Mayor Eisenberger called the meeting to order.

THE FOLLOWING ITEMS WERE REPORTED TO CITY COUNCIL FOR CONSIDERATION:

1. CHANGES TO THE AGENDA

1. Added Private and Confidential Items

10.3 City of Hamilton ats Bokirca Inc. Ontario Superior Court
File No. 03-CV-252395
10.4 Settlement of Expropriation Claims Arising from the Closure of Limeridge Road East at Upper Wentworth Street, Hamilton

(Ferguson/Powers)
That the agenda be adopted as amended. CARRIED.

2. DECLARATIONS OF INTEREST

None

3. ADOPTION OF MINUTES

3.1 January 29, 2008

(Mitchell/Pearson)
That the Minutes of January 29, 2008 be adopted as presented. CARRIED.

3.2 January 30, 2008

(Powers/Merulla)
That the Minutes of January 30, 2008 be adopted as presented. CARRIED

4. CONSENT ITEMS

4.1 Minutes of the Community Council’s Task Force, December 4, 2007

(Ferguson/Pearson)
Be received. CARRIED

5. ANNOUNCEMENTS

The Mayor introduced the two Deputy Mayors for the Day.

Natalya Odoardi representing St. Joachim School in Ancaster and Jodie Sarvari representing St. Mary’s School in Waterdown
6. DELEGATIONS/PRESENTATIONS

6.1 Presentation by The Honourable Steven Mahoney respecting Community Workplace Health and Safety Charter – The Road to Zero

The Honourable Steven Mahoney, Chair of the Workplace Safe Insurance Board provided an overview of the Community Workplace Health and Safety Charter. The Charter will be formally signed at a future council meeting.

Mr. Mahoney suggested that Council receive a regular report from staff on lost time injuries for the corporation on a regular basis.

Mr. Mahoney addressed the ads in bus shelters, and showed a number of commercials, which although may be graphic nature are important to get the message across.

(Powers/Mitchell)
That the presentation be received. CARRIED.

6.2 Presentation by Madina Wasuge, Hamilton Centre for Civic Inclusion (no copy)

The delegation presented an overview of the First Year in Review of the Hamilton Centre for Civic Inclusion highlighting the Centre’s Mission, Vision and Goals and Strategic Directions, and activities.

(McHattie/Powers)
That the presentation be received. CARRIED

6.3 Presentation by Dr. Lynda Redwood-Campbell respecting update on Banda Aceh project - post Tsunami (no copy)

Dr. Redwood-Campbell and Dr. Rinaldi, a physician in Banda Aceh and Kanwall Shankardass, Rotary Club of Dundas, addressed Committee and provided an update on the work done post Tsunami in Banda Aceh and work done with the funds provided by the City of Hamilton

(Bratina/McHattie)
That the presentation be received. CARRIED
6.4 Presentation by Joe Mancinelli, LIUNA respecting Lister Block (to be distributed)

Joe Mancinelli provided an overview of options for the purchase/lease of Lister Block.

(Pearson/Collins)
That the presentation be received. CARRIED

Presentation by Joe Rinaldo, General Manager of Finance and Tim McCabe, General Manager of Planning and Economic Development on the Lister Block Proposal

- review purchase option
- lease option
- provincial grant
- overall downtown accommodation strategy and options

(Whitehead/McHattie)
(a) That Council approve MHPM Project Managers Inc. be hired to undertake an independent Peer Review of the project costing relating to the LIUNA/Hi-Rise 2008 joint Lister proposal to the upset limit of $25,000

The terms of reference shall include but not be limited to the following:
- Review proposal to ensure compliance with the Provincial Facilitators Report
- Review the scope of the restoration work
- Assess Building Code standards
- Assess existing technical reports
- Assess the construction schedule
- Determine tenant improvement and operating costs
- Assess useable and commercial square footage

(b) That Council approve Clinton Brown Company Architecture, PC to be hired for the purpose of architectural advisory support to the City of Hamilton, to ensure that the principles of the Provincial Facilitators Report regarding building design elements are achieved to the upset limit of $25,000

(c) That Council request that the Province of Ontario release the previously committed $50,000 for the purpose of funding the financial and architectural reviews and support;

Council – February 13, 2008
(d) That the independent peer reviewers report back to Council by no later than February 27, 2008 on the outcome of the reviews.

(e) That Council request that the Province amend the current $7,000,000 Conditional Grant Agreement between The Province of Ontario and The City of Hamilton dated September 7, 2007 to include the option to purchase by the City. CARRIED (Whitehead/McHattie)

That the following be added as sub-section (f):

(f) That the agreement be approved in principle, subject to the peer review report and staff report to be brought back to the Committee of the Whole on February 25, 2008, and securing provincial funding.

Amendment withdrawn.

Peer review to further explore:
- asset evaluation on the buildings ongoing lease costs/lease impact 21 years onward
- allowances for lease space – comparable vs. true costs
- assess potential square footage
- consider
- explore with Hi Rise the condition to proceed with towers within 18 to 24 month period
- report to also address role of Community Energy Power (downtown)

7. DISCUSSION ITEMS

7.1 Legal Services Operational Review Sub-Committee Report 07-001, December 17, 2007

(Pearson/Whitehead)

(a) Election of Chair

That Councillor Maria Pearson be appointed Chair of the Legal Services Operational Review Sub-Committee.
(b) Legal Services 2007 Client Satisfaction Survey Results (LS07026) (City Wide)

That Report LS07026 respecting the Legal Services 2007 Client Satisfaction Survey, be received.  

CARRIED

7.2 Ward Boundary Review (FCS08009) (City Wide)

(Clark/Bratina)

(a) That the process for retaining a consultant for the Ward Boundary Review, as outlined in report FCS08009, be approved;

(b) That the total estimated cost of $150,000. for the Ward Boundary Review be funded from the tax stabilization reserve.

(Clark/Bratina)

That sub-section (a) be amended to include the following:

“….and that the consultant study include a comparison and review of an at-large system or a hybrid of a at-large/ward system”

DEFEATED ON A RECORDED VOTE AS FOLLOWS:

favour – bratina, Clark, Whitehead
Nays: Duvall, Ferguson, Jackson, McCarthy, McHattie, Merulla, Collins, Pasuta, Mitchell, Pearson, Powers, Eisenberger
Absent: Morelli

(Merulla/McHattie)

That the consultant study explore publicly-funded elections.

DEFEATED ON A RECORDED VOTE AS FOLLOWS:

Favour: Merulla, McHattie
Opposed: Bratina, Clark, Duvall, Ferguson, Jackson McCarthy, Collins, Pasuta, Mitchell, Pearson, Powers, Whitehead, Eisenberger,
Absent: Morelli

(Powers/Whitehead)

DEFERRAL CARRIED ON A RECORDED VOTE AS FOLLOWS:

Favour: Whitehead, Powers, Collins, Merulla, Bratina, McHattie, Mitchell, Jackson, Duvall, Eisenberger
Opposed: Clark, Ferguson, McCarthy, Pasuta, Pearson
Absent: Morelli

McCarthy – bring back previously-approved report which stated that additional Councillors be added for cte’s review

7.3 Status Report on Recommendations from Operational Review of Internal Audit Division (CM08005) (City Wide)

(McHattie/Pearson)
Be received. CARRIED

7.4 City of Hamilton/Ministry of Transportation Dedicated Gas Tax Funding Agreement (FCS08011)

(Powers/McHattie)
(a) That the Mayor and General Manager of Finance & Corporate Services (City Treasurer) be authorized and directed to enter into an Agreement between the City of Hamilton and the Province of Ontario, related to the funding commitment made by the Province of Ontario to the Municipality under the Dedicated Gas Tax Funds For Hamilton’s Public Transportation Program;

(b) That the Mayor and General Manager of Finance and Corporate Services (City Treasurer) be authorized and directed to execute the Letter of Agreement attached as Appendix “A” to Report FCS08011;

(c) That the appropriate by-law, City of Hamilton/Ministry of Transportation Dedicated Gas Tax Funding Agreement By-Law be passed and enacted attached as Appendix “C”; and

(d) That a certified copy of this by-law be forwarded to the Ministry of Transportation upon Council approval. CARRIED

Recess – 12:55 p.m. and reconvened at 1:30 p.m.
7.5 Municipal Infrastructure Investment Initiative (FCS08015)

(Collins/Whitehead)
(a) That the East Hamilton Recreational Trail Hub and Waterfront Link Project be approved for submission to Infrastructure Ontario for consideration under the Municipal Infrastructure Investment Initiatives program;

(b) That the East Hamilton Recreational Trail Hub and Waterfront Link Project be submitted, to the sum of $14 million, in accordance with the terms and conditions associated with the Municipal Infrastructure Investment Initiative (MIII) grant funding program; and

(c) That By-Law 08-XXX attached as Appendix “A” be approved and enacted. CARRIED

10. PRIVATE AND CONFIDENTIAL

(Powers/Pasuta)
That Committee move into closed session to entertain the following:

10.1 Closed Session Minutes of meeting held January 29, 2008

10.2 Closed Session Minutes of meeting held January 30, 2008

10.3 City of Hamilton ats Bokirca Inc. Ontario Superior Court File No. 03-CV-252395

10.4 Settlement of Expropriation Claims Arising from the Closure of Limeridge Road East at Upper Wentworth Street, Hamilton CARRIED.

(Pasuta/Powers)
That Committee reconvene in Open Session. CARRIED.

10.1 Closed Session Minutes of meeting held January 29, 2008

(Pearson/Powers)
That the Closed Session Minutes of January 29, 2008 be adopted as presented and remain a private and confidential document. CARRIED.

Council – February 13, 2008
10.2 Closed Session Minutes of meeting held January 30, 2008  
(Powers/Mitchell)  
That the Closed Session Minutes of January 29, 2008 be adopted as presented and remain a private and confidential document.  
CARRIED.

10.3 City of Hamilton v Bokirca Inc. Ontario Superior Court  
File No. 03-CV-252395  
(Pearson/Mitchell)  
(a) That the City decline to accept the Plaintiff’s Offer to Settle in Ontario Superior Court File No. 03-CV-252395 CM2, dated January 8, 2008  
(b) That the City Solicitor be directed to submit an Offer to Settle in Ontario Superior Court File No. 03-CV-252395 CM2, in the terms as outlined in Report LS08002.  
(c) That Report LS08002 remain a confidential document.  
CARRIED AS AMENDED

10.4 Settlement of Claims Made Under The *Expropriations Act* by: Arrowline Gas Ltd., M.C.G.W. Properties Corporation and Q Lube Ontario Inc., McDonald’s Restaurants of Canada Limited, Vinnefield Trading Inc., Avondale Stores Limited, Donut Diners Inc. and 1136075 Ontario Limited arising from the closure of Limeridge Road East, at Upper Wentworth Street (LS08001) - (Ward 7 with City Wide Implications)  
(Duvall/Ferguson)  
(a) That the City of Hamilton enter into minutes of settlement to resolve the claims made under the *Expropriation Act* by: Arrowline Gas Ltd., M.C.G.W. Properties Corporation and Q Lube Ontario Inc., McDonald’s Restaurants of Canada Limited, Vinnefield Trading Inc., Avondale Stores Limited, Donut Diners Inc. and 1136075 Ontario Limited (collectively, the “claimants”), arising from the closure of Limeridge Road East, at Upper Wentworth Street as shown in Appendix “A” attached to Report LS 08001;  
(b) That the final net payment of approximately $1,795,000 resulting from the settlement be approved and that this amount be charged to Account Number 4060087001 (Expressway - Land Purchase);  
(c) That the final net payment of $1,795,000 resulting from the settlement of the expropriation claim be made to Legal Counsel, in Trust for Arrowline Gas Ltd., M.C.G.W. Properties Corporation and Q Lube Ontario Inc., McDonald’s Restaurants of Canada Limited, Vinnefield Trading Inc., Avondale Stores Limited, Donut Diners Inc. and 1136075 Ontario Limited;
(d) That staff be directed to continue to pursue the settlement of the claim made by Jamestown Construction Limited, also arising from the closure of Limeridge Road East, at Upper Wentworth Street, and failing the negotiation of a settlement, that staff be directed to proceed to respond to the claim at the Ontario Municipal Board;

(e) That the Mayor and Clerk be authorized and directed to execute any documents necessary to implement these settlements, in a form satisfactory to the City Solicitor.

(f) That Report LS08001 remain a confidential document and not for release as the matter pertains to litigation.

CARRIED

(Duvall/Ferguson)
That sub-sections (b) and (c) be amended to delete the amount of $1,780,000 and replace it with $1,795,000 in lieu thereof.

That sub-section (c) be amended by deleting the words, “Manfred Rudolph Law Office, in Trust”, and replacing it with the words, “Legal Counsel, in Trust”, in lieu thereof. Amendment CARRIED
Motion as amended CARRIED

Recorded vote:

Yeas: Councillors Clark, Duvall, McHattie, Pasuta, Mitchell, Pearson, Powers, Eisenberger

Nays: Ferguson, Jackson, Collins, Whitehead

Meeting adjourned at 3:35 p.m.