414,364.68
Less G.S.T. rebate	<u>\$ 19,183.55</u>
Net Total Cost	\$395,181.13

Based on the engineering estimate of \$342,600, tendered prices were approximately 25% higher. Engineering Services staff have reviewed the submitted bids and are satisfied that Vaughan Paving Ltd. has successfully completed similar works for the City, is deemed qualified to undertake this project. Therefore, it is appropriate to award this contract to the low bidder, Vaughan Paving Ltd.

Relationship to Vaughan Vision 2020/Strategic Plan

This project is consistent with Vaughan Vision 2020, particularly “Enhance and Ensure Community Safety, Health & Wellness”.

This report is consistent with the priorities previously set by Council.

Regional Implications

Not Applicable.

Conclusion

It is recommended that Tender T09-030 for Traffic Calming- Summeridge Drive, Autumn Hill Boulevard and Confederation Parkway/Dufferin Drive be awarded to Vaughan Paving Ltd.

Attachments

1. Location Map

Report prepared by:

Mark Ranstoller, Senior Traffic Technologist, ext. 3141
Mike Dokman, C.E.T. Supervisor, Traffic Engineering ext 3118

(A copy of the attachments referred to in the foregoing have been forwarded to each Member of Council and a copy thereof is also on file in the office of the City Clerk.)

MOVED by Councillor Meffe
seconded by Councillor Carella

That Council resolve into Closed Session for the purpose of discussing the following matters:

- i. Item 1, Committee of the Whole (Closed Session) Report No. 33, NAMING OF A FIRE STATION (personal information about an identifiable individual);
- ii. Item 2, Committee of the Whole (Closed Session) Report No. 33 PERSONNEL MATTER, (personal information about an identifiable individual); and
- iii. Addendum No. 1 (Minute No. 129), ONTARIO MUNICIPAL BOARD HEARING, OFFICIAL PLAN AMENDMENT NO. 661 APPEAL, OFFICIAL PLAN AMENDMENT FILE OP.07009, ZONING BY-LAW AMENDMENT FILE Z.070049, PINEGROVE ON SEVEN INC, 5263 REGIONAL ROAD 7 AND 7720 KIPLING AVENUE – WARD 2 (litigation/potential litigation) (solicitor/client matter).

CARRIED

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At this point in the meeting Mayor Jackson relinquished the Chair to Regional Councillor Frustaglio.

MOVED by Regional Councillor Rosati
seconded by Regional Councillor Ferri

That Council resolve into Closed Session for the purpose of discussing the following matters:

- i. Item 36, Committee of the Whole Report No. 32, COMPLIANCE AUDIT REPORT – MICHAEL DIBIASE (solicitor/client matter).

CARRIED

Council recessed at 3:20 p.m.

MOVED by Councillor Carella
seconded by Councillor Meffe

THAT Council reconvene at 4:33 p.m.

CARRIED

Council reconvened at 4:33 p.m. with the following members present:

Mayor Linda D. Jackson, Chair
Regional Councillor Joyce Frustaglio
Regional Councillor Mario F. Ferri
Regional Councillor Gino Rosati
Councillor Tony Carella
Councillor Bernie Di Vona
Councillor Peter Meffe
Councillor Sandra Yeung Racco

128. CONSIDERATION OF ITEMS REQUIRING SEPARATE DISCUSSION

COMMITTEE OF THE WHOLE (CLOSED SESSION) REPORT NO. 33

(Refer to Committee Report for complete recommendations and documentation on all Committee items.)

ITEM - 1 NAMING OF A FIRE STATION

MOVED by Councillor Carella
seconded by Councillor Yeung Racco

THAT Item 1, Committee of the Whole (Closed Session) Report No. 33 be adopted and amended, as follows:

By receiving the confidential memorandum from the City Manager, dated June 9, 2009.

CARRIED

Addendum

**129. ONTARIO MUNICIPAL BOARD HEARING
OFFICIAL PLAN AMENDMENT NO. 661 APPEAL
OFFICIAL PLAN AMENDMENT FILE OP.07009
ZONING BY-LAW AMENDMENT FILE Z.070049
PINEGROVE ON SEVEN INC.
5263 REGIONAL ROAD 7 AND 7720 KIPLING AVENUE – WARD 2**

(Addendum No. 1)

MOVED by Councillor Carella
seconded by Councillor Meffe

- 1) That counsel for the City be instructed to accept the Applicant's June 11, 2009 "without prejudice" offer to settle the OMB hearing on the basis outlined in this confidential report of the Commissioner of Legal and Administrative Services and City Solicitor and to finalize Minutes of Settlement in accordance therewith; and
- 2) That the confidential report of the Commissioner of Legal and Administrative Services and City Solicitor, dated June 15, 2009, be received.

CARRIED

130. CONSIDERATION OF ITEMS REQUIRING SEPARATE DISCUSSION

COMMITTEE OF THE WHOLE (CLOSED SESSION) REPORT NO. 33

(Refer to Committee Report for complete recommendations and documentation on all Committee items.)

ITEM - 2 PERSONNEL MATTER

MOVED by Councillor Meffe
seconded by Regional Councillor Frustaglio

THAT Item 2, Committee of the Whole (Closed Session) Report No. 33 be adopted and amended, as follows:

By approving the following:

1. That subject to the execution of a Memorandum of Agreement between the parties which enables Michael DeAngelis to retire with a full pension on January 31, 2010:
 - (a) Clayton Harris be appointed as the City Manager effective September 1, 2009 at the job rate consistent with the City's pay policy;
 - (b) Effective September 1, 2009, Michael DeAngelis convert to an advisory role at his current compensation until his retirement on January 31, 2010;
 - (c) An announcement regarding Mr. DeAngelis and Mr. Harris be made immediately upon adoption of this succession and transition plan;
 - (d) Mr. DeAngelis be indemnified for costs from all present and future legal actions or complaints brought against him in relation to acts or omissions arising from the ordinary course of his employment with the City;
 - (e) The City Clerk be authorized to execute the Memorandum of Agreement between Mr. DeAngelis and the City;
 - (f) Staff immediately commence the recruitment of a Commissioner of Finance through an external search consultant, and that Mayor Jackson, Regional

Councillor Ferri, and Regional Councillor Rosati be appointed to the search committee.

2. That any necessary by-laws be introduced.

CARRIED

At this point in the meeting Mayor Jackson relinquished the Chair to Regional Councillor Frustaglio.

COMMITTEE OF THE WHOLE REPORT NO. 32

(Refer to Committee Report for complete recommendations and documentation on all Committee items.)

ITEM - 36 COMPLIANCE AUDIT REPORT – MICHAEL DIBIASE

MOVED by Councillor Yeung Racco
seconded by Councillor Meffe

THAT Item 36, Committee of the Whole Report No. 32 be adopted and amended, as follows:

WHEREAS Council has received, reviewed, and considered the Report of Ken Froese and Glen R. Davison dated May 27, 2009 being the Compliance Audit Report regarding the 2006 municipal election campaign finances of Michael Di Biase;

AND WHEREAS the Compliance Audit Report has identified numerous apparent contraventions of the Municipal Elections Act, regarding the election campaign finances of Michael Di Biase;

AND WHEREAS Council has received and considered the legal advice of Timothy J. Wilkin, the City's external legal counsel retained to provide independent advice in this matter;

AND WHEREAS the obligation to commence legal proceedings in respect of such contraventions under the Municipal Elections Act falls to Council;

NOW THEREFORE THE COUNCIL OF THE CITY OF VAUGHAN RESOLVES AS FOLLOWS:

1. That Timothy J. Wilkin of Cunningham, Swan, Carty, Little & Bonham LLP be provided the authority to lay charges against Michael Di Biase under the Municipal Elections Act, 1996; and
2. That Mr. Timothy J. Wilkin be retained to conduct the prosecutions and to proceed in a timely manner; and
3. That the charges to be laid shall be those for which reasonable and probable grounds exist for believing that an offence has been committed, as may be determined in the legal opinion of Timothy J. Wilkin; and
4. That the retainer includes instructions that Timothy J. Wilkin have the authority, in his sole discretion:
 - i) to withdraw any charge, or charges, against Michael Di Biase if, in his opinion, the available evidence in respect of a charge or charges does not provide a reasonable likelihood of obtaining a conviction; and

- ii) to conduct any pre-trial or trial proceedings necessary, and to summon such witnesses as may be required including, if necessary, the retaining of experts to appear as witnesses; and
- iii) to enter into negotiations with respect to the charges for the purposes of establishing an agreed statement of facts, a plea bargain and/or a joint submission to the Court in respect of penalty; and
- iv) to enter into a binding plea bargain agreement; and
- v) to establish what penalty to seek from the Court upon a conviction; and
- vi) to provide regular status reports to the City Solicitor for her information.

CARRIED

Having previously declared an interest Mayor Jackson did not take part in the discussion or vote on the foregoing matter.

Having previously declared an interest Councillor Di Vona did not take part in the discussion or vote on the foregoing matter.

AUDIT AND OPERATIONAL REVIEW COMMITTEE REPORT NO. 1

(Refer to Committee Report for complete recommendations and documentation on all Committee items.)

ITEM - 1 SUPPLEMENTAL REPORT REGARDING THE MAYOR'S
CITY-RELATED EXPENSES FOR 2007

MOVED by Regional Councillor Rosati
seconded by Councillor Di Vona

THAT Item 1, Audit and Operational Review Committee Report No. 1 be adopted without amendment.

CARRIED

Having previously declared an interest Mayor Jackson did not take part in the discussion or vote on the foregoing matter.

At this point in the meeting Mayor Jackson resumed the Chair.

131. BY-LAWS FIRST, SECOND AND THIRD READINGS

MOVED by Councillor Carella
seconded by Regional Councillor Rosati

That the memorandum from the Senior Manager of Real Estate, dated June 10, 2009, regarding By-law 130-2009, be received;

That the memorandum from the Director of Legal Services, dated June 10, 2009, regarding By-law 132-2009, be received;

That the memorandum from the Commissioner of Planning, dated June 11, 2009, regarding By-law 133-2009, be received; and

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THAT the following by-laws be read a First, Second and Third time and enacted:

- By-Law Number 121-2009 A By-law to exempt parts of Plan 65M-4020 from the provisions of Part Lot Control. (PLC.09-010, Fernbrook Homes (Teston) Limited, located west of Bathurst Street and south of Teston Road, specifically on Lady Loretta Lane, being Lots 1 - 24 inclusive on Registered Plan 65M-4020, in Part of Lot 25, Concession 2) (Delegation By-law 333-98)
- By-Law Number 122-2009 A By-law to repeal By-law 121-2009. (PLC.09-010, Fernbrook Homes (Teston) Limited, located west of Bathurst Street and south of Teston Road, specifically on Lady Loretta Lane, being Lots 1 - 24 inclusive on Registered Plan 65M-4020, in Part of Lot 25, Concession 2) (Delegation By-law 333-98)
- By-Law Number 123-2009 A By-law to exempt parts of Plan 65M-4004 from the provisions of Part Lot Control. (PLC.09.002, Nine Ten West Ltd., located north of Rutherford Road and located east Crimson Forest Drive, specifically on White Spruce Crescent (Lots 48-52, 67-68 inclusive), Blue Grouse Road (Lots 100 – 105 inclusive) and Crimson Forest Drive (Lots 156-159, 194-197) on Registered Plan 65M-4004, in Part of Lots 16 and 17, Concession 2, Ward 1) (Delegation By-law 333-98)
- By-Law Number 124-2009 A By-law to repeal By-law 123-2009. (PLC.09.002, Nine Ten West Ltd., located north of Rutherford Road and located east Crimson Forest Drive, specifically on White Spruce Crescent (Lots 48-52, 67-68 inclusive), Blue Grouse Road (Lots 100 – 105 inclusive) and Crimson Forest Drive (Lots 156-159, 194-197) on Registered Plan 65M-4004, in Part of Lots 16 and 17, Concession 2, Ward 1) (Delegation By-law 333-98)
- By-Law Number 125-2009 A By-law to exempt parts of Plans 65M- 4105 and 65M-4107 from the provisions of Part Lot Control. (PLC.09.008, JRN Holdings Inc., and Eden Oak (Vellore Park) Incorporated, located on the west side of Weston Road, north of Major Mackenzie Drive specifically on the south side of Canada Drive, the west side and south east side of Summit Drive and on the south side of Venice gate, being Blocks 138 to 153 inclusive, on Registered Plan 65M-4107, Lots 56 and 57, and Blocks 58 to 73 inclusive, on Registered Plan 65M-4105, in Lot 24, Concession 5) (Delegation By-law 333-98)
- By-Law Number 126-2009 A By-law to repeal By-law 125-2009. (PLC.09.008, JRN Holdings Inc., and Eden Oak (Vellore Park) Incorporated, located on the west side of Weston Road, north of Major Mackenzie Drive specifically on the south side of Canada Drive, the west side and south east side of Summit Drive and on the south side of Venice gate, being Blocks 138 to 153 inclusive, on Registered Plan 65M-4107, Lots 56 and 57, and Blocks 58 to 73 inclusive, on Registered Plan 65M-4105, in Lot 24, Concession 5) (Delegation By-law 333-98)
- By-Law Number 127-2009 A By-law to assume Municipal Services in Vaughan Centre Subdivision, Phase 1, 19T-95079, Registered Plan 65M-3445. (Subdivision Agreement - Northwest Jane Rutherford Realty Limited dated July 5, 2000) (Item 13, Committee of the Whole, Report No. 32)
- By-Law Number 128-2009 A By-law to assume Municipal Services in Northwest Jane

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- Rutherford Realty, Phase II, 19T-99V06, Registered Plan 65M-3578. (Subdivision Agreement - Northwest Jane Rutherford Realty Limited dated February 1, 2002) (Item 14, Committee of the Whole, Report No. 32)
- By-Law Number 129-2009 A By-law to sell an easement over Part 4 on Reference Plan 65R-11650 and to authorize the sale of City lands, to Peter Vaccher and to 111303 Ontario Limited. (Item 4, Committee of the Whole (Closed Session), Report No. 33)
- By-Law Number 130-2009 A By-law to authorize the conveyance of land to the City for the extension of Innovation Drive. (Parts 17 and 18) (Council, March 31, 2008, Item 3, Committee of the Whole (Closed Session), Report No. 17)
- By-Law Number 131-2009 A By-law to authorize the execution of a Park License and an Easement Agreement with Hydro One/ORC. (Lands on Highway 27 south of Milani Boulevard) (Council, May 5, 2009, Item 3, Committee of the Whole (Closed Session), Report No. 24)
- By-Law Number 132-2009 A By-law to authorize the conveyance of land to the Regional Municipality of York for a road widening on Major Mackenzie Drive. (South side of Major Mackenzie Drive on the Civic Centre Site) (Additional Information Memo from Director of Legal Services dated June 10, 2009)
- By-Law Number 133-2009 A By-law to amend City of Vaughan By-law Number 203-2008 to extend the By-law for a further period of one year. (Extension of Interim Control By-law 203-2009, respecting lands north of Major Mackenzie Drive between Highway 400 and Jane Street) (Additional Information Memo from Commissioner of Planning dated June 11, 2009)
- By-Law Number 135-2009 A By-law to authorize the issuance of debentures by the Regional Municipality of York and to authorize staff to secure interim financing. (Council, May 26, 2009, Item 1, Special Committee of the Whole, Report No. 30)
- By-Law Number 136-2009 A By-law to adopt property tax rates, tax ratios and to provide for the general local municipality levy and collection of levies required for the City of Vaughan for the year 2009 and to provide for the issuance of tax bills requiring payment of taxes for the year 2009. (Item 34, Committee of the Whole, Report No. 32)

CARRIED

(By-Law Number 134-2009 was not passed and was referred to staff for resubmission at the Council meeting of June 30, 2009. Refer to Minute No. 124 for disposition.)

132. **CONFIRMING BY-LAW**

MOVED by Councillor Carella
seconded by Councillor Yeung Racco

COUNCIL MEETING MINUTES – JUNE 15, 2009

THAT By-law Number 138-2009, being a by-law to confirm the proceedings of Council at its meeting on June 15, 2009, be read a First, Second and Third time and enacted.

CARRIED

133. ADJOURNMENT

MOVED by Councillor Meffe
seconded by Councillor Yeung Racco

THAT the meeting adjourn at 5:10 p.m.

CARRIED

Linda D. Jackson, Mayor

Jeffrey A. Abrams, City Clerk