Committee of the Whole
REPORT 09-022
As Amended by Council on August 13, 2009
9:30 a.m.
August 11, 2009
Albion Room
Hamilton Convention Centre

Present:
Mayor F. Eisenberger

Absent with regrets:
Councillor M. McCarthy – Vacation
Councillor S. Duvall – Vacation

Also Present:
C. Murray, City Manager
R. Rossini, General Manager, Finance and Corporate Services
G. Davis, General Manager, Public Works
T. McCabe, General Manager, Planning and Economic Development
J.A. Priel, General Manager, Community Services
P. Barkwell, City Solicitor
K. Christenson, City Clerk
M. Gallagher, Co-ordinator, Council and Committee of the Whole/Budgets

COMMITTEE OF THE WHOLE PRESENTS REPORT 09-022 AND RESPECTFULLY RECOMMENDS:
1. **Extension of Municipal Development Charges Demolition Credits for 85 Robinson Street (former Thistle Club Site) (FCS09074) (Ward 2) (Item 4.1)**

   That the Municipal Development Charge Demolition Credits for 85 Robinson Street (former Thistle Club Site) (5-year life, expire August 31, 2009) in the amount of $1,084,962 be extended to June 30, 2011 to coincide with the deadline date of the Parkland Dedication Rate reduction stimulus.

2. **Apportionment of Property Taxes for Various Properties in Flamborough, Glanbrook, Hamilton and Stoney Creek (Wards 7, 9, 11, 12, 14 and 15) (FCS09001(e)) (Item 4.2)**

   (a) That the 2009 property taxes, in the amount of $1,512 for 66-68 Lawson St., Hamilton, (Roll #2518 070 643 05678), be apportioned and split amongst the two newly created parcels as set out in Appendix A to report FCS09001(e);

   (b) That the 2007, 2008 and 2009 property taxes, in the amount of $11,768 for 146 Stone Church Rd. E., Hamilton, (Roll #2518 070 861 07590), be apportioned and split amongst the two newly created parcels as set out in Appendix A to report FCS09001(e);

   (c) That the 2007, 2008 and 2009 partial payments remitted against the property taxes, in the amount of $7,854 for 146 Stone Church Rd. E., Hamilton, (Roll #2518 070 861 07590) be apportioned and split amongst the two newly created parcels as set out in Appendix A to report FCS09001(e);

   (d) That the 2009 property taxes, in the amount of $2,276 for 0 Azalea Court, Stoney Creek, (Roll #2518 003 655 11290), be apportioned and split amongst the two newly created parcels as set out in Appendix A to report FCS09001(e);

   (e) That the 2009 property taxes, in the amount of $4,296 for 16-24 Sedgebrook Ave., Stoney Creek, (Roll #2518 003 010 14938), be apportioned and split amongst the five newly created parcels as set out in Appendix A to report FCS09001(e);

   (f) That the 2009 partial payments remitted against the 2009 property taxes, in the amount of $3,672 for 16-24 Sedgebrook Ave., Stoney Creek, (Roll #2518 003 010 14938), be apportioned and split amongst the five newly created parcels as set out in Appendix A to report FCS09001(e);
(g) That the 2009 property taxes, in the amount of $1,943 for 0 Willowbanks Terrace, Stoney Creek, (Roll #2518 003 020 31740), be apportioned and split amongst the three newly created parcels as set out in Appendix A to report FCS09001(e);

(h) That the 2009 partial payments remitted against the 2009 property taxes, in the amount of $486 for 0 Willowbanks Terrace, Stoney Creek, (Roll #2518 003 020 31740), be apportioned and split amongst the three newly created parcels as set out in Appendix A to report FCS09001(e);

(i) That the 2009 property taxes, in the amount of $1,943 for 0 Signal Hill Parkway, Stoney Creek, (Roll #2518 003 020 31780), be apportioned and split amongst the three newly created parcels as set out in Appendix A to report FCS09001(e);

(j) That the 2009 partial payments remitted against the 2009 property taxes, in the amount of $486 for 0 Signal Hill Parkway, Stoney Creek, (Roll #2518 003 020 31780), be apportioned and split amongst the three newly created parcels as set out in Appendix A to report FCS09001(e);

(k) That the 2009 property taxes, in the amount of $4,152 for 1217 Barton St., Stoney Creek, (Roll #2518 003 110 28000), be apportioned and split amongst the three newly created parcels as set out in Appendix A to report FCS09001(e);

(l) That the 2008 and 2009 property taxes, in the amount of $5,243 for 1099 Highway 8, Stoney Creek, (Roll #2518 003 220 39200), be apportioned and split amongst the three newly created parcels as set out in Appendix A to report FCS09001(e);

(m) That the 2009 property taxes, in the amount of $2,010 for 1073 Highway 8, Stoney Creek, (Roll #2518 003 220 40000), be apportioned and split amongst the two newly created parcels as set out in Appendix A to report FCS09001(e);

(n) That the 2009 property taxes, in the amount of $5,207 for 0 Viking Drive, Glanbrook, (Roll #2518 901 410 71740), be apportioned and split amongst the seventy-six newly created parcels as set out in Appendix A to report FCS09001(e);

(o) That the 2009 property taxes, in the amount of $6,116 for 7055-7065 Airport Rd., Glanbrook, (Roll #2518 902 510 46200), be apportioned and split amongst the two newly created parcels as set out in Appendix A to report FCS09001(e);
(p) That the 2008 and 2009 property taxes, in the amount of $7,741 for 671 Lions Club Road, Ancaster, (Roll #2518 140 130 22800), be apportioned and split amongst the two newly created parcels as set out in Appendix A to report FCS09001(e);

(q) That the 2008 and 2009 property taxes, in the amount of $153,267 for 71 Highway 52, Flamborough, (Roll #2518 301 140 37000), be apportioned and split amongst the two newly created parcels as set out in Appendix A to report FCS09001(e);

(r) That the 2009 property taxes, in the amount of $6,630 for 1141 2nd Concession Rd. W., Flamborough, (Roll #2518 301 240 63400), be apportioned and split amongst the two newly created parcels as set out in Appendix A to report FCS09001(e);

(s) That the 2009 property taxes, in the amount of $4,668 for 854 Centre Rd., Flamborough, (Roll #2518 303 510 10400), be apportioned and split amongst the two newly created parcels as set out in Appendix A to report FCS09001(e); and

(t) That the 2008 and 2009 property taxes, in the amount of $15,862 for 521 6th Concession Rd. E., Flamborough, (Roll #2518 303 610 01000), be apportioned and split amongst the two newly created parcels as set out in Appendix A to report FCS09001(e).

3. Tax Appeals under Section 357 and 358 of the Municipal Act, 2001 (City Wide) (FCS09006(d)) (Item 4.3)

(a) That the tax write-offs processed under Section 357 of the Municipal Act, 2001, in the amount of $19,084 be approved as set out in Appendix A to report FCS09006(d); and

(b) That the tax appeals due to a gross or manifest clerical error, pursuant to Section 358 of the Municipal Act, 2001, in the amount of $11,874 be approved as set out in Appendix B to report FCS09006(d).

4. Award of Tender C12-17-09 Supply and Delivery of Orange Reflective and Fire Resistant Clothing (City Wide) (FCS09076) (Item 4.4)

That the Corporate Tender C12-17-09 Supply and Delivery of Orange Reflective and Fire Resistant Clothing to Various City of Hamilton Departments be awarded to the lowest compliant bid per section as follows:
(a) Section 1 (High Visibility Safety Clothing) to AGO Industries Inc. with a total estimated annual expenditure of $348,850.

(b) Section 2 (High Visibility Fire Resistant Clothing) to AGO Industries Inc. with a total estimated annual expenditure of $95,602.

5. Award of Tender C12-19-09 Electrical Contractors for Small Electrical Repairs (City Wide) (FCS09077) (Item 4.5)

That the Corporate Tender C12-19-09 for Electrical Contractors for Small Electrical Repairs for various City Departments be awarded to the lowest compliant bid as per the following sections:

(a) Section 1 (Corporate Facilities and Recreation) to Merlo Electric Inc. with a total estimated five year expenditure of $1,303,675.

(b) Section 3 (Various other City Divisions including responding to Sections 1 and 2 if these bidders were unable to respond in a timely manner) to Sanders-Lampman Electric Ltd., with a total estimated five year expenditure of $52,250.

6. Award of Tender C12-21-09 for the Supply and Delivery of Fine Paper as and when required (City Wide) (FCS09078) (Item 4.6)

That the Corporate Tender C12-21-09 for the Supply and Delivery of Fine Paper As and When Required be awarded to the lowest compliant bids per item as per the following sections:

(a) Section A - Standard Paper: Xerox Canada Ltd with an estimated annual expenditure of $219,785 and Buntin Reid (Division of Domtar Inc.) with an estimated annual expenditure of $23,013.

(b) Section B - Specialty Paper: Buntin Reid (Division of Domtar Inc.) with an estimated annual expenditure of $5,619.

7. Corporate Desktop and Mobile Computer Corporate Contract Extension (City Wide) (FCS09068) (Item 4.7)

That the existing Contract with Audcomp Computer Systems for the purchase and maintenance of Desktop and Mobile Computers be extended until December 31, 2009, while an RFP is being prepared with a January 2, 2010, Contract commencement date.
8. Corporate Energy Report – Year End 2008 (PW09069) (City Wide) (Item 4.8)


9. Hamilton-Wentworth District School Board - School Hour Transit Pass Program (PW08102a) - (City Wide) (Item 4.9)

(a) That the Mayor and City Clerk be authorized and directed to execute a one year Agreement with Hamilton-Wentworth District School Board for a School Hour Transit Pass, based on the terms and conditions of the existing Agreement, with a term ending on June 30, 2010;

(b) That Sub-section (b) of Item 5 of Public Works Committee Report 08-013 respecting Hamilton-Wentworth District School Board - School Hour Transit Pass Program (PW08102), approved by Council on September 10, 2008, be amended by deleting “The Hamilton Street Railway Company be authorized and directed to carry out” and replacing it with “staff be authorized to negotiate, and the Mayor and City Clerk be authorized to execute” future renewals of the School Hour Transit Pass program based on such fee structure as may be approved by the City of Hamilton from time to time, in a form satisfactory to the City Solicitor.

10. University/College Transit Pass Program (PW07101a) - (City Wide) (Item 4.10)

(a) That Sub-section (d) of Item 6 of Public Works Committee Report 08-003 respecting University/College Transit Pass Program (PW07101a) be amended by deleting “The Hamilton Street Railway Company”, and replacing it with the “Mayor and City Clerk” to be authorized to execute the agreements for the University/College Transit Pass Program;

(b) That staff be authorized to negotiate, and the Mayor and Clerk be authorized to execute, future agreements with the above mentioned parties, satisfactory in form to the City Solicitor, that extend and renew participation in the University/College Transit Pass program at such fees as may be approved by Council from time to time.

11. Trade Union Contributions to Municipal Election Campaigns (CL09004(a)) (City Wide) (Item 7.1)

That Report CL09004(a) respecting Trade Union Contributions to Municipal Election Campaigns be received.
12. Municipal Democratic Renewal (Added Motion)
   (a) That the Government of Ontario be requested to amend the Municipal Elections Act, 1996 to provide Municipal Clerks with the ability to use any resources available to them to create a more accurate voters list.
   (b) That Hamilton City Council join the Town of Ajax in requesting the Government of Ontario to provide all municipalities in the Province with the authority to pass a by-law that would prohibit a corporation that carries on business in Ontario or a trade union that holds bargaining rights for employees in Ontario from making contributions to any candidates for municipal council.
   (c) That this report be referred to the Audit and Administration Committee to investigate the various options, criteria and formula for a Municipal Election Contribution Rebate Program and report back to Committee of the Whole by October 2009 on proposed parameters and cost estimates of a Rebate Program for individual contributions from Hamilton residents, similar to tax incentives provided to federal or provincial parties and candidates.

13. Fair Wage Policy Update (FCS08044(a)/HUR08012(a)) (Item 7.2)
   (a) That the Fair Wage Schedule be updated as Appendix “A” to Report FCS08044(a)/HUR08012(a); and
   (b) That the updated Fair Wage Schedule attached hereto as Appendix “A”, be approved.

14. Efficiency and Rationalization of Call Handling Review (City Wide) (FCS09072/CM09013) (Item 7.3)
   (a) That the Terms of Reference for the Efficiency in Call Handling Review, attached hereto as Appendix “B”, be approved;
   (b) That an RFP be issued to undertake the review, to be funded from the Customer Contact Centre Capital account # 2110141021;
   (c) That a Call Handling Efficiency Oversight Committee, composed of at least three Members of Council be approved to monitor the progress of the consultants during the completion of the review; and
   (d) That Councillors Whitehead, Collins and McHattie be appointed to the Oversight Committee together with two additional members of Council.

Council – August 13, 2009
15. **Verbal Update – Festival of Friends (Item 7.4)**

That the verbal report respecting Festival of Friends be received.

16. **Canada’s Economic Action Plan – Culture and Heritage Program Funding Applications (CS09055) (Wards 1, 10 & 12) (Item 7.5)**

(a) That the Heritage Projects, listed in Appendix A attached to Report CS09055, totalling $10,176,830, be approved for submission to the National Cost Sharing Program and Cultural Spaces Canada Program, as eligible Capital Projects to be funded for the City of Hamilton, in accordance with the terms and conditions associated with the Canada Cultural Spaces Fund, Department of Canadian Heritage and the National Cost Sharing Program, Parks Canada;

(b) That the By-law attached as Appendix B to Report CS09055, be approved and enacted; and

(c) That copies of Report CS09055 be forwarded to local MPPs and MPs.

17. **Ti-Cats Agreement Update – Verbal (no attachment) (Item 7.6)**

That the verbal update respecting the Ti-Cats Lease Agreement be received.

18. **City of Hamilton purchase from LIUNA Local 837 (Lister) Property Corporation – Lister Block, 28 James Street North, Hamilton (the “Property”) (PW09071) (City Wide) (Item 7.7)**

(a) That the Mayor and the City Clerk be authorized and directed to execute the Acknowledgement and Consent to the Specific Assignment of the Agreement of Purchase and Sale by the Vendor, LIUNA Local 837 (Lister) Property Corporation (“LIUNA”) to Bank of Montreal with respect to financing arranged by LIUNA for the purpose of assisting with the construction of the Project on the Property;

(b) That the Mayor and the City Clerk be authorized and directed to execute any further documents required to give effect to the Agreement of Purchase and Sale or otherwise to give effect to the recommendations contained in Council authorization being Item 3, Committee of the Whole Report No. 08-023, passed by Council on June 25, 2008, all such documents to be in a form satisfactory to the City Solicitor.
19. **Ontario Nurses Association Local 50 (Lodges) Memorandum of Settlement (HUR09015) - (City Wide) (Item 10.2)**

   (a) That the Memorandum of Settlement for the City of Hamilton and the Ontario Nurses Association, (ONA Local 50) Macassa and Wentworth Lodges Nurses, on file with the Clerk, be approved; and

   (b) That the contents of Report HUR09015 remain confidential as it contains information related to labour relations and employee negotiations.

20. **Collective Bargaining between the City, HECFI and the International Union of Operation Engineers, Local 772 - Update and Direction (HUR09014) (Item 10.3)**

   (a) That Report HUR09014 (Collective Bargaining between the City, HECFI and the International Union of Operating Engineers, Local 772) be received;

   (b) That the contents of Report HUR09014 remain confidential as it contains information related to labour relations and employee negotiations.

21. **Implementation of Part-Time Non-Union Job Evaluation and Pay Equity (HUR08013(a)) - (City Wide) (Item 10.4)**

   (a) That the implementation of Part-Time Non-Union Job Evaluation adjustments be approved effective February 13, 2008 and be funded from the contingency provided for this purpose in the 2009 Budget;

   (b) That the 2009 Salary Schedule A for the part-time non-union group attached hereto as Appendix “C” be approved effective March 31, 2009; and

   (c) That the 2010 Salary Schedule A for the part-time non-union group attached hereto as Appendix “C” be approved effective March 31, 2010;

   (d) That the contents of Report HUR08013(a) respecting the implementation of the Part-Time Non-Union Job Evaluation remain confidential as it contains information related to labour relations and employee negotiations.
22. Proposed Settlement of Personal Injury Litigation (LS09010) (City Wide) (Item 10.5)

(a) That the City of Hamilton settle the action in Legal Services File No. 100-014/07 by way of payment to the plaintiffs of $306,869.73;
(b) That payment be charged to the Insurance Reserve Account Number 23007-000100;
(c) That the plaintiffs be required to execute a Full and Final Release in a form satisfactory to the City Solicitor; and
(d) That the action be dismissed on consent.

23. Update – Avero (Item 10.7)

That the verbal update on Avero be received.

FOR THE INFORMATION OF COUNCIL:

(a) CHANGES TO THE AGENDA

The Clerk noted the following changes to the agenda:

Correspondence from John Dolbec of the Hamilton Chamber of Commerce respecting Item 10.6 West Harbour Waterfront Recreation Master Plan. The correspondence was circulated for Committee’s information.

Added Staff report respecting Lister Block added as Item 7.7

The agenda was adopted as amended.

(b) DECLARATIONS OF INTEREST

None

(c) ADOPTION OF MINUTES

(i) July 7, 2009

The Minutes of July 7, 2009 were adopted as presented.
(ii) Minutes of the July 7, 2009 closed session meeting

The Closed Session minutes of July 7, 2009 were adopted as presented.

(d) **DELEGATION REQUEST**

Request to address Committee by Dave Barnett, Abuse Prevention and Awareness Campaign respecting why Hamilton is not the “Best Place to Raise a Child” (Item 5.1)

The delegation request by Dave Barnett be approved and the presentation scheduled on an appropriate Committee of the Whole agenda.

(e) **Municipal Democratic Renewal (Added Motion)**

Whereas citizen participation in municipal elections remains historically lower than civic participation in both federal and provincial elections.

And As elected representatives and a Council we have an obligation to support initiatives that encourage and promote civic engagement and public participation in our democratic institutions and the future of our city.

And Whereas there is increasing public concern with the extraordinary concentration of campaign contributions from a single set of interests.

And Whereas almost half of the $766,923 raised for the 2006 election campaign came from corporations or trade unions.

And Whereas business and unions are not allowed to contribute to the campaigns of candidates running for federal office or to any national political parties.

And Whereas Council should seek to create an even playing field for candidates of diverse views and backgrounds representing a wide range of needs and interests.

And Whereas candidates in communities that have implemented municipal election contribution rebate programs rely more on individual contributions and less on contributions from corporations.

And Whereas staff have provided early estimates that such rebate programs could cost in the range of $120,000 - $160,000 plus administrative costs.
Therefore be it resolved:

(a) That the Government of Ontario be requested to amend the Municipal Elections Act, 1996 to provide Municipal Clerks with the ability to use any resources available to them to create a more accurate voters list.

(b) That Hamilton City Council join the Town of Ajax in requesting the Government of Ontario to provide all municipalities in the Province with the authority to pass a by-law that would prohibit a corporation that carries on business in Ontario or a trade union that holds bargaining rights for employees in Ontario from making contributions to any candidates for municipal council.

(c) That this report be referred to the Audit and Administration Committee to investigate the various options, criteria and formula for a Municipal Election Contribution Rebate Program and report back to Committee of the Whole by October 2009 on proposed parameters and cost estimates of a Rebate Program for individual contributions from Hamilton residents, similar to tax incentives provided to federal or provincial parties and candidates.

Motion was split for voting purposes:

Subsection (a) CARRIED on a Standing Recorded vote:

Yeas: Eisenberger, Bratina, Clark, Collins, Ferguson, Jackson, McHattie, Merulla, Morelli, Pasuta, Mitchell, Pearson, Powers, Whitehead
Total: 14
Nays: 0
Absent:McCarthy, Duvall
Total: 2

Subsection (b) CARRIED on a Standing Recorded Vote:

Yeas: Eisenberger, Bratina, Collins, Jackson, McHattie, Merulla, Morelli, Powers, Whitehead
Total: 9
Nays: Clark, Ferguson, Pasuta, Mitchell, Pearson
Total: 5
Absent:McCarthy, Duvall
Total: 2
Subsection (c)  CARRIED on a Standing Recorded Vote:
Yeas: Eisenberger, Bratina, Collins, Jackson, McHattie, Merulla, Morelli, Powers, Whitehead
Total: 9
Nays: Clark, Ferguson, Pasuta, Mitchell, Pearson
Total: 5
Absent: McCarthy, Duvall
Total: 2

(f) Verbal Update – Festival of Friends (Item 7.4)
Rob Rossini advised that staff are pursuing recovery of the outstanding invoice amount from Festival of Friends. Failing that, the recovery would come from any remaining 2009 grant installments to the organization.

(g) City of Hamilton purchase from LIUNA Local 837 (Lister) Property Corporation – Lister Block, 28 James Street North, Hamilton (the “Property”) (PW09071) (City Wide) (Item 7.7)
Councillors Bratina and Collins opposed to subsection (a) of recommendation.

Councillors Bratina, Clark, Collins opposed to subsection (b) of recommendation.

(h) NOTICES OF MOTION
Open House for City Hall Renovations (Item 9.1)
The following notice of motion was WITHDRAWN by Councillor McHattie.
That the City hold an open house to update the public on the City Hall renovation project.

(i) The following item was deferred to allow for further consultation:

West Harbour Waterfront Recreation Master Plan - Process Update (PW09004a) (Item 10.2)

(j) PRIVATE AND CONFIDENTIAL
The Committee moved into closed session further to sections 8.1 (c) (d) (f) as the matters relate to labour relations, proposed or pending acquisition
or disposition of land for municipal purposes and the receiving of legal advice that is subject to solicitor-client privilege

The Committee reconvened in Open Session and provided direction with respect to Items 10.1, 10.2, 10.3, 10.4, 10.5, 10.7.

There being no further business, the meeting adjourned at 2:52 p.m.

Respectfully submitted,

Mayor F. Eisenberger

M. Gallagher, Co-ordinator
Committee of the Whole
August 11, 2009