Committee of the Whole
REPORT 09-020
As amended by Council on July 9, 2009
11:00 a.m.
July 7, 2009
Albion Room
Hamilton Convention Centre

Present:
Mayor F. Eisenberger

Absent with regrets: 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
P. Barkwell, City Solicitor
M. Gallagher, Co-ordinator, Council and Committee of the Whole/Budgets

COMMITTEE OF THE WHOLE PRESENTS REPORT 09-020 AND RESPECTFULLY RECOMMENDS:

1. **Monthly Status Report of Tenders and Requests for Proposals for April 23, 2009 to June 8, 2009 (FCS09027(c) (City Wide) (Item 4.1)**

   That Report FCS09027(c) respecting the Monthly Status Report of Tenders and Requests for Proposals for April 23, 2009 to June 8, 2009 be received.
2. Treasurer’s Write-off of Taxes under Section 354 of the Municipal Act, 2001 (FCS09034(a) (Wards 13, 14, & 15) (Item 4.4)

(a) That the Treasurer, under Section 354(3) of the Municipal Act (2001), write-off taxes as uncollectible due to a failed tax sale on two properties known as 0 Broadway Avenue (Tax Roll Numbers 260.280.18800 and 19200) (Ward 13) in the amount of $4,802, as set out in Appendix A to report FCS09034(a);

(b) That the Treasurer, under Section 354(3) of the Municipal Act (2001), write-off taxes as uncollectible due to a failed tax sale on 0 Westover Road (Tax Roll Number 301.810.44400) (Ward 14) in the amount of $2,474, as set out in Appendix B to report FCS09034(a); and

(c) That the Treasurer, under Section 354(3) of the Municipal Act (2001), write-off taxes as uncollectible due to a failed tax sale on 0 7th Concession Road East (Tax Roll Number 303.710.03000) (Ward 15) in the amount of $2,699, as set out in Appendix C to Report FCS09034(a).

3. DARTS Funding (PW09051(a)) (Item 4.5)

That Report PW09051(a) respecting DARTS Funding be received.

4. Grant Payment to Hamilton Artists Inc. (HAI) - $722,500 (FCS07034(b)) (City Wide) (Item 4.6)

That Report FCS070349b) respecting Grant Payment to Hamilton Artists Inc. be received.

5. December 31, 2008 Audited Financial Statement for the Hamilton Waterfront Trust (Item 4.7)

That the December 31, 2008 Audited Financial Statement for the Hamilton Waterfront Trust be received.

6. Continuation of Provincial Best Start Funding March 31, 2010 (CS09042(b)) (City Wide) (Item 7.1)

That the moratorium on the City of Hamilton, entering into any amended or new service agreements for expanding or newly opened child care programs, be removed immediately.
7. **City of Hamilton 2009/2010 Ice Rates (CS09053) (City Wide) (Item 7.2)**
   
   (a) That the proposed City of Hamilton arena ice rates for the 2009/2010 season, attached as Appendix A hereto, be approved.

   (b) That future proposed arena ice rate increases be included as part of the Corporate User Fees and Charges for Services, Activities or the Use of Property Report.

8. **Outdoor Recreation Facility & Sports Field Provision Plan for Hamilton Recreation & Parks Public Use Facilities, Phase I Findings (CS09054) (City Wide) (Item 7.3)**

   (a) That the Outdoor Recreation Facility & Sports Field Provision Plan for Hamilton Recreation & Parks Public Use Facilities, Phase I Findings, be received.

   (b) That the Guiding Principles for the Outdoor Recreation Facility & Sports Field Provision Plan for Hamilton Recreation & Parks Public Use Facilities, as outlined in Report CS09054, be approved.

9. **Cost Allocation Revised Methodology (FCS09064) (City Wide) (Item 7.4)**

   (a) That Report FCS09064, Cost Allocation Revised Methodology, be received for information;

   (b) That cost allocations based on the Revised Methodology, with the exception of Water and Wastewater associated cost allocations, be adopted;

   (c) That Water and Wastewater cost allocations financial impact to the tax levy budget from the rate supported budget be phased-in over a number of years as determined during the 2010 Tax Budget Process; and

   (d) That Outstanding Item D (Chargeback Study) be removed from the Outstanding Business List of the Audit and Administration Committee.
10. **Tax and Rate Operating Variance to April 30, 2009 (FCS09070) (City Wide)**

That the 2009 Tax and Rate Operating Budget Variance Report to April 30, 2009, be received.

11. **Report 09-001 of the Hamilton Renewable Power Inc.**

Shareholders resolutions

(a) **Appointment of Non-voting Director**

That Mr. Gerry Davis, General Manager of Public Works be appointed as a Non-voting Director of the Hamilton Renewable Power Inc. Corporation Board of Directors.

(b) **Appointment of Treasurer**

That Mr. Tony Tollis, City Treasurer be appointed as the Treasurer of the Hamilton Renewable Power Inc. Corporation.

(c) **2008 Audited Financial Statements**

That the 2008 HRPI Audited Financial Statements, as prepared by Grant Thornton be approved.

(d) **Appointment of HRPI Auditor for 2009**

That Grant Thornton be appointed as HRPI Auditor for 2009.

12. **Report 09-001 of the Joint City of Hamilton and Hamilton-Wentworth District School Board Liaison Committee**

(a) **Terms of Reference**

That the Terms of Reference attached as Appendix “B” hereto, be approved.

(b) **Memorandum of Agreement**

That the Memorandum of Agreement between the City of Hamilton and the Hamilton-Wentworth District School Board attached as Appendix “C”, hereto, be approved.

(c) That the Hamilton-Wentworth Catholic Separate School Board be contacted and requested that the Liaison Committee re-activate their meetings.

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13. **Report 09-001 of the Accountability and Transparency Committee (Item 7.8)**

(a) **Integrity Commissioner Interviews**

(i) That the candidates interviewed for the position of Integrity Commissioner be thanked for their interest;

(ii) That no further action be taken.

(b) **Proposed Revised Qualifications for the Integrity Commissioner - Amendment to By-law 08-154, as amended, being a By-law to Establish the Office of the Integrity Commissioner**

(i) That Section 2 of By-law 08-154, as amended by By-law 08-176, respecting the Appointment of the Integrity Commissioner be deleted in its entirety and replaced with the following in lieu thereof:

**Appointment**

2. Council shall appoint an individual to be Integrity Commissioner for a fixed term of office, such term to be established by Council at the time of the appointment.

(ii) That the following qualifications be considered in the recruitment process:

(aa) membership in the Law Society of Upper Canada;

(bb) broad knowledge and experience respecting current municipal law, municipal conflict-of-interest matters and other administrative law;

(cc) municipal law adjudication experience;

(dd) proven impartiality and neutrality such as that of a judge;

(ee) able to provide services on a part-time, flexible and as-needed basis, without competing employment demands;

(ff) having no other dealings or employment with the City;

(gg) having no involvement in political campaigning/endorsements or related conflict-of-interest currently, or in the immediate previous municipal election;

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(hh) having no financial interest in the work undertaken by the City;
(ii) excellent understanding of municipal government;
(jj) outstanding communications, consultation and presentation skills;
(kk) expertise with investigative techniques.

(iii) That the Mayor and City Clerk be authorized and directed to execute the appropriate amending by-law, in a form satisfactory to the City Solicitor.

14. 2010 Tax Levy Guidelines and Schedule (FCS09071) (City Wide) (Item 8.1)

(a) That the departmental operating budget guideline be 2.0% or less, excluding pre-approved items and provincial impacts;

(b) That Boards and Agencies be requested to submit a budget to Committee of the Whole based on a 2.0% or less guideline;

(c) That, as a general guideline, user fees (excluding rate, golf, transit and ice fees) be increased by 2.0% and that any user fee adjustments other than 2.0% be forwarded for consideration with appropriate explanation;

(d) That an additional 1% or $5.8m be set aside for the capital infrastructure levy including potential strategic priorities/ corporate improvements to be brought forward during the budget process;

(e) That staff be directed to prepare options for Council’s consideration during the budget process to reduce the budget in line with the above guidelines; and

(f) That the budget schedule as identified in Attachment One to report FCS09071 be approved.

(g) That staff be directed to report back on the following:

(i) a plan to address the non residential assessment growth

(ii) options for new revenue sources and strategic investments to move the city forward.

(iii) Update/Review of the BTR – past and impact for 2011.
15. Municipal Tax Competitiveness Study – 2008 (FCS09067) (City Wide)

That Report FCS09067 respecting Municipal Tax Competitiveness Study – 2008 be received.

Added Items by Council:

16. William McCulloch Park Sports Field Redevelopment

Whereas, Seneca School property on Abbington Drive in Ward 8 was declared surplus and hence sold by the School Board to a developer, the City has therefore, lost the use of three (3) programmed ball diamonds on the Seneca School property,

And Whereas, in order to address the loss of the three (3) ball diamonds at the Seneca School property, City Council approved on May 27, 2009 the submission of William McCulloch Park Sports Field Redevelopment as part of the Recreation Infrastructure Canada Program in Ontario and Ontario Recreation Funding Program through Report FCS09061.

And Whereas, Recommendation (a) of the Report FCS09061 indicated “That the Recreation Projects, as listed in Appendix “A” of report FCS09061, be approved for consideration under the Recreation Infrastructure Canada Program in Ontario and Ontario Recreation Funding Program;”

And Whereas, Appendix “A” of Report FCS09061 indicated the project ranked number 5 in priority, and due to funding announcements for the initial Infrastructure Stimulus Funding, would now place William McCulloch Park Sports Field Redevelopment as the number 3 priority on the Recreation Infrastructure Canada Program in Ontario and Ontario Recreation Funding Program for the City of Hamilton,

And Whereas, William McCulloch Park Sports Field Redevelopment identified 3 new ball fields and upgrades to one existing ball field for city recreation league play, children’s playground, bike paths for a total project cost of $900,000.

Therefore, it be resolved:

That should the William McCulloch Park Sports Field Redevelopment program not be supported under the Recreation Infrastructure Canada Program in Ontario and Ontario Recreation Funding Program, that Council approve an expenditure of $1 million dollars from the Council Strategic Initiative Reserve 108022 to fund the William McCulloch Park Sports Field Redevelopment program.
17. Littering, Illegal Dumping and Security Issues affecting Municipal Properties abutting Railway Lands

(a) That staff be directed to prepare a report for consideration of the Public Works Committee respecting opportunities to address littering, illegal dumping, and security issues affecting municipal properties abutting Railway Lands;

(b) That in developing the report, staff shall:

(i) consult with CN staff and internal stakeholders, and have regard for applicable policies, regulations, standards and studies, and

(ii) include consideration of specific neighbourhood conditions along the CN Rail line between Kenilworth Avenue and Strathearn Avenue and

(iii) develop remediation strategy recommendations for possible implementation city wide or locally as may be required.

18. All-way Stop – Intersection of Napier Street and Locke Street North

Whereas Locke Street North has been designated a mobility street in the draft Strathcona Secondary Plan and Master Transportation Plan;

And Whereas a number of children cross Locke Street at Napier Street to enter Victoria Park or to attend Strathcona School;

And Whereas the City-wide cycling route uses Napier Street and continues into Victoria Park across Locke Street North on the multi-use pathway through the park;

And Whereas visibility is extremely poor given the significant amount of street parking on Locke Street North and Napier Street.

Now Therefore Be It Resolved:

(a) That an all-way stop be implemented at the intersection of Napier Street and Locke Street North;

(b) That the appropriate amendment to the City of Hamilton Traffic By-law be passed and enacted.
19. 380 Martin Road, Ancaster

(a) That the section of Martin Road in the former Town of Ancaster be closed with armour rock, minimum 1 cubic meter in size, or like material immediately north of the driveway entrance to the property at 380 Martin Road, Ancaster and at the intersection with Mineral Springs Road;

(b) That additional signage indicating "Local Access Only" be added to the current "Road Closed" signage to permit the property owners with unimpeded access to their property.

20. United Brotherhood of Carpenters and Joiners of America (UBCJA) Local 18 – Status Update and Direction (HUR09013) (City Wide)

(a) That the recommendations approved in Report HUR09013 be approved, subject to staff successfully negotiating relief from the United Brotherhood of Carpenters and Joiners of America (UBCJA) collective agreement specific to tendering restrictions for the City;

(b) That the contents of Report HUR09013 remain confidential as it contains information pertaining to labour relations or employee negotiations.

FOR THE INFORMATION OF COUNCIL:

(a) CHANGES TO THE AGENDA

Added Consent Item 4.7 – December 31, 2009 Audited Financial Statement for the Hamilton Waterfront Trust

Added Notice of Motion 11.1 by Councillor Merulla respecting littering, illegal dumping, and security issues affecting municipal properties abutting Railway Lands.

Added Notice of Motion 11.2 by Councillor McHattie respecting All way stop at the intersection of Napier Street and Locke Street North

Added Notice of Motion 11.3 by Councillor Ferguson respecting driveway entrance to 380 Martin Road, Ancaster

The Agenda was adopted as amended.
(b) DECLARATIONS OF INTEREST

None

(c) ADOPTION OF MINUTES

(i) May 22, 2009

The Minutes of May 22, 2009 were adopted as presented.

(ii) June 8, 2009

The Minutes of June 8, 2009 were adopted as presented.

(iii) Closed Session Minutes of June 8, 2009

Minutes of the June 8, 2009 meeting were adopted as presented and will remain confidential and restricted from public disclosure, in accordance with exemptions provided in the Municipal Freedom of Information and Protection of Privacy Act.

(d) ADVISORY/SUB-COMMITTEE/VOLUNTEER COMMITTEE MINUTES

That the following Minutes be received:

(i) Minutes of the May 12, 2009 meeting of the Advisory Committee for Persons with Disabilities

(ii) Minutes of the April 23, 2009 Joint City of Hamilton and Hamilton-Wentworth District School Board Liaison Committee

(e) City of Hamilton 2009/2010 Ice Rates (CS09053) (City Wide) (Item 7.2)

Councillor Merulla opposed.

(f) Outdoor Recreation Facility & Sports Field Provision Plan for Hamilton Recreation & Parks Public Use Facilities, Phase I Findings (CS09054) (City Wide) (Item 7.3)

Jean Monteith of Monteith Brown provided a power point presentation.

Highlights included:

- Study Purpose
- Review of Inventory
- Inventory Study/Scope

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Key Study Objectives
- Public Consultation
- Opportunities and Challenges
- Guiding Principles
- Next steps

(g) Tax and Rate Operating Variance to April 30, 2009 (FCS09070) (City Wide)

Staff to provide additional information to Councillors:
1. Councillor Collins - Provide assumptions used for gapping.
2. Councillor Ferguson - Total numbers for commodities - staff will forecast variance to end of June – what we have saved in fuel and other commodities.
   What was savings for winter control?

(h) 2010 Tax Levy Guidelines and Schedule (FCS09071) (City Wide) (Item 8.1)

General Manager Rob Rossini provided a power point presentation highlighting the following:

1. Tax budget context
2. 2010 potential tax pressures
3. Recommended tax guidelines/target
4. 2010 Potential Rate Pressures
5. Draft Timeline

Amendments:
Subsection (a) was amended from 3.0% to 2.0% or less.

And subsection (b) was amended from 3% to 2% or less and the following words deleted: “and that Boards be requested to justify any additional increase above the 3.0%.”

The following were added as subsection (g) (i), (ii) and (iii)

(g) (i) That staff be directed to report back on a plan to address the non residential assessment growth plan.

(g) (ii) That staff be directed to come back with options for new revenue sources and strategic investments to move the city forward.

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(g) (iii) Staff to provide Update/Review of the BTR – past and impact for 2011.

Main motion as amended CARRIED on a Recorded Vote:

Yeas: Bratina, Collins, Ferguson, Jackson, McHattie, Merulla, Mitchell, Pearson, Powers, Eisenberger
Total: 10

Nays: Whitehead and Duvall (to subsections a) and b) only)
Total: 2

Committee moved into closed session further to section 8.1(d) of the city’s procedural by-law to address a matter relating to labour relations.

Due to a loss of quorum during the Closed Session, the following matters remain Outstanding:

(i) OUTSTANDING ITEMS

(1) United Brotherhood of Carpenters and Joiners of America (UBCJA), Local 18 - Status Update and Direction (HUR09013) (City Wide) (Item 9.2) – CONFIDENTIAL MATTER

(2) MOTIONS

10.1 William McCulloch Park Sports Field Redevelopment

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Program in Ontario and Ontario Recreation Funding Program;"

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(3) NOTICES OF MOTION

11.1 Littering, illegal dumping, and security issues affecting municipal properties abutting Railway Lands

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(b) That additional signage indicating "Local Access Only" be added to the current "Road Closed" signage to permit the property owners with unimpeded access to their property.

Respectfully submitted,

Mayor F. Eisenberger

M. Gallagher, Co-ordinator
Council, Committee of the Whole