Public Works, Infrastructure and Environment Committee

REPORT 06-006
AS AMENDED BY COUNCIL APRIL 12, 2006
9:30 a.m.
Monday, April 3, 2006
Council Chambers
2nd Floor, Hamilton City Hall
71 Main Street West, Hamilton

Present: Councillors M. McCarthy, Chair and M. Merulla, Vice Chair
Councillors C. Collins, P. Bruckler, T. Jackson and D. Mitchell

Absent with regrets: Councillor D. Braden, Personal Business
Councillor M. Ferguson, Illness

Also Present: Councillors B. Bratina, B. McHattie, and M. Pearson
G. Peace, City Manager
S. Stewart, General Manager, G. Davis, B. Goodger,
J. Mater, B. Shynal, E. Switenky, H. Solomon, D. McLellan
and B. Applebee, Public Works Department
I. Bedioui, Clerk’s Office

THE PUBLIC WORKS, INFRASTRUCTURE AND ENVIRONMENT COMMITTEE PRESENTS REPORT 06-006 AND RESPECTFULLY RECOMMENDS:

1. Volunteer/Sub- Committee Minutes – For Information (Item 5.1):
   That the following Volunteer/Sub-Committee Minutes be received for information:
   (a) Keep Hamilton Clean Committee Minutes of February 1, 2006
   (b) Hamilton Cycling Committee Minutes of January 4, 2006
   (c) Hamilton Cycling Committee Minutes of February 1, 2006
2. To Incorporate Certain City Land Into Various Streets by By-Law (PW06002c) - (Affects Wards 8 and 12) (Item 5.2)

(a) That the following City land be incorporated into the following streets:

- **Annabelle Street**
  - Parts 1 and 2
  - Plan 62R-17430
  - Part 2
  - 62R-16907
  - Ward 8

- **Forbes Street**
  - Reserve ‘A’
  - Plan 943
  - Ward 8

- **Meadowlands Boulevard**
  - Part 2
  - 62R-16336
  - Ward 12

- **Stonehenge Drive**
  - Block 85
  - Plan 62M-895
  - Ward 12

- **Tollgate Drive**
  - Block 108
  - Plan 62M-1000
  - Ward 12

(b) That the By-Laws to carry out the incorporation of the said land into the foregoing streets be prepared to the satisfaction of the Corporate Counsel and be enacted by Council.

(c) That the General Manager, Public Works, be authorized and directed to register the By-Laws.
3. Provincial Gas Tax Transit Master Plan Steering Committee Report 06-002 (item 5.3)
   (a) Appointment of I.B.I. Consultant and approval of proposed work plan (Item 5)

   That Staff be authorized to engage IBI Consulting to assist in the preparation of Hamilton's Ridership Growth and Asset Management Plans, at a cost not to exceed $30,000, with the understanding that this expenditure is eligible and will be funded from the Provincial Gas Tax reserve.

   (b) Request for Reporting Extension from the Province (New Item)

   That Staff be directed to write to the Provincial Government to request a two month extension to the due date for the requisite Transit Ridership Growth Plan and Transit Asset Management Plan.

   (c) Resolution from the Corporation of the Nation Municipality (Referred from Council January 25, 2006)

   That the resolution from the Corporation of the Nation Municipality respecting the method of allocation of the gas tax to the Municipalities be received for information.

4. “Slow Moving Vehicles” –Caution Signs (PW 06044) (Wards 11, 14, & 15) (Item 5.4)

   That Report PW06044 respecting “Slow Moving Vehicles” – Caution Signs be received for information.

5. Proposed Outdoor Boulevard Café - 29 King Street East, Stoney Creek (PW06043) - (Ward 9) (Item 6.1)

   (a) That the application of the owner of 29 King Street East, in the former City of Stoney Creek, now in the City of Hamilton, to erect and maintain an outdoor boulevard café within the Mountain Avenue North road allowance, for a one season trial basis, be approved, subject to the following conditions:

   (i) That the applicant enter into an Outdoor Boulevard Café agreement in a form satisfactory to the General Manager, Public Works or his designate and the City Solicitor.

   (ii) That the applicant pay an annual fee based on 5% of the land value of the square footage utilized, at such time as the current moratorium on encroachment fees ends.

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(iii) That the applicant provide proof of $5,000,000 public liability insurance, naming the City of Hamilton and holding the City harmless from all actions, causes of action, interest, claims, demands, damages, expenses and loss.

(iv) That the applicant occupy the licensed area of the boulevard from May 1 to October 31 only, and that all furniture, equipment etc. be removed from the road allowance at all other times.

(v) That the applicant adheres to the Barrier Free Standards adopted by City Council on October 25, 1994.

(vi) That the applicant provide a 2.0m offset from the King Street face of the building and a 2.0m offset from the back of walk on Mountain Avenue for a proposed traffic signal controller cabinet and service disconnect box.

(vii) That as a condition of approval, the applicant agree to relocate the existing railings to meet the Council approved technical specifications for outdoor boulevard cafes.

(b) That the Boulevard Café Agreement be executed by the General Manager, Public Works, or his designate, in accordance with the delegated authority granted by Section 3 of the 3rd Report of the 1999 Finance and Administration Committee, adopted by the former City of Hamilton Council on February 9, 1999.

6. York Boulevard Commuter Cycling Class Environmental Assessment (PW06039) (Ward 1) (Item 7.1)

(a) That the General Manager, Public Works Department, be authorized and directed to file the York Boulevard Commuter Cycling Class Environmental Assessment Project File Report with the City Clerk for a minimum thirty (30) day public review period;

(b) That the General Manager, Public Works Department, be authorized and directed to proceed with the design and implementation of the proposed commuter cycling facilities in the York Boulevard corridor between Dundurn Street North and the City of Burlington boundary, in accordance with Option 2B of the Environmental Assessment, upon completion of the minimum thirty (30) day public review period and subject to fulfilling any other obligations under the Environmental Assessment Act, with funding to be from capital account 4030517124.

(c) That subject to obtaining the necessary Environmental Assessment approvals, the following traffic regulatory changes be implemented in conjunction with implementation of the bike lanes:

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(i) designation of reserved, dedicated bicycle lanes on York Boulevard from Dundurn Street North to the border with the City of Burlington, both sides,

(ii) relocation of the transition point for the speed limit change from 50 km/h to 70 km/h to immediately south of the High Level Bridge.

7. Temporary Road Closure - King Street (South Leg) from James to Hughson Streets for Downtown BIA Easter Festival on Saturday April 15, 2006 (PW06037) - (Ward 2) (Item 8.1)

That the application by the Downtown Hamilton B.I.A. to temporarily close King Street (south leg) between James Street and Hughson Street to hold a Easter street festival on Saturday, April 15, 2006, from 7:00 a.m. to 4:00 p.m., be approved, subject to the following conditions:

(a) That the prior approval of the Chief of Police or his designate is received, and that such permits or authorizations that may be required by the Chief of Police or his designate are obtained.

(b) That the applicant provide proof of $2,000,000 public liability insurance naming the City of Hamilton as an added insured party with a provision for cross liability, and holding the City of Hamilton harmless from all actions, causes of action, interests, claims, demands, costs, damages, expenses and loss.

(c) That all barricading, detour signing and traffic control be subject to the direction and satisfaction of the General Manager of Public Works, or his designate with all costs to be the responsibility of the applicant.

(d) That all barricading be supplied by and at the expense of the applicant.

(e) That “Temporary Road Closure” signs be installed in advance by the Public Works Department, on the affected roadways, if deemed necessary by the General Manager of Public Works at the sole cost of the applicant.

(f) That the applicant ensure that clean-up operations be carried out immediately before the re-opening of the roads, to the satisfaction of the General Manager of Public Works at the expense of the event organizer.

(g) That no property owner or resident within the barricaded area be denied access to their property upon request.
(h) That all property owners and tenants along the closed portion of the road be notified of the event by the applicant prior to the event in a form acceptable to the General Manager of Public Works.

8. Temporary Road Closure - Fennell Avenue “Play on!” Street Hockey Tournament (PW06040) - (Ward 8) (Item 8.2)

That the application by Play On! Canadian Street Hockey Tournament event organizers to close Fennell Avenue West approximately 65m east of Auchmar Road to West 5th Street from Friday, May 26, 2006 at 7:00 p.m. to Sunday, May 28, 2006 at 7:00 p.m. be approved subject to the following conditions.

(a) That the prior approval of the Chief of Police or his designate be received and that such permits or authorizations as may be required by the Chief of Police or his designate be obtained.

(b) That the applicant provide proof of $2,000,000 liability insurance, naming the City of Hamilton as an added insured party with a provision for cross liability and holding the City harmless from all actions, causes of action, interests, claims, demands, costs, damages, expenses and loss.

(c) That all fencing, barricading, detour signing, H.S.R. rerouting and traffic control be subject to the direction and satisfaction of the General Manager of Public Works, or his designate with all costs to be the responsibility of the applicant.

(d) That all barricading be provided by and at the expense of the applicant.

(e) That "Temporary Road Closure" signs be installed in advance by the Public Works Department, on the affected roadways, if deemed necessary by the General Manager of Public Works and at the expense of the applicant.

(f) That the applicant ensure that clean up operations are carried out immediately before the re-opening of the road, to the satisfaction of the General Manager of Public Works at the expense of the applicant.

(g) That all property owners and tenants along the closed portion of the route be notified of the event, and proof in writing from these tenants be provided prior to the event in a form acceptable to the General Manager of Public Works.
9. Tree Trimming & Removal Request - Scenic Vistas of Hamilton Harbour (PW06042) - (Wards 1, 6, 7 & 8) Public Works, Infrastructure & Environment Outstanding Business List (Item 8.3)

(a) That the Forestry and Horticulture Section refer "Harvey", "Sam Lawrence", "Mountain Brow West" and "Mountain Drive" Parks to the customer service request list and perform tree maintenance work through the Capital Street Tree Trimming Enhancement Program as outlined in Report PW06042 to improve the existing scenic vistas of Hamilton Harbour.

(b) That staff be directed to meet with Councillor Bratina prior to performing the tree maintenance work particularly with respect to Harvey Park.

(c) That the item relating to Tree Removal for Scenic Vistas be removed from the Public Works, Infrastructure & Environment Committee Outstanding Business List.

10. Tree Removal Request - Various Capital Projects (PW06038) (Wards 2, 4, 5, 6, and 7) (Item 8.4)

That the necessary existing trees be approved for removal to facilitate the implementation of Capital Projects which include the construction of escarpment stairs, watermain, sewer, road, sidewalk and streetscaping on:

(a) Ferguson Avenue: Main Street East to Grange Street Relating to Contract PW-06-02(HSW); (See Appendix ‘A’ attached hereto),

(b) Upper Wellington Street: Mohawk Road to Fennell Avenue Relating to Contract PW-05-49(HSW); (See Appendix ‘B’ attached hereto),

(c) East Hamilton Stairs: Escarpment Rail Trail to top of escarpment (See Appendix ‘C’ attached hereto),

(d) Edgemont Street North: Cannon Street to Main Street East Relating to Contract PW-06-18 (HSW); (See Appendix ‘D’ attached hereto).

11. Culotta Drive - Request for Master Drainage Study- Verbal update (No copy) (Item 8.6)

That staff be directed to undertake a Master Drainage study of Culotta Drive in the amount of $150,000 to be funded from surplus from other projects and charged to Account 5180655651 to determine what is causing the flooding on the residential properties.

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12. **Trees Across Hamilton, resolution referred from Committee of the Whole on March 27, 12006. (Item 8.7)**

That one-time funding in the amount of $50,000 be approved for the 2006 Trees Across Hamilton program to be funded from the Tax Stabilization Reserve.

**Sub-section (b) of the following Item was amended:**

13. **Landfill Agreement between Former Region of Hamilton Wentworth and Former Township of Glanbrook (PW06036/LS06007) (City Wide) (Item 12.1)**

(a) That report PW06036/LS06007 entitled *Landfill Agreement between former Region of Hamilton-Wentworth and former Township of Glanbrook* be received for information;

(b) That Report PW06/36/LS06007 be released to the public with appropriate severances of personal information pursuant to the *Municipal Freedom of Information and Protection of Privacy Act*.

**FOR THE INFORMATION OF COUNCIL:**

(a) **Changes to the agenda (Item 1):**

The Clerk advised of the following changes to the agenda which were approved:

(i) Mr. Graham Johnson had registered as a speaker with respect to Item 6.1 Outdoor Boulevard Café, 29 King Street East, Stoney Creek but advised this morning that he will not be attending the meeting.

(ii) E-mail from Ms. Colleen O’Brien and Mr. Heinz Drahaschnig expressing support for the outdoor boulevard café application from 29 King Street East. (Added as Item 6.1.1.)

(iii) Added Report PW05148a respecting Trees Across Hamilton Program and corresponding to Item 8.7 on today’s agenda.

(b) **Declarations of Interest (Item 2)**

None declared.

(c) **Minutes (Item 3)**

(i) The Minutes of the March 6, 2006 meeting were approved as presented.

(ii) The Minutes of the March 22, 2006 special meeting were approved as presented.

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(d) Delegation Requests
The following delegation requests were approved:


(ii) Mr. Jack Gibbons, Chair, Ontario Clean Air Alliance, March 16, 2006, respecting meeting Ontario's electricity needs.

(e) Public Hearings/Delegations

(i) Proposed Outdoor Boulevard Café - 29 King Street East, Stoney Creek (PW06043) - (Ward 9) (Item 6.1)
Registered Speakers

(1) Graham Johnson – Mr. Graham was not in attendance

The Chair invited anyone from the public who wished to address Committee on this matter to come forward to the podium and print their name, address, and telephone number on the sheets provided. No one came forward.

(2) E-mail from Ms. Colleen O'Brien and Mr. Heinz Drahaschnig expressing support for the outdoor boulevard café application from 29 King Street East (Added 6.1.1.)

The Committee approved the staff recommendation and received the correspondence from Ms. O'Brien and Mr. Drahaschnig.

(f) Staff Presentations

(i) York Boulevard Commuter Cycling Class Environmental Assessment (PW06039) (Ward 1) (Item 7.1)

Hart Solomon made a PowerPoint presentation and Brian Applebee was also in attendance to assist Committee. The presentation provided an overview of the Environmental Assessment (EA) undertaken by staff with respect to installing commuter cycling facilities in the York Boulevard area as is outlined in the report.

The Committee approved the staff recommendation.
(g) **Tree Trimming & Removal Request - Scenic Vistas of Hamilton Harbour (PW06042) - (Wards 1, 6, 7 & 8) Public Works, Infrastructure & Environment Outstanding Business List (Item 8.3)**

The Committee amended the staff recommendation by adding a new subsection directing staff to meet with the Ward Councillor before trimming the trees at Harvey Park.

(h) **Tree Removal Request - Various Capital Projects (PW06038) (Wards 2, 4, 5, 6, and 7) (Item 8.4)**

The Committee TABLED the following original subsection (d) until the next Council meeting to allow the Ward Councillor time to meet with the residents:

(d) Parkdale Avenue: Lawrence Road Bridge to Bridge link Relating to Contract PW-06-23(W); (See Appendix ‘E’ attached hereto)

(i) **Moratorium on Outdoor Patio Boulevard Encroachment Fees (PW05040a) - (City Wide) Public Works, Infrastructure & Environment Outstanding Business List (Item 8.5)**

The following recommendation was TABLED until the Ward Councillor meets with the Hess Village residents with respect to this proposal:

(a) That the existing moratorium on outdoor patio boulevard encroachment fees for outdoor boulevard cafes be removed effective May 1, 2006.

(b) That the outdoor boulevard patio season be extended from the existing period of May 1st to October 31st to a “year round” or 12 month term.

(c) That the item relating to Patio Fees be removed from the Public Works, Infrastructure & Environment Committee Outstanding Business List.

(j) **Culotta Drive - Request for Master Drainage Study- Verbal update (No copy) (Item 8.7)**

Mary Lou Tanner explained that the residents of Culotta Drive had complained that new development in the area has caused extensive flooding to their properties. She indicated that a master drainage study was needed to determine the cause of the flooding as the existing infrastructure may need upgrading. The study would cost $150,000 and could be covered by surplus funds from other projects.
The Committee approved the study.

(k) General Information / Other Business

(i) The Outstanding Business List was amended by changing the due dates as follows:


2. Outstanding Business List Item G, Additional cemetery RFP. Due date changed to April 24, 2006.

3. Outstanding Business List Item I, Update of current status of various intersections in the City (Red Light Camera list). Due date changed to April 24, 2006.

4. Outstanding Business List Item N, Policy respecting the removal of trees on public property posing threat to public safety or property. Due date changed to April 24, 2006.


6. Outstanding Business List Item T, Fifty Point Sub-division Lochside Drive-diversion of storm sewer and sanitary sewer trenches. Due date changed to April 24, 2006.

7. Outstanding Business List Item AA, $100,000 which was directed from the bridge over the CP Rail Line and was given or directed to Gage Park. Due date changed to April 24, 2006.

(ii) Green Cart Program

Beth Goodger advised Committee that today is the first day of the roll-out of the green cart program. There was a ceremonial delivery of the first green cart to a resident in Ward 1 this morning. Staff will provide further updates throughout the next 8 weeks.

(l) Private and Confidential

(i) Landfill Agreement between Former Region of Hamilton Wentworth and Former Township of Glanbrook (PW06036/LS06007) (City Wide) (Distributed under separate cover.) (Item 12.1)

The Committee received the report and approved releasing it to the public.

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There being no further business, the meeting of the Public Works, Infrastructure and Environment Committee adjourned at 10:30 a.m.

Respectfully submitted,

Councillor Margaret McCarthy, Chair
Public Works, Infrastructure and Environment Committee

Ida Bedioui, Legislative Assistant
Public Works, Infrastructure and Environment Committee
April 3, 2006