Committee of the Whole
REPORT 08-031
As Amended by Council on October 29, 2008
3:30 p.m.
October 29, 2008
Albion Rooms
Hamilton Convention Centre

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

Absent with regrets: Councillor M. McCarthy – Other City Business
                     Councillor T. Jackson – Vacation

Also Present: J. Rinaldo, Acting City Manager
              P. Barkwell, Acting General Manager, Finance & Corporate Services
              S. Stewart, General Manager, Public Works
              T. McCabe, General Manager, Planning & Economic Development
              G. Davis, Senior Director, Capital Planning
              M. Gallagher, Co-ordinator

COMMITTEE OF THE WHOLE PRESENTS REPORT 08-031 AND
RESPECTFULLY RECOMMENDS:

That Item 16 of Economic Development and Planning Committee Report 08-019 be
renumbered as Item 1 of Committee of the Whole Report 08-031 and the remaining
items be renumbered accordingly.

Item 1 Heritage Permit Application (HP2008-032) under Part IV of the
Ontario Heritage Act to Make Alterations to City Hall, 71 Main
Street West, Namely to Remove Marble Cladding and Install
Concrete Cladding and Remove Curtain Wall Stainless Steel Caps
and Install Aluminum Caps (PED08237) (Ward 2) (Item 8.2)

(a) That heritage permit application HP2008-032 for the removal of
marble cladding and the installation of concrete cladding and the
removal of the existing stainless steel curtain wall caps and the
installation of a new anodized aluminum curtain wall caps, be
approved.
(b) That the following recommendations of the Hamilton Municipal Heritage Committee respecting heritage permit application HP2008-032 as advised at its meeting of September 11, 2008, be received:

(i) That the Heritage Permit Application submitted by the City of Hamilton with respect to renovations to the exterior of the Hamilton City Hall, namely the removal of marble cladding and the installation of concrete cladding and the removal of the existing stainless steel curtain wall caps and the installation of a new anodized aluminum curtain wall caps, be refused;

(ii) That since the original intent of the City Hall architect, Stanley Roscoe, was to produce an outstanding municipal landmark of quality materials, the Hamilton Municipal Heritage Committee would be pleased to approve marble cladding;

(iii) That the City be required to meet the same standards as are required of other owners of designated buildings in Hamilton; and,

(iv) That the Hamilton Municipal Heritage Committee is concerned that this Heritage Permit application is being forwarded to the M.H.C. in a piecemeal fashion which prevents consideration of the renovation/restoration of City Hall in its entirety.

(c) That Report PED08237 be forwarded to the Hamilton Municipal Heritage Committee for information.

2. City of Hamilton Agreement with Black & McDonald Limited and Ellis-Don Corporation, an Unincorporated and Integrated Joint Venture, Carrying on Business as A.B.E., jointly and severally (“A.B.E.”), for the Reconstruction of Hamilton City Hall (Item 6)

(a) That the City Hall Project Budget (3540441442) be increased by $5,400,000, from $68,500,000 to $73,900,000;

(b) That the City of Hamilton enter into an ITA Agreement (Integrated Team Approach) with Black & McDonald Limited and Ellis-Don Corporation, an Unincorporated and Integrated Joint Venture, Carrying on Business as A.B.E., jointly and severally, for the reconstruction of Hamilton City Hall in the gross amount of $59,920,000, and the net amount of $55,505,000, consisting of:

(i) $4,520,000 ($2,805,000 net) in design and launch fees;
(ii) $55,400,000 ($52,700,000 net) in construction fees;
(c) That the General Manager of Public Works be authorized and directed to issue a Letter of Intent to A.B.E. in a form satisfactory to the City Solicitor, authorizing the commencement of the above-mentioned work for the City of Hamilton project, with a start date of October 31, 2008 and ending December 1, 2008 or such earlier date that the ITA Agreement is executed by all parties;

(d) That the Mayor and City Clerk be authorized and directed to execute the ITA Agreement, in a form satisfactory to the General Manager of Public Works and City Solicitor.

3. City Hall Renovations (PW08130) (City Wide) (Item 7.2)

That City Hall Renovations Report PW08130 be received.

4. LEED Certification

That staff be directed to report back on whether to move ahead with the LEED certification process on City Hall near the end of the project.

FOR THE INFORMATION OF COUNCIL:

(a) CHANGES TO THE AGENDA

The Clerk noted the following changes to the agenda:

1. DELEGATION REQUEST

Request from John Wood respecting City Hall Renovations – declined the invitation

Councillor Whitehead advised Committee that Mr. Wood following further consultation and review has decided to withdraw his request to appear before committee at this time.

2. ADDITIONAL REPORT

Information Report PW08130 respecting City Hall Renovations

3. PRIVATE AND CONFIDENTIAL

A private and confidential matter respecting contractual relations with a supplier, potential litigation, and the receiving of solicitor-client advice

The agenda as amended was approved.

(b) DECLARATIONS OF INTEREST

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None

(c) ADOPTION OF MINUTES
None

(d) PRESENTATIONS

(i) Gerry Davis, Senior Director, Capital Planning, provided a power point presentation and highlighted the following:
- Chronology of Events
- Design Status
- Schedule Status
- Project Costs
- ITA Agreement
- Drawings
- Outstanding Items
- Additional Scope Items to Consider

City Hall Renovations Steering Committee Report 08-009, October 20, 2008 - City of Hamilton Agreement with ABE (A Joint Venture) for the Reconstruction of Hamilton City Hall (Item 6)

The following resolution was deleted from the City Hall Renovations Steering Committee Report and replaced with Item 1 as noted in this report.

(a) That the City Hall Project Budget (3540441442) be increased by $5,400,000, from $68,500,000 to $73,900,000;

(b) That the City of Hamilton enter into an ITA Agreement (Integrated Team Approach) with ABE (A Joint Venture) consortium for the reconstruction of Hamilton City Hall in the gross amount of $59,920,000, and the net amount of $55,505,000, consisting of:

   (i) $4,520,000 ($2,805,000 net) in design and launch fees;
   (ii) $55,400,000 ($52,700,000 net) in construction fees;

(c) That the City Solicitor and General Manager of Public Works be authorized and directed to issue a Letter of Intent to the ABE (A Joint Venture) consortium authorizing the reconstruction of City Hall commencing on October 31, 2008;

(d) That the Mayor and City Clerk be authorized and directed to execute the ITA Agreement, in a form satisfactory to the City Solicitor.

The Main Motion (Item 1) Carried on a Recorded Vote:

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Committee of the Whole

Yeas: Mayor F. Eisenberger, Deputy Mayor R. Powers
Councillors B. Bratina, B. Clark, C. Collins, L. Ferguson, B. McHattie, B. Morelli, M. Pearson, S. Merulla, R. Pasuta, T. Whitehead
Total: 12
Nays: Councillor D. Duvall and D. Mitchell
Total: 2
Absent: Councillors T. Jackson and M. McCarthy
Total: 2

(ii) Presentation on Cladding

Ken Coit, Planner, Planning and Economic Development Department provided a power point presentation on the cladding issue. Highlights included

- characteristics of marble on the exterior of City Hall
- comparison between pre cast concrete panel and marble panels

(e) PRIVATE AND CONFIDENTIAL

Committee moved into closed session to address a matter concerning a contractual relations with a supplier, potential litigation, and the receiving of solicitor-client advice. Committee reconvened in Open Session with no public report. Staff was provided direction in closed session.

(f) City Hall Cladding Poll: Results

Mayor Eisenberger provided Committee with the results of a Cladding Poll conducted by the Mayors Office.

The meeting adjourned at 6:20 p.m.

Respectfully submitted,

Mayor F. Eisenberger

Mary Gallagher, Co-ordinator
October 29, 2008