The following items were reported to City Council for consideration:

1. **Changes to the Agenda**

   The Clerk noted the following changes to the agenda:
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2 February 8, 2010

With respect to the delegation request 5.1 from Ian Rowe, you will recall that Council approved this request at the January 27, 2009 meeting of City Council and therefore no further action is required at this time.

Added delegation request noted as Item 5.4 from Tim Dobbie to address Committee of the Whole at our special meeting of February 18th respecting Pan Am Games

With respect to Item 7.1(a) Amendments to Schedule 20 of the Licensing By-Law

The 5th speaker noted on the agenda Aldo Berlingieri has withdrawn his request to speak today

However we have additional speakers who have indicated the opportunity to address committee on this matter today and they are:

Kim Janjec of Lakeview Retirement Centre
And a delegation representing Atrium Villa – they are: Dawn Lyons, Debbie Kerr-Phillips and Brenda Tozer

(Pasuta/Mitchell)
That the agenda be adopted as amended. CARRIED.

2. DECLARATIONS OF INTEREST

None

3. ADOPTION OF MINUTES

3.1 January 11, 2010
(Morelli/Pearson)
That the Minutes of January 11, 2010 be approved. CARRIED.

3.2 January 14, 2010 (special)
(Powers/Ferguson)
That the Minutes of January 14, 2010 be approved. CARRIED.

3.3 January 20, 2010
(Pearson/Duvall)
That the Minutes of January 20, 2010 be approved. CARRIED.
4. CONSENT ITEMS

None

5. DELEGATION REQUESTS

(Mitchell/Pasuta)
That the delegation requests noted below be approved. CARRIED.

5.1 Request to address Committee by Ian Rowe, President, Wentworth Condominium Corporation No. 236 On behalf of Canadian Condominium Institute, Golden Horseshoe Chapter respecting residential tax matters affecting condominium corporations – No action required

5.2 Request to address Committee by John Dolbec, Hamilton Chamber of Commerce respecting Pan Am Games Stadium Location

5.3 Request to address Committee by Andrew Iler, National Cycling Centre Hamilton respecting Pan Am Games Velodrome

5.4 Request to address Committee by Tim Dobbie respecting Pan Am Games

Added: Kim Janjec of Lakeview Retirement Centre
Dawn Lyons, Debbie Kerr-Phillips, Brenda Tozer, Atrium Villa

6. PUBLIC DELEGATIONS

6.1 Bruce Wood, President/CEO, Hamilton Port Authority respecting update on Port Activity and progress of major initiatives

Mel Hawkridge, Chair of Port Authority and Bruce Wood, President/CEO provided an update on the progress of major initiatives of Port Activity.

Highlights included:
- Mission and Vision
- HPA Strategy
  - Business Growth, Strategic Infrastructure Investment,
    A Focus on Social Responsibility, Build a High Performance Organization
- What the Future Holds
Committee members raised the following issues of note:

- the future development of Pier 22 – Old Stelco Rod Mill - 80 acres – will now be a bulk port
- Randall Reef – continued funding and update on the status of project
- Tonnage Report – drop in 2.7 million tones – impact on steel industry
- Future with steel industry winding down
- comparators of how Hamilton fairs with respect to grants/funds received from other levels for the Port Authority

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

6.2 Madina Wasuge, Hamilton Centre for Civic Inclusion respecting progress update

Madina Wasuge and Members of HCCI (Marco Romero, Gary Warner and Gerry Fisher) provided an update on the work of the Hamilton Centre for Civic Inclusion. Highlights included:

- Strategic directions
- Organizational Development
- Funding
- Accountability
- Importance of having the Centre in Hamilton
- Social cohesion
- HCCI received status as a charitable non profit organization
- establish fund raising efforts

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

7. PRESENTATIONS

7.1 Amendments to Schedule 20 (Residential Care Facilities) of the Licensing By-Law 07-170 (PED10005) (City Wide)

Vince Ormond, Planning, provided an overview of the report. Highlights included:

- Background of issue
- revisions made to by-law – secured storage space, tenant security and privacy, complaint process, access to a private phone;
- concerns not addressed – inadequacy of current per diem funding for subsidized residential care facilities and community services will be reviewing the funding process

Members of Council addressed various issues including:
- secured/locked units and Bill 68
- locked boxes - operator access
- Cost per tenant – $120.00 – unnecessary – tenant shouldn’t be paying for it
- Provisions for Power of Attorney
- Per diems for housing tenants
- Consultation with police services - issues that arise from residential care facilities – most stem around level of care or supervision
- One piece to review moving forward – consultation with neighbourhood and police service (COAST); seems to be extreme levels of good and bad operations;
- Not much time to look at bylaw - needs to move forward; but having looked at it and see some issues, would like to delay two or three weeks for additional review;

(a) Public Delegations

(i) Roy Bennett, Ontario Homes for Special Needs Association

The delegation provided written material for circulation. Included in the verbal presentation were the following issues:
Residential care facilities were not opposed to the new enhance by-law; that this new enhanced by-law comes with a price – very costly, will cost operators a lot of money to implement by-law and ask review costs have a number of operators present today who are very concerned

(ii) Steve Rolfe/Graham Cubitt, Homestead Christian Care - regrets
(iii) Lance Bingman/Henry Aviles, Housing Help Centre

Requests 1 to 5 that existing tenants receive same information similar to RCF information package; tenants right to access to a phone

Appreciate efforts of Health Department

(iv) Bob Wood, McQuesten Legal and Community Services

Copy of comments distributed

(v) Kim Janjec of Lakeview Retirement

The delegation addressed the following:
- They are not a publicly funded retirement home;
- Have been advocating for residents with regard to clauses in by-law
- with respect to confidential medical records; in 2006, court said that 2 clauses in schedule 20 were unconstitutional – separate file containing medical information and unlocked closet allowing inspection of files; why are these clauses still in schedule 20?; staff responded that these two sections have been amended 56.2(g) now clearly prescribes medical information to care service being provided and section regarding inspection no longer refers to making copies of contents of files; court made clear statement that City of Hamilton has the right if not duly to capture areas not covered by existing laws
- rewording and renumbering does not cover local decision of the court
- suggest that publicly funded second level lodging homes should be licensed than privately-funded retirement homes

(vi) Dawn Lyons, Debbie Kerr-Phillips, Brenda Tozer

Brenda Tozer – General Manager of Georgian Retirement Residents in Dundas and also President of Region 4 for ORCA which goes from Niagara falls to Mississauga so all retirement homes certified by
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ORCA – 6 homes in Hamilton; also a surveyor for ORCA to do their certification
Addressed: Concerns with respect to Admission procedures in by-law

(Pearson/Morelli)
That the presentations be received. CARRIED.

(Clarl/Collins)
Whereas the Substitute Decisions Act prohibits owner operator agents of Residential Care Facilities from acting as Attorney for Personal Care

Whereas the Substitute Decisions Act does not speak to owner operators or agents of Residential Care Facilities ability to act as power of Attorney for Residents under their care

Whereas this omission has serious potential for conflicts of interests

Therefore, be it resolved, that the City of Hamilton requests amendments to the Substitute Decisions Act that prohibits owner operators from acting as Power of Attorneys under their care or in the care of a related Company.

AMENDMENT CARRIED.

(Clarl/Collins)
That Section 47 be deleted in its entirety and replaced with the following in lieu thereof:

47. The operator shall ensure that no facility is equipped with a locked unit provided that the Operator of any facility with a locked unit on date of passage shall make the necessary changes such as removing locks as soon as possible to eliminate such locked units.

AMENDMENT CARRIED.

(Powers/Whitehead)
That staff be directed to include information respecting Provincial policies relating to this matter in the report. AMENDMENT CARRIED

(McHattie/Morelli)
That the motion as amended be tabled for one month to allow staff to report back on all information received at committee. CARRIED.
With respect to separating the issue of per diem costs which is being reviewed by Community services, staff will advise by email how quickly this information can be provided to committee.

Committee recessed until 1:20 p.m.

7.2 City Manager Performance Review (no copy)

Chris Murray presented highlights of his Performance Review including the following:

- Strategic outcomes
  - Strategic Plan Update (June)
  - ADM Meeting – Business Readiness (September)
  - Corporate Priority Plan (December)
  - Relationship Building

- Operational Outcomes
  - hiring of two general manager

- Financial Outcomes
  - proposed modification to 2010 budget process;
  - worked with staff and council to find area rating compromise, established service delivery review function in CMO
  - initiated customer contact centre review and continue to support OMBI

- People Focus
  - maintain regular contact with staff
  - recommended new Employee Code of Conduct and Whistleblower By-law
  - Support new employee recognition program
  - Regularly attend new employee orientation program

- Citizen Focus
  - Introduced Citizen Centred Service Delivery to Extended Management Team
  - Immigration Portal
  - Review website issues and governance structure
  - Report on Citizen Forum

- Senior Management Team Leadership
  - Developed SMT Purpose Statement
  - Revised SMT meeting focus and began issuing meeting minutes to Council
- Developing work plan to support Corporate Priority Plan
- Provide Support to Pan Am and LRT initiatives
- Completing GM Performance Reviews

- Organization Values
  - Honesty, Accountability, Innovation, Leadership, Respect, Excellence and Teamwork

8. DISCUSSION ITEMS

8.1 Advisory Committee for Persons with Disabilities Report 10-001, meeting of January 12, 2010

(Morelli/Pearson)

1. **Signage at City Hall (Item 5.1(a))**

   (a) That the signage for the City Hall Renovations to be more accessible, according to the Clear Print Accessibility Guidelines and the Barrier-Free Design Guidelines, with consideration of providing accessibility to everyone;

   (b) That glass doors meet the Barrier-Free Design Guidelines irrespective of the Heritage Designations of City Hall, as this is a safety and accessibility issue.

   (c) That, as it is important to have signs showing where people can and cannot go, signage be placed at all accessible entrances, exits, ramps and stairwells.

   (d) That, as soon as possible and prior to any final decision-making respecting signage at City Hall, the Advisory Committee for Persons with Disabilities review the designated Project Manager’s report respecting the resolution of interior and exterior signage issues.

2. **Buildings and Renovations (Item 5.1(a))**

   That, for anything built or renovated, the Advisory Committee for Persons with Disabilities be part of the planning/project process from the beginning.
3. Accessible Transportation (Item 5.2(a))

(a) That whereas in the future, demand will increase for accessible transportation services; the Advisory Committee for Persons with Disabilities advises Council that it has concerns regarding the availability of resources for Accessible Transportation Services (ATS), including DARTS, required so that persons with disabilities have access to accessible transportation required to meet their daily needs for work, school and health care;

(b) That staff be directed to bring a report back to Committee of the Whole by early fall 2010 investigating other transportation service delivery models to ensure that persons with disabilities are guaranteed 100% trip service.

4. Request from Marlene Thomas for Reinstatement on the Advisory Committee for Persons with Disabilities (Item 6.4)

That Marlene Thomas be reinstated as a member of the Advisory Committee for Persons with Disabilities for the 2006 to 2010 term of Council or until such time as a successor is appointed by Council. CARRIED.

8.2 Accessible Washroom – East Hamilton Recreational Trail Hub and Waterfront Link (PW10015) (Ward 4)
(Jackson/Pearson)
That Report PW10015 respecting Accessible Washroom – East Hamilton Recreational Trail Hub and Waterfront Link be received. CARRIED.

8.3 2010 Property/Liability Policies Renewal (FCS10008)
(Ferguson/Pearson)
That this report be tabled pending the closed session discussion. CARRIED.

8.4 Hamilton Ontario Water Employees Association (HUR10006)
(Jackson/Pearson)
That Report HUR10006 respecting Hamilton Ontario Water Employees Association, be received. CARRIED.
8.5 Infrastructure Stimulus Fund - Change of Scope for Coronation Arena (CS10015) (Ward 1)
(McHattie/Jackson)
(a) That the scope, for the Infrastructure Stimulus Fund for the Coronation Arena project (No. 2344), be amended to include the renovation of the existing Coronation Arena rather than a redevelopment of the arena into a three pad complex, as part of a public/private partnership.

(b) That staff be directed to submit a formal letter to Infrastructure Canada requesting approval of the change of scope for the Coronation Arena Project (No. 2344), to include the renovation of the existing Coronation Arena rather than a redevelopment of the arena into a three pad complex, as part of a public/private partnership. CARRIED.

8.6 Citizens Forum Options (CM10002) (City Wide)
(Powers/Pearson)
(a) That the Terms of Reference, attached as Appendix ‘A’ to Report CM10002 for the Citizens’ Forum Recommendations be approved.

(b) That costs for a citizen’s forum in the amount of $95,000 be funded from tax stabilization reserve #110046 and approved.

(c) That there be an interim progress report half way through the process to update Committee of the Whole.

(Powers/Pearson)
That the question be put. CARRIED.

The Motion as Amended Carried on the following recorded vote:

Yeas: Bratina, Ferguson, Jackson, McHattie, Pasuta, Mitchell, Pearson, Powers, Eisenberger
Total: 9

Nays: Whitehead, Collins, Duvall, Morelli
Total: 4

Absent: McCarthy, Merulla, Clark
Total: 3
9. MOTIONS

None

10. NOTICES OF MOTION

Councillor McHattie presented the following Notice of Motion:

Re: Requirement for Local Food at new City Hall

Whereas, many Hamiltonians are expressing great interest in eating locally-grown food, and;

Whereas, the Local Food Plus (LFP) organization has certified a number of Hamilton-area farmers as “local” and “sustainable”, who can now provide food to local facilities with the LFP certification label, and;

Whereas, the City of Hamilton’s Community Food Security Stakeholder Advisory Committee is working on local food policies and education programs, and;

Whereas, the high profile, new City Hall restaurant provides Council with the opportunity to demonstrate its commitment to supporting local agriculture and healthy food;

Therefore,

(a) That the request for proposal for the new City Hall restaurant include a requirement to provide LFP-certified local food to the extent possible;

(b) That respondents to the RFP clearly outline the percentage of local food to be utilized

Note: Local means as preferrably grown in Ontario

(McHattie/Ferguson)

Waive the Rules to allow the introduction of a motion respecting local food at City Hall.

CARRIED.

Re: Requirement for Local Food at new City Hall

(McHattie/Ferguson)

Whereas, many Hamiltonians are expressing great interest in eating locally-grown food, and;
Whereas, the Local Food Plus (LFP) organization has certified a number of Hamilton-area farmers as “local” and “sustainable”, who can now provide food to local facilities with the LFP certification label, and;

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Therefore,

(a) That the request for proposal for the new City Hall restaurant include a requirement to provide LFP-certified local food to the extent possible;

(b) That respondents to the RFP clearly outline the percentage of local food to be utilized

Note: Local means as preferably grown in Ontario CARRIED.

11. PRIVATE AND CONFIDENTIAL
(Pearson/Powers)
That Committee move Into Closed Session further to the following subsections of the City’s Procedural By-law and Municipal Act:

8.1(d) Labour Relations
8.1(e) litigation or potential litigation, including matters before administrative tribunals affecting the municipality
8.1(f) Receiving of advice that is subject to solicitor client privilege CARRIED.

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

11.1 Closed Session Minutes of January 14, 2010
(Pearson/Pasuta)
That the minutes of January 14, 2010 be adopted as presented. CARRIED.
11.2 City v Avero Security (GTA1) Inc, et. al., Superior Court Action No. 09-11760 (LS10001) (City Wide)
   Direction provided in closed session.

11.3 Verbal Report on RFP C5-37-09
   Withdrawn

11.4 City Manager’s Performance Evaluation by Council
   Direction provided in Closed Session.

There being no further business, the meeting adjourned at 4:13 p.m.

   Respectfully submitted,

   Mayor F. Eisenberger

M. Gallagher, Co-ordinator
Committee of the Whole/Council/Budgets
February 8, 2010