GENERAL ISSUES COMMITTEE
MINUTES 14-004
9:30 a.m.
Wednesday, February 19, 2014
Council Chambers
Hamilton City Hall
71 Main Street West

Present:
Deputy Mayor S. Merulla (Chair)
Mayor R. Bratina
Councillors C. Collins, S. Duvall, J. Farr, L. Ferguson,
T. Jackson, B. Johnson, B. McHattie, R. Morrow, J. Partridge,
R. Pasuta, M. Pearson, R. Powers, T. Whitehead

Absent with Regrets:
Councillor B. Clark – Personal

THE FOLLOWING ITEMS WERE REPORTED TO COUNCIL FOR CONSIDERATION:

1. Hamilton Police Service Monthly Report (PSB 14-007) (Item 5.2)
   (Jackson/Collins)
   That Hamilton Police Service Monthly Report PSB 14-007, be received.  
   CARRIED

2. Ottawa Street Business Improvement Area (B.I.A.) Revised Board of Management (PED10256(a)) (Wards 3 and 4) (Item 5.3)
   (Jackson/Collins)
   That Matthew Green be appointed to the Ottawa Street BIA’s Board of Management.
   CARRIED

3. Locke Street Business Improvement Area (B.I.A.) – Proposed Budget and Schedule of Payment for 2014 (PED14029) (Ward 1) (Item 5.4)
   (Jackson/Collins)
   (a) That the 2014 Operating Budget for the Locke Street Business Improvement Area (BIA) (attached as Appendix “A” to Report PED14029) be approved in the amount of $30,000;
(b) That the levy portion of the Operating Budget for the Locke Street Business Improvement Area (BIA) in the amount of $30,000, be approved;

(c) That the General Manager of Finance and Corporate Services be hereby authorized and directed to prepare the requisite by-law pursuant to Section 208, The Municipal Act, 2001, to levy the 2014 Budget as referenced in sub-section (b) of Report PED14029;

(d) That the following schedule of payments for 2014 be approved:

<table>
<thead>
<tr>
<th>Month</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>February</td>
<td>$15,000</td>
</tr>
<tr>
<td>June</td>
<td>$15,000</td>
</tr>
</tbody>
</table>

Note: Assessment appeals may be deducted from the levy payments.

CARRIED

4. Lease Agreement with Winona Peach Festival (Lessee), 1328 Barton Street East (Winona Park), Stoney Creek (PED14030) (Ward 11) (Item 5.5)

(Jackson/Collins)

(a) That City Council approve a new lease with Winona Peach Festival subject to the following terms and conditions:

(i) **Terms:** The lease will cover only the following periods over a 10 year term:

<table>
<thead>
<tr>
<th>Year</th>
<th>Dates</th>
</tr>
</thead>
<tbody>
<tr>
<td>Year One</td>
<td>August 17 to August 27, 2014, inclusive</td>
</tr>
<tr>
<td>Year Two</td>
<td>August 21 to August 31, 2015, inclusive</td>
</tr>
<tr>
<td>Year Three</td>
<td>August 19 to August 29, 2016, inclusive</td>
</tr>
<tr>
<td>Year Four</td>
<td>August 18 to August 28, 2017, inclusive</td>
</tr>
<tr>
<td>Year Five</td>
<td>August 17 to August 27, 2018, inclusive</td>
</tr>
<tr>
<td>Year Six</td>
<td>August 22 to September 1, 2019, inclusive</td>
</tr>
<tr>
<td>Year Seven</td>
<td>August 21 to August 31, 2020, inclusive</td>
</tr>
<tr>
<td>Year Eight</td>
<td>August 19 to August 29, 2021, inclusive</td>
</tr>
<tr>
<td>Year Nine</td>
<td>August 18 to August 28, 2022, inclusive</td>
</tr>
<tr>
<td>Year Ten</td>
<td>August 17 to August 27, 2023, inclusive</td>
</tr>
</tbody>
</table>

The Lessee has an option to extend the lease for an additional 10 years under the same terms and conditions except for the dates of use, to be determined upon renewal.

(ii) **Property:** Winona Park at 1328 Barton Street, City of Hamilton (formerly Stoney Creek), described as Part of Lots 3 and 4, Concession 2, designated as Parts 2 and 4, Plan 62R-15563 comprising approximately 15.07 acres.
(iii) **Purpose:** For the sole purpose of holding the annual Winona Peach Festival.

(iv) **Rate:** $1 per year plus applicable H.S.T. and any property taxes payable due to the occupation of the subject lands (Winona Park) by the Lessee.

(v) **Expenses:** The Lessee is responsible for all expenses.

(b) That the rent to be credited to Account No. 46084-792485;

(c) That the Real Estate Section of the Economic Development Division of the Planning and Economic Development Department be authorized and directed to complete the Lease Agreement for the subject lands, in accordance with the terms set out in Recommendation (a) of Report PED14030 and with By-law 04-299;

(d) That the Mayor, General Manager of Finance and Corporate Services and City Clerk be authorized and directed to execute the Lease in a form satisfactory to the City Solicitor. **CARRIED**

5. **Elfrida Urban Boundary Expansion – Background Studies (PED14011) (City Wide) (Item 5.6)**

*(Johnson/Jackson)*
That the correspondence from Susan Rosenthal, Davies Howe Partners LLP, on behalf of “Twenty Road East Landowners” respecting “Elfrida Urban Boundary Expansion – Background Studies” (Report PED14011), attached hereto as Appendix “A”, be received. **CARRIED**

6. **Elfrida Urban Boundary Expansion – Background Studies (PED14011) (City Wide) (Item 5.6)**

*(Ferguson/Powers)*
That the 2014 Capital Budget submission (Project #8121355605) for $500,000 to undertake studies for the Elfrida Urban Boundary Expansion be removed from its “parked” status and approved. **CARRIED**
7. Administrative Amendments to the Environmental Remediation and Site Enhancement (ERASE) Programming Description and Terms (PED14031) (City Wide) (Item 8.1)

(Farr/Ferguson)
(a) That the revised Environmental Remediation and Site Enhancement (ERASE) Redevelopment Grant Program (RGP), Tax Assistance Program (TAP) and Downtown Hamilton/West Harbourfront Remediation Loan Program description and terms, attached as Appendix “A”, Appendix “B” and Appendix “C” to Report PED14031, be approved;

(b) That staff continue to monitor the Environmental Remediation and Site Enhancement (ERASE) Community Improvement Plan (CIP) and related programs with respect to detailed implementation measures to allow for the efficient administration of the Program.  

CARRIED

8. Redevelopment of 440 Victoria Avenue North (formerly the Studebaker and Otis Elevator Plants)

(Ferguson/Powers)
That the Facility Naming Sub-Committee be requested to consider retaining reference to “Studebaker” in the redevelopment of 440 Victoria Avenue North (formerly the Studebaker and Otis Elevator Plants). 

CARRIED

9. The Current and Future State of Hamilton's Advanced Manufacturing Sector (PED14006) (City Wide) (Deferred from January 22/27 GIC Meeting) (Item 7.1)

(Collins/Jackson)

CARRIED

10. Biosolids Management Project – Public Private Partnerships (PPP) Canada Funding (PW11098(c)/FCS11112(c)) (City Wide) (Item 7.2)

(Ferguson/Powers)
(a) That the Mayor and City Clerk be authorized and directed to execute Public Private Partnerships (‘PPP’) Canada’s Conditional Financial Agreement (‘CFA’) as included herein as Appendix “A”, and all necessary associated documents, in a form satisfactory to the City Solicitor and with content acceptable to the General Manager of Public Works, and the General Manager of Finance & Corporate Services;

(b) That the General Manager of Public Works be authorized and directed to proceed with Phase 2 – Transaction Phase of the Biosolids Management Project as follows:
Proceed with the procurement and award of Trans-action Advisors using approved funds from account 5160966910 having a budget of $2,500,000;

Proceed with the procurement and award of the Fairness Monitor using approved funds from account 5160966910 having a budget of $500,000;

Proceed with issuing the Request for Pre-Qualifications for the purpose of short listing qualified Proponents for the Biosolids Management Project;

Proceed with issuing the Request for Proposal to the pre-qualified proponents resulting from (b)(iii) for the Biosolids Management Project as to identify a Preferred Proponent for Council's consideration;

Present the results of the Request for Proposals from (b)(iv) to Council prior to any award.

11. Submissions to the Ontario Legislature on Bill 69 – Prompt Payment Act, 2013 (PW14018/LS14004) (City Wide) (Item 8.2)

(Partridge/Jackson)
That the General Manager of Public Works and the City Solicitor and/or his/her delegates, as appropriate, be authorized to:

(a) make oral and/or written submissions to the Ontario Legislature, including any standing committees or other bodies, to express support for the Association of Municipalities of Ontario's position on Bill 69 - Prompt Payment Act, 2013;

(b) raise the City of Hamilton's concerns as set out in Report PW14018/LS14004 with respect to Bill 69 - Prompt Payment Act, 2013, and any subsequent bill or regulations dealing with these issues.

12. Labour Relations Matter regarding Carpenters’ Agreement (Item 12.7)

(Ferguson/Pasuta)
That the staff direction provided in Closed Session with respect to the Labour Relations Matter regarding the Carpenters’ Agreement be approved.

CARRIED on a Standing Recorded Vote
13. Hamilton Tiger-Cats Football Club 20-Year License Agreement (Item 12.6)

(Ferguson/Whitehead)
That the staff direction provided in Closed Session with respect to the Hamilton Tiger-Cats Football Club 20-Year License Agreement be approved.  CARRIED

14. Appointment of General Manager of Finance and Corporate Services
(Item 12.3)

(Collins/Whitehead)
That Mike Zegarac be appointed to the position of General Manager of Finance and Corporate Services.  CARRIED

FOR THE INFORMATION OF COUNCIL:

(a) CHANGES TO THE AGENDA (Item 1)

The Committee Clerk advised of the following changes:

ADDED CORRESPONDENCE

5.6a Correspondence from Susan Rosenthal, Davies Howe Partners LLP, on behalf of “Twenty Road East Landowners”, respecting Elfride Urban Boundary Expansion – Background Studies (Item 5.6)

PRESENTATIONS

7.3 City Manager’s Annual Update 2013 – Re-scheduled to March 19, 2014 General Issues Committee Meeting

PRIVATE & CONFIDENTIAL

12.5 City Manager’s Performance Review – 2013 – Re-scheduled to March 19, 2014 General Issues Committee Meeting

ADDED PRIVATE & CONFIDENTIAL

12.7 Labour Relations Strategy – Carpenters’ Union
Pursuant to sub-section 8.1(f) of the City’s Procedural By-law and Section 239.2 of the Municipal Act, as amended, as the subject matter pertains to the receiving of advice that is subject to solicitor-client privilege.
ADDED CRITERIA NOTED IN BOLD

12.6 Hamilton Tiger-Cats Football Club 20-Year License Agreement
Pursuant to sub-sections 8.1(c) and (f) of the City’s Procedural By-law and Section 239.2 of the Municipal Act, as amended, as the subject matter pertains to (c) a proposed or pending acquisition or disposition of land by the municipality or local board; and (f) the receiving of advice that is subject to solicitor-client privilege.

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

(b) DECLARATIONS OF INTEREST (Item 2)
None

(c) APPROVAL OF PREVIOUS MINUTES (Item 3.1)

(Collins/Jackson)
That the Minutes of the February 5, 2014 meeting of the General Issues Committee be approved as presented. CARRIED

(d) CONSENT ITEMS

(i) Minutes of the Business Improvement Area Advisory Committee (For Information Purposes Only) (Items 5.1(a) and (b))

(Jackson/Pearson)
That the November 12 and December 10, 2013 Minutes of the Business Improvement Area Advisory Committee be received. CARRIED

(ii) Elfrida Urban Boundary Expansion – Background Studies (PED14011) (City Wide) (Item 5.6)

The Motion CARRIED on the following recorded vote:

Yeas: Pearson, Ferguson, Powers, Bratina, Merulla, Duvall, Jackson, Collins, Morrow, Farr, McHattie
Total Yeas: 11

Nays: Johnson
Total Nays: 1

Absent: Clark, Pasuta, Partridge, Whitehead
Total Absent: 4
(e) PUBLIC HEARINGS/DELEGATIONS

(i) Carol Mitchell, P.Eng., MTE Consultants, and Sergio Manchia, Urban Core Developments, respecting the mandatory Record of Site Condition requirement of the ERASE Redevelopment Grant Program relating to the redevelopment of 440 Victoria Avenue North (formerly the Studebaker and Otis Elevator Plants) (Item 6.1)

Sergio Manchia of Urban Core Developments appeared before the Committee to express his thanks to staff and members of Council for their work and support in bringing forward the amendments to the ERASE program (Item 8.1 in the agenda), and noted that these amendments will have a very positive impact on future developments.

(Powers/Morrow)
That the presentation from Sergio Manchia respecting “the mandatory Record of Site Condition requirement of the ERASE Redevelopment Grant Program relating to the redevelopment of 440 Victoria Avenue North (formerly the Studebaker and Otis Elevator Plants)” be received. CARRIED

(f) PRESENTATIONS

(i) The Current and Future State of Hamilton’s Advanced Manufacturing Sector (PED14006) (City Wide) (Item 7.1)

Norm Schleehahn, Manager of Business Development, introduced Susan Botting, National Leader and Senior Practice Partner, Deloitte Real Estate.

Ms. Botting presented the findings of a study conducted entitled, “City of Hamilton – The Current and Future State of Hamilton’s Advance Manufacturing Sector”.

With the assistance of a PowerPoint presentation, Ms. Botting spoke to the following:

- The Shifting Global Manufacturing Landscape
- The Evolution of Advanced Manufacturing
- The Third Industrial Revolution
- Global Future of Manufacturing
- North American “Re-shoring” Opportunities
- Global Future of Manufacturing
- Global Manufacturing Markets
- City of Hamilton Manufacturing
- Market Strengths/Assets
- Sector Strengths/Opportunities
- Market Challenges and Vulnerabilities
• Deloitte – The Future of Productivity
• Recommendations – The Future of Productivity
• Recommendations – Hamilton Advanced Manufacturing

A copy of the PowerPoint presentation was distributed to the Committee and is available for viewing on the City of Hamilton website.

(Collins/Jackson)
That the presentation respecting “The Current and Future State of Hamilton’s Advanced Manufacturing Sector, be received. CARRIED

(Collins/Jackson)
That staff be directed to prepare a report for the consideration of the General Issues Committee that focuses on the recommendations contained in the presentation provided by Deloitte. CARRIED

(ii) Biosolids Management Project – Public Private Partnerships (PPP) Canada Funding (PW11098(c)/FCS11112(c)) (City Wide) (Item 7.2)

Dan McKinnon, Director of Hamilton Water, provided a PowerPoint presentation with respect to the Biosolids Management Project – Public Private Partnerships (PPP) Canada Funding, and spoke to the following issues:

• Background
• Highlights
• Project Schedule
• Key Issues/Considerations
• Proposed Council Report Recommendations
• P3 Canada Funding – Original Workplan.

Mr. McKinnon responded to questions from the Committee.

A copy of the PowerPoint presentation was distributed to the Committee and is available for viewing on the City of Hamilton website.

(Pearson/Partridge)
That the presentation respecting “Biosolids Management Project – Public Private Partnerships (PPP) Canada Funding” be received. CARRIED

The Motion contained in Report PW11098(c)/FCS11112(c) CARRIED on the following recorded vote:
Yeas: Bratina, McHattie, Farr, Morrow, Jackson, Duvall, Whitehead, Partridge, Powers, Ferguson, Pearson
Total Yeas: 11
Nays: Collins, Merulla
Total Nays: 2
Absent: Pasuta, Johnson, Clark
Total Absent: 3

(iii) Hamilton Tiger-Cats Football Club 20-Year License Agreement

John Frittenburg of JF Group provided an update to the Committee with respect to the 20-Year License Agreement between the City of Hamilton and the Hamilton Tiger-Cats Football Club. With the assistance of a PowerPoint presentation, Mr. Frittenburg spoke to the following:

- Background – MOU; Negotiations; interaction between Negotiating Teams
- Most Recent Progress
- Valuable Community Asset/Wide Range of Benefits
- Oversight and Scheduling
- Tiger-Cats Exclusivity
- Soccer
- Practice Facilities
- Tiger-Cats Facilities
- Permitted Transfer of Ownership
- Concessions
- Naming Rights
- Financial Terms
- Ivor Wynn Recognition
- Other Items
- Projected Annual Value of Agreement

A copy of the PowerPoint presentation was distributed to the Committee and is available for viewing on the City of Hamilton website.

(Collins/Jackson)
That the presentation respecting the “Hamilton Tiger-Cats Football Club 20-Year License Agreement” be received.  CARRIED
(g) DISCUSSION ITEMS

(i) Hamilton Tiger Cats Football Club 20-Year Lease Agreement (PW14021) (Ward 3) (Item 8.3)

(Partridge/Ferguson)
That Report PW14021 respecting “Hamilton Tiger Cats Football Club 20-Year Lease Agreement” be tabled. CARRIED

(h) OTHER BUSINESS/GENERAL INFORMATION

(i) Outstanding Business List Items

(aa) Revised Due Dates

(Bratina/Pearson)
That the due dates for the following items on the Outstanding Business List be amended accordingly, as follows:

Item II: James Street North Road Closure for Art Crawl
Due Date: February 19, 2014
Revised Due Date: March 19, 2014

Item K: Residential Water/Wastewater Warranty Protection Plan
Due Date: March 19, 2014
Revised Due Date: April 16, 2014

Item U: MOU with Hamilton Port Authority/HPA Land Lease – Parking
Due Date: February 19, 2014
Revised Due Date: March 19, 2014 CARRIED

(bb) Items to be removed from the Outstanding Business List:

(Pearson/Partridge)
That the following items be deemed complete and removed from the Outstanding Business List:

Item W: ACPD Report 13-003 – Transportation Sub-Committee Report
ACPD Report 13-002 CARRIED
(i) PRIVATE & CONFIDENTIAL

(Morrow/Collins)
That the Committee move into Closed Session at 12:53 p.m. pursuant to Subsection 8.1(f) of the City’s Procedural By-law and Section 239(2) of the Ontario Municipal Act, 2001, as the subject matter pertains to the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose, respecting a Labour Relations matter regarding Carpenters’ Agreement. CARRIED

The Committee reconvened in Open Session.

(i) Labour Relations Matter regarding Carpenters’ Agreement (Item 12.7)

See Item 12 for the disposition of this item.

The direction provided to staff in the Closed Session CARRIED on the following Standing Recorded Vote:

Yeas: Bratina, Morrow, Partridge, Pasuta, Ferguson, Pearson
Total Yeas: 6
Nays; Farr, Merulla, Collins, Jackson, Duvall
Total Nays: 5
Absent: McHattie, Whitehead, Powers, Johnson, Clark
Total Absent: 5

(ii) Closed Session Minutes – January 22/27 and February 5, 2014

(Bratina/Ferguson)
(aa) That the closed session minutes from the January 22/27 and February 5, 2014 meetings of the General Issues Committee be approved as presented;

(bb) That these Minutes remain confidential and restricted from public disclosure. CARRIED

(Duvall/Collins)
That the Committee move into Closed Session at 3:50 p.m. pursuant to Subsections 8.1(b), (c) and (f) of the City’s Procedural By-law and Section 239(2) of the Ontario Municipal Act, 2001, as the subject matters pertain to:

(b) personal matters about an identifiable individual including municipal or local board employees, respecting the appointment of General Manager of Finance and Corporate Services (Item 12.3)

and

(c) a proposed or pending acquisition or disposition of land by the municipality or local board; and
(f) the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose, respecting the Hamilton Tiger-Cats Football Club 20-Year License Agreement (Item 12.6).  

CARRIED

The Committee reconvened in Open Session.

(iii) Hamilton Tiger-Cats Football Club 20-Year License Agreement (Item 12.6)

See Item 13 for the disposition of this item.

(iv) Appointment of General Manager of Finance and Corporate Services (Item 12.3)

See Item 14 for the disposition of this item.

(j) PROCEDURAL MATTERS

(i) Administrative Amendments to the Environmental Remediation and Site Enhancement (ERASE) Programming Description and Terms (Item 8.1)

(Johnson/Morrow)
That Item 8.1 respecting “Administrative Amendments to the Environmental Remediation and Site Enhancement (ERASE) Programming Description and Terms” be moved up for discussion following the delegation by Sergio Manchia.  

CARRIED

(ii) Performance Review – Planning and Economic Development Directors (Item 12.4)

(Pearson/Johnson)

CARRIED

(iii) Hamilton Tiger-Cats Football Club 20-Year License Agreement (PW14021) (Item 8.3)

(Pearson/Collins)
That a decision on this item be deferred pending discussion of In Camera Item 12.6.  

CARRIED

See Information Item (f)(i) for the disposition of this item.
(k) **ADJOURNMENT**

(Pearson/Partridge)
That there being no further business, the Committee adjourned at 5:37 p.m.

**CARRIED**

Respectfully submitted

Councillor S. Merulla
Deputy Mayor

Carolyn Biggs
Legislative Co-ordinator
Office of the City Clerk