



**Committee of the Whole
MINUTES 10-008**

**9:30 a.m.
February 18, 2010
Albion Room
Hamilton Convention Centre**

Present: Mayor F. Eisenberger
Deputy Mayor B. McHattie
Councillors B. Bratina, B. Clark, C. Collins, S. Duvall,
L. Ferguson, T. Jackson, B. Morelli, S. Merulla, M.
McCarthy, R. Pasuta, D. Mitchell, M. Pearson, R.
Powers, T. Whitehead

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
Dr. E. Richardson, Medical Officer of Health
P. Barkwell, City Solicitor
M. Gallagher, Co-ordinator, Council and Committee of the
Whole/Budgets

**THE FOLLOWING ITEMS WERE REPORTED TO CITY COUNCIL FOR
CONSIDERATION:**

1. CHANGES TO THE AGENDA

Added Delegation Requests:

- 5.3 Sheri Selway, North End Neighbours
- 5.4 Valerie Sturrock

5.5 Joe Beattie

Added Correspondence:

Sydney Hamber and Paul Mariutti, Colliers International respecting Pan Am Stadium Location – to be added as Item 7.7

(Pearson/Pasuta)

That the agenda be adopted as amended.

CARRIED.

2. DECLARATIONS OF INTEREST

None

3. ADOPTION OF MINUTES

None

4. CONSENT ITEMS

None

5. DELEGATION REQUESTS

(Morelli/Pasuta)

That the delegation requests be approved:

5.1 Request to address Committee by Tom Cooper and Gary Warner, Hamilton Roundtable for Poverty Reduction respecting social inclusion strategy development for Pan Am Games

5.2 Request to address Committee by Kathy Drewitt, Downtown Hamilton BIA respecting Pan Am Stadium location

5.3 Sheri Selway, North End Neighbours

5.4 Valerie Sturrock

5.5 Joe Beattie

CARRIED

6. PRESENTATIONS

6.1 International Event Opportunities – 2015 Pan Am Games Update

Committee was provided an overview of the report by Chris Murray, Rob Rossini, Ron Bidulka of Deloitte.

Highlights included the following:

- Overview of report and recommendations
- Review of process
- Key requests of report
- Financial Overview
- Business Plan Overview
- Critical Path
- Stadium projects in Canada
- Project financing
- Economic benefits
- Stadium precinct development
- Project risks

Members of Council addressed among other issues:

- Projection of days of operation
- precinct vs. restaurant only – synergies between stadium/destination
- percentage of the Ti-Cat fans are going to utilize the amenities in precinct?
- deal with current tenants and not projected
- Why our cost per seat is more than the other stadium projects?
- could precinct include lands to the west or to the north
- 5 million dollars for naming rights and Multi-Party Agreement
- Multi-Party Agreement and project financing
- Remediation of Brownfield to defray costs
- Infrastructure Ontario – responsible for construction of facility – addressed issue of over runs
- Need to confirm who is responsible for cost over runs

(Whitehead/Pearson)

That the presentation be received.

CARRIED.

7. PUBLIC DELEGATIONS

7.1 John Dolbec, Hamilton Chamber of Commerce respecting Pan Am Games Stadium Location (written submission)

7.2 Andrew Iler, National Cycling Centre Hamilton respecting Pan Am Games Velodrome

The delegation addressed the following:

- thank you for keeping velodrome on the map
- benefits of velodrome to community
- brings city one step closer to pan am venue plan
- first priority of national cycling centre is to ensure that velodrome is made through a workable plan and is sustainable and viable
- the national cycling centre wishes to continue tow work with city to ensure that a full plan is put forward which maximizes the success of the facility
- cycling is a growing sport and is tied with hockey
- ensure facility meets standards to host both at the community and national level

7.3 Don May, Jobs Prosperity Collective respecting Pan Am Games

Refer to written presentation submitted

7.4 Tom Cooper and Gary Warner, Hamilton Roundtable for Poverty Reduction respecting social inclusion strategy development for Pan Am Games (written presentation)

Refer to written presentation submitted

7.5 Kathy Drewitt, Downtown Hamilton BIA respecting Pan Am Stadium location (written submission)

Refer to written presentation submitted

7.6 Sheri Selway, North End Neighbours (written submission)

Refer to written presentation submitted

7.7 Written correspondence received from Sydney Hamber and Paul Mariutti, Colliers International respecting Pan Am Stadium Location

7.8 Valerie Sturrock (written submission)

- turning brownfield into Greenfield
- public has paid for the venue
- corporate mergers – influencing Ottawa and Queen's Park
- financing issues
- think prudently and carefully when making the decision

7.9 Joe Beattie

The delegation addressed the following:

- opportunities for investment, recreation, construction, job creation
- tourism
- economic impacts and tax revenue
- sustainable economic growth
- rapid transit
- endorse West Harbour
- parking

The Mayor asked if any other members of the public wished to address Council and the following two speakers came forward:

7.10 Steven Barwood

The delegation addressed the following:

- involved in sports and marketing since a teenager
- Ti-Cat fan
- love sports and entertainment
- has attended major venues
- habits and desires of consumers
- how conducive venues are to attracting consumers
- wants council to revisit all the issues at hand
- parking inconvenient

7.11 Peter O'Hagan (written submission)

(Powers/Pasuta)

That the presentations be received.

CARRIED.

Committee recessed for ½ an hour.

8. DISCUSSION ITEMS

**8.1 International Event Opportunities – 2015 Pan Am Games Update
(CM09006(b))**

(Whitehead/Powers)

- (a) That the West Harbour precinct be approved as the site for the new Pan Am stadium, warm-up track and velodrome;
- (b) That staff be directed to consult with the Province of Ontario and the Host Corporation, and report back to Council with detailed timelines, budget, and implementation plans for the 2015 Pan American Games;
- (c) That the draft Deloitte report titled “City of Hamilton Pan Am Games Stadium Business Plan”, included as Appendix “A” of Report CM09006(b) be received;
- (d) That the draft IBI Group report titled “West Harbour Stadium Site Transportation Impact Assessment” included as Appendix “B” of Report CM09006(b) be received.

Amendment #1

(Collins/Duvall)

That a surcharge be imposed on tickets for all events at the New Hamilton Pan Am Stadium and that staff be directed to discuss and negotiate with tenants and users and report back with a suggested fee.

Amendment CARRIED.

Amendment #2

(Powers/Whitehead)

That city staff be directed to complete a business plan for the velodrome with a report back to Council as soon as reasonably possible;

That development of the business plan require consultation with the Canadian Cycling Association, the Ontario Cycling Association, the National Cycling Centre of Hamilton and the Hamilton Cycling Committee, Youth Serving Agencies Network and any others deemed appropriate.

Amendment CARRIED

Amendment #3

(Eisenberger/Clark)

That the City of Hamilton work with Infrastructure Ontario and 2015 Pan Am Games HostCo to develop a local content requirement for goods and labour.

Amendment CARRIED

Amendment #4

(McHattie/Jackson)

That staff be directed to prepare a draft social inclusion strategy, in consultation with Hamilton Roundtable for Poverty Reduction, Hamilton Centre for Civic Inclusion and other Hamilton stakeholders and report back to council by September 2010.

Amendment CARRIED.

Amendment #5

(Ferguson/Jackson)

That staff be directed to review on site parking and address the need for additional on site parking and report back to committee.

Amendment CARRIED.

Councillors Merulla and McHattie opposed

Amendment #6

(Morelli/Jackson)

That should the West Harbour Plan fail, that the City explore other options as potential sites including the East Harbour Front among others.

Amendment CARRIED.

Whitehead, Pearson, Ferguson, Merulla opposed.

Amendment #7

(Bratina/Clark)

That approval of the site include implementation of a program to ensure that the North End and Strathcona, Beasley and Central Neighbourhoods are protected from adverse traffic and parking impacts related to the stadium/velodrome site uses, through comprehensive traffic and parking management strategies to be developed in consultation with residents of those neighbourhoods.

Amendment CARRIED.

Amendment #8

(Merulla/McHattie)

That all capital and operating costs associated to Pan Am Games be paid for on a city wide basis

Amendment CARRIED.

Staff will confirm with the Province and provide information with respect to who will fund Capital Cost overruns.

Motion as amended Carried on a Standing Recorded Vote:

Yeas: Councillors Collins, Duvall, Ferguson, Jackson, Morelli,
Pasuta, Pearson, Powers, Whitehead, Mayor Eisenberger

Total: 10

Nays: Bratina, Clark, McCarthy, McHattie, Merulla

Total: 5

Absent: Councillor Mitchell

Total: 1

11. PRIVATE AND CONFIDENTIAL

**11.1 International Event Opportunities – 2015 Pan Am Games Update
(CM09006(c))**

Further to the following sections of the Procedural By-law and Municipal Act:

8.1(c) Proposed or pending acquisition or disposition of land for municipal purposes

8.1(e) Litigation or potential litigation, including matters before administrative tribunals affecting the City of Hamilton

8.1(f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

(Pearson/Ferguson)

That Committee move into closed session CARRIED.

Councillors Clark, McCarthy, Merulla, Whitehead Opposed to moving into closed session.

(Pearson/Clark)

That committee reconvene in Open Session. CARRIED.

**11.1 International Event Opportunities – 2015 Pan Am Games Update
(CM09006(c))**

(Pearson/Ferguson)

(a) That the Real Estate Section of the Economic Development and Real Estate Division be authorized and directed to commence the

process of land acquisitions and negotiate and execute interim permission to enter access agreements for environmental testing within the West Harbour precinct pursuant to City Council's approved Real Estate Portfolio Strategy Plan and Council's approved Delegation of Authority for routine real estate matters, based on the following:

- (i) that the budget amount for the total acquisition costs including land access agreements for the lands identified in **Appendix "E" as amended** be subject to the financial details and funding outlined in Report CM09006(b) and be funded from Project 3621054100;
 - (ii) that the funding source for the purposes of undertaking environmental audits be charged to Project 3621054100;
 - (iii) that the Director of Energy, Fleet and Facilities be authorized and directed to take all the necessary steps for the demolition of the subject buildings, and that the cost for the demolition and any additional ancillary expenses be charged to Project 3621054100;
- (b) That In the event that an Option to Purchase can not be reached by all parties pursuant to Clause 3, that appropriate legal counsel be retained, authorized and directed, working with the assistance of appropriate City officials and staff, if available, and the City solicitor to:
- (i) Proceed with the necessary steps to expropriate the necessary lands, as per the mapping contained in Appendix "E";
 - (ii) Prepare an Application for the Approval to Expropriate by the City of Hamilton for the affected lands to be signed by the City Clerk;
 - (iii) Cause the necessary Notice of Application to be served on the registered owners of the lands affected and for the advertisement of the said Notice of Expropriation to be placed in the local newspaper for three (3) consecutive weeks;
 - (iv) Apply for an Order to dispense of any request for hearing pursuant to the Expropriations Act, chap. E.26, Section 6(3);

Councillor Clark opposed

- (v) Forward to the Chief Inquiry Officer any Request for Hearings received and to report to City Council of such information in the event subsection (iv) is not granted;
 - (vi) Introduce the appropriate Expropriation By-law to City Council in the event no requests for Hearing are received;
 - (vii) Direct the Manager of Real Estate, Planning and Economic Development Department to obtain external Appraisals for the affected lands, if and when necessary, to form the basis of compensation to be offered by the City and that the Manager of Real Estate, if and when necessary, be authorized and directed to negotiate compensation with the owner of the expropriated lands on the basis of the appraisal report;
 - (viii) Direct the Surveys/Technical Services Section of the Environment and Sustainable Infrastructure Division to prepare a Plan of Expropriation for registration in the Land registry Office;
- (c) That the Mayor and Clerk be authorized and directed to sign the Certificate of Approval affixed to the Plan of Expropriation and the City Clerk be authorized and directed to affix the Corporate Seal thereto;
 - (d) That the City Clerk be authorized and directed to sign, and the City Solicitor be authorized and directed to serve, any Notices required by the Expropriations Act and such Notices of Compensation and possession and any other action, as may be required, to obtain and authorize entry and possession of the expropriated lands at the earliest possible date, and to settle compensation before the Land Compensation Board, if necessary, for the City of Hamilton.
 - (e) That the cost of Expropriations be charged to Project 3621054100;
 - (f) That Public Works be authorized and directed to undertake the process to assemble and close all necessary road allowances within the West Harbour precinct and, that the cost be charged to Project 3621054100;
 - (g) That the Surveys/Technical Services Section of the Environment and Sustainable Infrastructure Division be authorized and directed to undertake all necessary surveys and, that the cost be charged to Project 3621054100;

- (h) That Gowling, Lafleur Henderson (Gowlings) be retained as outside Counsel to the City and be authorized and directed, working with the assistance of such City officials and staff as may be available and other retained outside consultants, to advise on and obtain environmental and planning approvals for acquiring, environmental testing, preparation and use of the West Harbour lands for the Pan Am Games facilities;
- (i) That Gowlings further be authorized for these purposes, to retain Decommissioning Consulting Services Limited (DCS) to carry out the required environmental site investigations of the West Harbour lands, including City owned streets and property, for the purpose of carrying out a risk assessment and other actions necessary to prepare a Record of Site Condition (RSC) for the lands and file and obtain Ministry of Environment acceptance of the RSC, and to direct and supervise the actions required to environmentally prepare the West Harbour lands for Pan Am facility construction, including demolition of on-site buildings, as outlined in the DCS work plan to be provided by Gowlings to the City Solicitor;
- (j) That the cost of the work carried out under these retainers be charged to Project 3621054100;
- (k) That the Mayor and Clerk be authorized and directed to execute all necessary documents in a form satisfactory to the City Solicitor;
CARRIED.

There being no further business, the meeting adjourned at 5:40 p.m.

Respectfully submitted,

Mayor F. Eisenberger

M. Gallagher, Co-ordinator
Council/Committee of the Whole
February 18, 2010