Corporate Administration Committee
MINUTES
9:30 a.m.
Wednesday, February 22, 2006
Council Chambers
Hamilton City Hall
71 Main Street West, Hamilton

Present:
Councillor A. Samson (Chair)
Councillor C. Collins (Vice Chair)
Councillors D. Braden, P. Bruckler, M. Pearson,
T. Whitehead

Absent with Regrets:
Councillor M. Ferguson – Illness

Also Present:
G. Peace – City Manager
J. Rinaldo – General Manager, Finance and Corporate Services
R. Male – Director, Financial Services
T. Tollis – Director, Budgets and Finance
D. Fisher – Assistant City Solicitor
C. Biggs – Legislative Assistant, City Clerk’s

THE FOLLOWING ITEMS WERE REPORTED TO CITY COUNCIL FOR CONSIDERATION:

1. Customer Service – Telephones (City Wide) (FCS06018) (Referred from Corporate Administration Committee on September 21, 2005) (Outstanding Business Item N) (Item 5.1)

(Pearson/Bruckler)
(a) That Report FCS06018 respecting Customer Service – Telephones, be received;

(b) That this item be deleted from the Outstanding Business List of the Corporate Administration Committee.  

CARRIED
2. **FOI Quarterly Report (October 1 to December 31, 2005) (CL06002) (City Wide) (Item 5.2)**

*(Pearson/Bruckler)*

That Report CL06002 respecting FOI Quarterly Report (October 1 to December 31, 2005), be received. **CARRIED**

3. **Consent to Assignment of Ground Lease of the Sheraton Hamilton Hotel, 116 King Street West, by GGS Hotel Holdings Canada Inc. to a Limited Partnership to be Formed, and Related Transactions. Approval of Various Agreements Related to the Assignment of the Ground Lease (LS06006) (City Wide)**

*(Pearson/Bruckler)*

(a) That the City, as landlord of the Sheraton Hotel, 116 King Street West, (pursuant to a ground lease dated May 3, 1983, as amended, the “Ground Lease”) grant consent to each of the following transactions subject to the conditions set out in clause 2 below:

(i) the amalgamation of GGS Hotel Holdings Canada Inc. with 3197301 Canada Limited (the amalgamated corporation is hereinafter referred to as “GGS”);

(ii) the assignment of the Ground Lease by GGS to a limited partnership to be formed (“New Clocktower”);

(iii) the release and discharge of a guarantee (the “Starwood Guarantee”) by Starwood Canada Corp. (“Starwood”) of the performance of the obligations of GGS Hotel Holdings Canada Inc. under the Ground Lease and other related agreements;

(iv) the assignment or transfer of other related rights and obligations in connection with the Sheraton Hotel by GGS to New Clocktower, such as for example the assignment of the rights and obligations of GGS under an interface agreement between GGS Hotel Holdings Canada Inc., the City, Second Phase Civic Square Limited and Fourth Phase Civic Square Limited and the transfer of GGS Hotel Holdings Canada Inc.’s leasehold parcel;

(v) the transfer of GGS’s partnership interest in New Clocktower to an unlimited liability corporation to be incorporated in Nova Scotia (“NSULC 1”) in exchange for shares of NSULC 1 and a promissory note;

(vi) the redemption by NSULC 1 of the shares in its capital stock held by GGS;

(vii) the sublease of the Sheraton Hotel by New Clocktower to an unlimited liability corporation to be incorporated in Nova Scotia (“NSULC TRS”);

(viii) the termination of the existing agreements regarding the management of the hotel and the use of the Sheraton name;
(ix) the execution of a franchise agreement between NSULC TRS and GGS; and
(x) the execution of a management agreement between NSULC TRS and Sheraton Overseas Management Corporation.

(b) The City’s consent and approval of the said transactions is subject to the following conditions:

(i) the terms and conditions of the existing agreements;
(ii) the assumption by New Clocktower of all obligations of GGS under those agreements;
(iii) the completion of the requisite due diligence to the satisfaction of the City Solicitor and City Treasurer;
(iv) the receipt by the City prior to each transaction of certified resolutions of the shareholders or directors of the counterparties regarding the proposed transactions, solicitor’s opinions, third party consents and other documents, all as the City Solicitor may require;
(v) the registration on closing of all documents as may be required by the City Solicitor in a form satisfactory to the City Solicitor;
(vi) the execution by Sheraton Holding Corporation (or if such corporation is not considered by the City’s financial advisors to be financially sound and well-capitalized, such other entity as the City’s financial advisors may consider to be financially sound and well-capitalized) of a guarantee agreement with the City substantially in the form of the Starwood Guarantee guaranteeing the performance of the obligations of New Clocktower under the Ground Lease and other related agreements;
(vii) the payment on closing by New Clocktower or GGS of the costs of the City’s external legal counsel and financial advisors retained to advise the City on the proposed transactions;
(viii) the proposed sublease being in compliance with the provisions of the Ground Lease; and
(ix) the carrying out of each of the transactions listed in clause 1 as one approved transaction.

(c) That the Mayor and the City Clerk, or other staff as appropriate, be authorized to execute all documents required to implement the foregoing in a form satisfactory to the City Solicitor, including the following:

(i) an assignment of the Ground Lease;
(ii) an assumption agreement for the Ground Lease;
(iii) an estoppel certificate addressed to New Clocktower and GGS regarding the Ground Lease, subject to any qualifications for matters which may be remaining to be completed or fulfilled by GGS;
(iv) a release and discharge of the Starwood Guarantee; and
(v) such other agreements regarding the Sheraton Hotel as the City Solicitor may determine.

    (Pearson/Braden)
    **CARRIED**

5. **Code of Conduct and Election Campaigns (CL06003) (City Wide) (Item 8.2)**

    (Braden/Pearson)
    That Report CL06003 respecting Code of Conduct and Election Campaigns, be received.  
    **CARRIED**

6. **Grants Sub-Committee Report 06-002 (Item 8.3)**

    (a) **Support Funding for Landscape Reconstruction of the Hindu Temple (PW06015) (City Wide) (Item 3)**

        (Bruckler/Pearson)
        That the City of Hamilton provide a “one time” financial contribution in the amount of $10,000 for the landscape reconstruction works at the site of the Hindu Temple from the 2005 Budget Surplus.  
        **CARRIED**

        (Councilor D. Braden indicated that he wished to be recorded as opposed to this item.)

    (b) **Fee Waiver Request for Council Against Abuse of Older Persons (CAAOP) (GRA06005) (City Wide) (Item 4)**

        (Pearson/Collins)
        That the fee waiver in the amount of $720 be approved for the Council Against Abuse of Older Persons (CAAOP) for the period of January to June, 2006 and September to November, 2006, to utilize the meeting Room at Sackville Seniors Centre, one occasion per month, two hours per occasion, nine months of the year.  
        **CARRIED**

    (c) **Fee Waiver Request for The Hamilton Scleroderma Group (GRA06005(a)) (City Wide) (Item 5)**

        (Pearson/Collins)
        That the fee waiver in the amount of $630 be approved for the Hamilton Scleroderma Group for the period of January to June, 2006 and September to November, 2006, to utilize the Meeting Room at Sackville Seniors Centre, one occasion per month, two hours per occasion, nine months of the year.  
        **CARRIED**
(d) Fee Waiver Request for Participation House (GRA06005(b)) (City Wide) (Item 6)

(Pearson/Collins)
That the fee waiver in the amount of $800 be approved for Participation House (Hamilton and District) to conduct their Development and Community Relations Committee meetings in the Meeting Room at Sackville Seniors Centre, for the period of January to December, 2006, with the exception of the summer months July and August, one occasion per month, two hours per occasion, 10 months of the year.  

CARRIED

(e) Fee Waiver Request for Pugliese Association (GRA06005(c)) (City Wide) (Item 7)

(Collins/Pearson)
That the fee waiver in the amount of $825 be approved for the Pugliese Association to utilize facility space for the period of January to December 2006 at the Chedoke Twin Pad Arena, Chedoke Room, one occasion per month, three hours per occasion, 12 months of the year.  

CARRIED

(f) Green Fee Waiver Request - 2006 Actifest Ontario Senior Games (GRA06005(d)) (City Wide) (New Business)

(Pearson/Whitehead)
That the golf fees at both King’s Forest and Chedoke Golf Courses for the 2-day Men’s and Women’s Golf Event, August 15-16, 2006, as part of the 2006 Actifest Ontario Senior Games, be waived.  

CARRIED

7. Governance Review Sub-Committee Report 06-001 (Item 8.4)

(a) Governance Structure Proposed for the 2006-2009 Term of Council (City Wide) (CM06003) (Item 4)

(Collins/Whitehead)
(i) That Report CM06003 outlining a proposed Governance Structure for the 2006 – 2009 (December 2006 – November 2009) Term of Council be approved, as amended, as follows:

(aa) That the Standing Committee System be amended and replaced by a system comprising Committee of the Whole, the Board of Health and four (4) Standing Committees, as follows:

(A) Public Works (5 or 7 members)
(B) Economic Development and Planning (5 or 7 members)
(C) Emergency and Community Services (5 or 7 members)
(D) Audit and Administration (5 or 7 members)

(bb) That the Chair for the following four (4) Standing Committees be rotated on an annual basis:

(A) Public Works
(B) Economic Development and Planning
(C) Emergency and Community Services
(D) Audit and Administration

(ii) That the Mayor stand as Chair for the term of Council for the following Committees:

(A) Committee of the Whole
(B) Board of Health

(iii) That the responsibilities of Committee of the Whole, Board of Health, and the Standing Committees attached as Appendices A, B, C, D, E and F, as amended, be approved

(iv) That the schedule of meeting times, attached as Appendix G, be approved.

(vi) That the Procedural By-law, No. 03-301, be amended accordingly for the 2006-2009 term of Council. CARRIED as amended

8. Appointment of Citizens – Gay, Lesbian, Transgender, Bisexual Advisory Committee (New Business) (Item 9)

(Braden/Bruckler)
(a) That the following citizens be appointed to the Gay, Lesbian, Transgender, Bisexual Advisory Committee:

Suzanne Foreman
Kazimierz Klonowski

(b) That the appointments be in effect for the balance of this term of Council, or until such time as their successors are appointed;

(c) That Item 6(a) of Corporate Administration Committee Report 04-008 approved by Council on May 12, 2004, respecting the appointment of citizens to various citizen committees, be amended accordingly. CARRIED
9. Amendment to Citizen Composition of the Development Charges Stakeholders Sub-Committee (Item 9.2)

(Bruckler/Pearson)

(a) That Item 7(e)(i) of Corporate Administration Committee Report 04-001 respecting the Re-establishment of Sub-Committees Reporting to the Corporate Administration Committee and the citizen composition of the Development Charges Stakeholders Sub-Committee, approved by Council on January 14, 2004, be amended by deleting the name of Bonnie Prior and replacing it with Kevin Antonides, as the representative of the Realtors Association of Hamilton-Burlington (formerly the Hamilton-Burlington Real Estate Board);

(b) That the appointment be in effect to the end of this term of Council.

CARRIED

FOR THE INFORMATION OF THE COMMITTEE:

(a) CHANGES TO THE AGENDA (Item 1)

The Clerk advised of the following changes to the agenda:

(i) Delegation Request

Request from Donna Lee Macdonald, Administrative Director, Hamilton Artists Inc., to appear before the Committee to present new information with respect to request for financial assistance – Added as Item 4.2

(ii) Report

Consent to Assignment of Ground Lease of the Sheraton Hamilton Hotel, 116 King Street West, by GGS Hotel Holdings Canada Inc. to a Limited Partnership to be Formed, and Related Transactions. Approval of Various Agreements Related to the Assignment of the Ground Lease (LS06006) (City Wide) – Added as Item 5.3

(iii) Motions

(aa) Motion respecting Appointment of Citizens to the Gay, Lesbian, Bisexual Transgender Advisory Committee – Added as Item 9.1
(bb) Motion respecting Amendment to the Citizen Composition of the Development Charges Stakeholders Sub-Committee – Added as Item 9.2

(Braden/Pearson)
That the agenda be approved, as amended. CARRIED

(b) DECLARATIONS OF INTEREST (Item 2)

None.

(c) APPROVAL OF MINUTES (Item 3)

(Pearson/Bruckler)
That the Minutes of the February 8, 2006 meeting of the Corporate Administration Committee be received and adopted as presented. CARRIED

(d) DELEGATION REQUESTS (Item 4)

(i) Request from Ken Senephimmachack, President, Kenwell Industries Inc., to appear before the Committee respecting Tender C10-02-06 – Supply and Delivery of Furniture – Wentworth Lodge (Item 4.1)

(Pearson/Braden)
That the rules of order be waived in order to entertain the delegation at today’s meeting. CARRIED

Mr. Senephimmachack appeared before the Committee to express his concerns that the tender documents, as issued, did not give independent furniture manufacturers the opportunity to bid on a portion of the City’s requirements. Mr. Senephimmachack distributed copies of supporting documentation, a copy of which is retained in the files of the City Clerk.

In his remarks, Mr. Senephimmachack indicated that he did not comply with the mandatory requirements in the tender.

Rick Male provided a summary of the tender requirements and reason for disqualification.

Councillor Whitehead asked the presenter to provide documentation of similar tenders issued in other municipalities and identify difference between those tender processes vs City of Hamilton experience. Mr. Senephimmachack indicated that he would provide this information.
(Pearson/Whitehead)
That the presentation from Mr. Ken Senephimmachack, President, Kenwell Industries Inc., respecting Tender C10-02-06 – Supply and Delivery of Furniture – Wentworth Lodge, and the concerns expressed, be taken under advisement, and the presentation received. CARRIED

(ii) Request from Donna Lee Macdonald, Administrative Director, Hamilton Artists Inc., to appear before the Committee to present new information with respect to request for financial assistance (Item 4.2)

(Pearson/Whitehead)
That the request of Donna Lee Macdonald, Administrative Director, Hamilton Artists Inc., to appear before the Committee to present new information with respect to request for financial assistance be referred to the Grants Sub-Committee. CARRIED

(e) COMPARISON OF FINANCIAL POWERS: MUNICIPAL ACT VS. BILL 53 (PROPOSED NEW CITY OF TORONTO ACT) (FCS06020) (CITY WIDE) (Item 8.1)

The Committee requested staff to review the proposed legislation and provide additional information with respect to the following issues:

- bonusing, in the context of economic development
- power of entry related to property standard issues i.e., what flexibility exists to clean up properties
- tools to give greater flexibility to grow the economy e.g., brownfield legislation, municipal write-offs, insurance issues in light of contamination, tax sales, etc.
- what has been left out/absent from proposal and come up with a “made in Hamilton” solution

J. Rinaldo advised that Legal staff is currently reviewing Bill 53 (Proposed New City of Toronto Act) to see if there are areas where Hamilton can follow suit. He also advised that he will continue to keep the Committee up to date on this issue, and that staff will pursue in a pro-active manner and allow input from Council.
Committee Minutes

GOVERNANCE REVIEW SUB-COMMITTEE REPORT 06-001 (Item 8.4)

(i) Governance Structure Proposed for the 2006-2009 Term of Council (City Wide) (CM06003)

(Collins/Whitehead)

(aa) That all references to the Community and Social Services Standing Committee in sub-section (a) of Item 1 of Governance Review Sub-Committee Report 06-001 be amended to read "Emergency and Community Services" Standing Committee;

(bb) That Appendix “E”, being the Composition and Mandate of the Community and Social Services Committee, be amended to reflect the name change. Amendment CARRIED

(Collins/Whitehead)

That sub-section (a)(i)(aa) to (dd) be amended be deleting “minimum of 7” and replacing it with “5 or 7 members” in lieu thereof. Amendment CARRIED

(Councillors D. Braden and M. Pearson indicated that they wished to be recorded as opposed to this amendment.)

(ii) Committee Vacancies Due to Illness (No Copy) (Item 5)

(Collins/Braden)

That the City Clerk be directed to communicate via e-mail with all members of Council to find out who is interested in serving on the various standing committees on which Councillor Murray Ferguson is a member until such time as his recovery is complete, and that this information be forwarded to the Committee of the Whole for consideration and disposition.

GENERAL INFORMATION/OTHER BUSINESS (Item 11)

(i) Outstanding Business Item M – Ottawa Street BIA re: sewer back ups and wet basements to businesses resulting from heavy rainfall – July 26, 2005 (Due Date: February 22, 2006) (Item 11.1)

J. Rinaldo advised that to date, no claims have been received from the businesses affected by the heavy rainfall. As a result, the Committee agreed to remove this item from the Outstanding Business List of the Corporate Administration Committee.
(ii) Councillor Whitehead expressed concern with respect to lamp posts in Ward 8 where the bulbs are burned out, and have not been replaced. He indicated that he was advised that the wait list is up to 7 months for replacement, and asked how this problem can be addressed. The City Manager requested Councillor Whitehead to provide him with additional information so this matter can be resolved.

There being no further business, the Committee adjourned at 11:40 a.m.

Respectfully submitted

Councillor A. Samson
Chairman
Corporate Administration Committee

Carolyn Biggs
Legislative Assistant
February 22, 2006