Committee of the Whole
REPORT 09-023
As Amended by City Council on September 16, 2009
9:30 a.m.
September 15, 2009
Albion Room
Hamilton Convention Centre

Present: Deputy Mayor L. Ferguson

Absent with regrets: Mayor F. Eisenberger – Illness
Councillor B. Clark - Illness

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
J.A. Priel, General Manager, Community Services
J. Kay, General Manager, HES, Fire Chief
Dr. E. Richardson, Medical Officer of Health
P. Barkwell, City Solicitor
M. Gallagher, Co-ordinator, Council and Committee of the Whole/Budgets

COMMITTEE OF THE WHOLE PRESENTS REPORT 09-023 AND RESPECTFULLY RECOMMENDS:

1. Creation of a Waterfront Development Corporation (PED09200/CM09011) (Item 7.3)

That Report PED09200/CM09011 respecting the Feasibility of Establishing a Waterfront Development Corporation be received.
2. **Capital Projects Status Report as of June 30, 2009 (FCS09083) (Item 8.1)**

(a) That the June 30th, 2009, Capital Projects’ Status and Projects’ Closing Report and the attached Appendices A, B, C, D, E, and F to report FCS09083 for the tax levy and the rate supported capital projects be received for information; and

(b) That the General Manager of Finance & Corporate Services be directed to close the completed capital projects listed in Appendix B to report FCS09083 in accordance with the Capital Closing Policy and that the net transfers are dealt with as listed in Appendix A to report FCS09083 and summarized below:

<table>
<thead>
<tr>
<th>Reserve/ Project #</th>
<th>Description</th>
<th>Net Transfers</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dedicated Reserves</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Various</td>
<td>Development Charges</td>
<td>(43,309)</td>
</tr>
<tr>
<td>Sub-Total</td>
<td></td>
<td>(43,309)</td>
</tr>
<tr>
<td>Return to Capital Levy Reserve -108020</td>
<td></td>
<td>28,353</td>
</tr>
<tr>
<td><strong>Total Net Transfers</strong></td>
<td></td>
<td><strong>(14,956)</strong></td>
</tr>
</tbody>
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3. **Municipal Disaster Relief Assistance Program - July 26, 2009 Flooding Event - Supplemental Relief and August 29, 2009 Flooding Event (City Wide) (FCS06007(d)) (Item 8.2)**

(a) That the amendment to the Municipal Disaster Relief Assistance Program, to provide an additional compassionate grant of up to $5,000 bringing the total grant to $6,000 to assist flooding victims who were denied the ability to purchase and add “Sewer Back-up” coverage to their policy by their insurer, as outlined in Appendix “A” of Report FCS06007(d), be approved;

(b) That up to an additional $5,000,000 required for this program be funded from Waterworks, Sanitary Sewer and Storm Reserves;

(c) That the flooding occurrence of August 29, 2009, be declared a disaster for the purpose of the Municipal Disaster Relief Assistance Program;
(d) That the Province be petitioned to recognize any funds paid to owners / tenants who sustained damage as a result of the Flooding of July 26, 2009, by the City, as part of the local community fundraising, as defined by the ODRAP program.

4. **Assessment of Greenhill Subdivision Flooding Liability Claims From December 1, 2006 (Ward 5) (FCS08105)(a) (Item 8.3)**

That Report FCS08105(a) respecting Assessment of Greenhill Subdivision Flooding Liability Claims from December 1, 2006 be referred to the Audit and Administration Committee.

5. **Report 09-007 of the Advisory Committee for Persons with Disabilities, meeting of August 11, 2009 (Item 8.4)**

That the following recommendations be referred to staff for a report back to the Emergency and Community Services Committee:

(a) **Rent Supplement Program**

That the Rent Supplement Program currently being administered by CityHousing Hamilton include persons with disabilities in the program who may be living in or can access privately owned accessible housing while they wait for affordable or social housing to become available.

(b) **Accessible Social Housing**

That all newly built or retro-fit affordable and social housing have a minimum of 5% of the total number of units being built be fully accessible.

(c) **Accessibility and Funding for Social Affordable Housing**

That a letter be sent to the appropriate Provincial Ministry and Federal Department recommending that where any funding for social affordable housing is being transferred to Municipalities, a stipulation be included that 5% of any new or retrofit housing be fully accessible.

6. **Multi-Agency Training Complex - Construction Procurement Procedures (Item 8.6)**

(a) That staff be authorized and directed to issue a Request for Proposal for Construction Management services to deliver the Multi-Agency Training Complex / Emergency Operations Centre
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project, approved through the Infrastructure Stimulus Funding program.

(b) That the General Manager of Public Works be delegated the Approval Authority for the funding required for the construction tender awards between the Construction Manager and the successful bidder of each tender package.

7. Accountability and Transparency Report 09-003

That Section 4.5 of Appendix A to the Accountability and Transparency Report 09-003; the draft Appendix “H”, Code of Conduct for Members of Council, to the Procedural By-law, be referred to the City Solicitor to review and prepare the appropriate language to address the following matters within Appendix “H”, and report back to Committee of the Whole:

(a) Section 4.5(1): To address the “maximum” amount of the value of a gift or benefit.

(b) Section 4.5(3): That the Integrity Commissioner review the disclosure statements on a complaint only basis.

(c) Section 4.3(e): That a clear definition of “sponsor” be outlined.

That Section 4.5(i) of Appendix “A” to the Accountability and Transparency Committee Report 09-003; the Code of Conduct for Members of Council to the draft Procedural By-law, be amended by increasing the amount of the reportable value of a gift or benefit from $100 to $200.

(Eisenberger/McHattie)

That the revised Code of Conduct for Members of Council, (Schedule H to the City of Hamilton Procedural By-law), attached hereto as Appendix “A”; with the exception of Section 4.5, be approved, as amended.

FOR THE INFORMATION OF COUNCIL:

(a) CHANGES TO THE AGENDA

The Clerk noted the following changes to the agenda:

Added:
Item 8.5 Accountability and Transparency Report 09-003
Item 8.6 Multi-Agency Training Complex - Construction Procurement Procedures
Item 5.2 Delegation Request received by Mr. Tony Battaglia respecting the Connaught Hotel.
The agenda was adopted as amended.

(b) DECLARATIONS OF INTEREST

Councillors B. Morelli and S. Merulla declared an interest in the Licensing and Standards Litigation Matter noted as 11.2.

(c) ADOPTION OF MINUTES

The following Minutes were received and adopted as presented:

3.1 July 30, 2009 (special meeting)
3.2 August 4, 2009 (special meeting)
3.3 August 11, 2009

(d) The following Advisory Committee Minutes were received:

(i) Minutes of the July 14, 2009 meeting of the Advisory Committee for Persons with Disabilities

(e) DELEGATION REQUESTS

(i) Request to address Committee by Gabriella Kalapos, Clean Air Partnership, to present the work, achievements and targets of the GTA and Hamilton Clean Air Council (Item 5.1)

The delegation request by Gabriella Kalapos was approved to address Committee at a future meeting.

(ii) Request to address Committee by Tony Battaglia respecting Connaught Hotel (Item 5.2)

The delegation request by Tony Battaglia was approved to address Committee today.

(f) PUBLIC DELEGATIONS

(i) Environment Hamilton - Ten recommendations to the City to address climate change (Item 6.1)
Mark Sproule-Jones, Jim Quinn and Don McLean addressed Committee. The delegation presented highlights of the 10 point plan which includes recommendations for addressing the following:
- reducing climate-forcing greenhouse gas emissions;
- poverty reduction
- local economic development
- enhancement of community resilience and self-reliance in response to the threat of escalating energy costs.

The 10 point plan:

1. Permanently protect Hamilton’s foodlands by freezing the urban boundary and locating 100% of growth within this boundary.

2. Commit to no net increase in surface parking lots and total road space (kilometre lanes) for motor vehicles.

3. Commit now to paying the municipal portion of a light rail system for Hamilton.

4. Use traffic calming to achieve 30 km/hr speed limits in residential areas where there is a demand.

5. Mail 10 free bus tickets to each household for use on HSR or DARTS.

6. Establish 100 new community garden plots each year for the next five years on underused city lands, and support them with equipment, materials and staffing.

7. Begin purchasing EcoLogo-certified green electricity to achieve the goal of powering all city facilities (owned and leased) with renewable energy by 2020.

8. Adopt a municipal buy local purchasing policy, establishing targets and requiring an annual staff report on implementation.

9. Conduct energy audits of all city-owned housing and develop a capital program to implement the recommendations

10. Lobby the provincial government for legislative authority to allow the city to:
    - toll roads,
    - tax parking,
    - impose vehicle taxes, and
    - require green building standards.

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Direction:
The presentation was received and referred to staff and SERG Committee for an appropriate response.

(ii) Delegation- Tony Battaglia (Item 5.2)

Mr. Battaglia provided a historical update on the Connaught project.

Mr. Battaglia advised that during the last five years he has been using all resources to develop a financing plan to restore the hotel.

One and half years ago there was a financial meltdown, lenders pulled out of financing major projects in general limiting their options. Unfortunately, there is no possibility of receiving mortgage/long term financing to sustain the hotel project.

The vision of the property was to restore the hotel use and to build a residential component as well. The rear of property is designated for the residential component. Currently the reality in the market place is there is no demand for hotel space in the City of Hamilton. Therefore, the housing component will be built first to get the project rolling, create jobs, activity in downtown core and momentum for the project.

The presentation was received.

(g) PRESENTATIONS

(i) Fire on Osprey Drive, Ancaster - Emergency Air Monitoring (Item 7.1)

Matthew Lawson, Public Health addressed committee.

Highlights of the presentation included:

- Background of event
- Purpose Today
- What is needed to assess environmental emergencies
- Issues/Challenges to consider
- Principles going forward
- Options including advantages and disadvantages: (review current process; contract 3rd party service provider; partnership for emergency air monitoring unit)
Councillor Ferguson expressed his appreciation to Chief Kay and the Fire Department, Chief Mullan and the Police Services, Tradeport and Public Health Services for their response to the fire.

Councillor Ferguson further expressed concern at the delay in response of the Ministry of the Environment and failure of the equipment as well as the concern in not knowing what contaminants in the black plume.

**Staff Direction:**

Staff were directed to further explore and report back to Committee of the Whole in 60 days on the following:

(i) options presented and the means for providing an effective, quick response, cost effective method of addressing this issue.

(ii) how to have the MOE as a designated emergency responder for air monitoring

(iii) City of Toronto By-law which addresses such emergencies

Committee further directed that the Ministry of the Environment be invited to attend the meeting when Committee of the Whole addresses the staff report.

A motion by Councillor Mitchell to direct staff to report back on occupational health issues with regards to insurance coverages through the province for our volunteer fire fighters was withdrawn.

Councillor Mitchell requested that this issue be flagged as an outstanding business matter.

(ii) Hamilton-Wentworth District School Board – Capital Plan (Item 7.2)

John Malloy, Jessica Brennan and Darryl Sage of the Hamilton-Wentworth District School Board presented highlights of the Board’s Capital Plan

Highlights of the presentation included:

- collaboration and partnership between the Board and the City of Hamilton

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- look forward to hearing from council and staff working collaboratively
- Enrolment Trends – 2001 to 2019 for elementary and secondary schools and the challenges faced by the board
- Capital funding – no funding stream to build new schools or acquire new lands, new school funding is on a case by case basis determined by the ministry of education, the board must fund land acquisition, funding source for land acquisitions is through proceeds
- accomplishments – funding allocated and projects started in Winona, Binbrook and Waterdown; new Dr. Davey School; Prince of Wales and Queen Victoria
- Ministry Approved Current Projects
- Future Projects pending Ministry funding
- Pupil Accommodation Review Committees
- Funding of projects built from 1998 to 2007 (Ministry funding covered 34 million and the Board covered remaining 53 million
- City/Board Facility Partnerships both current and future

The presentation was received.

(iii) Creation of a Waterfront Development Corporation (PED09200/CM09011) (Item 7.3)

Chris Philips provided a power point presentation to committee.

Highlights of the presentation included;
- Review of Council direction
- Relevant Timeline Actions to Date
- Legal Legislative Compliance
- Research Development Corporations
- Research Findings
- Alternatives for Consideration
- Consultation

The presentation was received.

Staff Direction:
Staff were directed to develop and bring back a report to Committee of the Whole on the following:

i) Recommendations regarding a specific mandate, governance structure, staffing, and financial funding model for a Hamilton Waterfront Development Corporation; and,

ii) Parameters of a legal agreement that would be required to establish a municipal Hamilton Waterfront Development Corporation.

Members of Council requested staff to consider and include the following issues in their report back to committee:

- geography to possibly included the downtown.
- when addressing the options - Include with respect to creation of corporation: capitalization component of corporation and ability or the impact of debt loading on municipality
- governance structure – including members of council
- other partnerships to be considered as part of the corporation

(iv) Municipal Disaster Relief Assistance Program - July 26, 2009 Flooding Event - Supplemental Relief and August 29, 2009 Flooding Event (City Wide) (FCS06007(d)) (Item 8.2)

Rob Rossini provided an update on the figures:

The number of expected claims to date is now 6,824 applications for July 26th flooding event. 1300 applications have been returned, 514 grant claims paid out and 781 remain open.

August 28th flooding event – as of 5:00 p.m. September 14th - 276 application requests of those only 4 have been returned.

CARRIED ON A RECORDED VOTE:
Yeas: Ferguson, Duvall, Jackson, McCarthy, McHattie, Merulla, Morelli
Total: 7
Nays: Mitchell, Pearson, Powers
Total: 3
(v) The following item was DEFERRED:

Accountability and Transparency Report 09-003 (Item 8.5)

(h) PRIVATE AND CONFIDENTIAL

Committee moved into closed session further to section 8.1(e) respecting Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board and subsection (f) the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

Committee reconvened in Open Session.

(i) Closed Session Minutes of August 11, 2009 (Item 11.1)

The Closed Session Minutes of August 11, 2009 were adopted as presented.

(ii) Presentation from Gary Graham (Gowlings) re: Licensing and Standards matter (Item 11.2)

Direction provided to staff in closed session.

There being no further business, the meeting adjourned at 4:15 p.m.

Respectfully submitted,

Councillor L. Ferguson,
Deputy Mayor

M. Gallagher, Co-ordinator
September 15, 2009