Committee of the Whole
MINUTES 10-013

9:30 a.m.
April 13, 2010
Sheraton Hotel
Hamilton Convention Centre

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

Absent with regrets:
Mayor F. Eisenberger – Vacation
Councillor M. McCarthy – City Business
Councillor Merulla – City Business

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

Deputy Mayor Pasuta called the meeting to order.

THE FOLLOWING ITEMS WERE REPORTED TO CITY COUNCIL FOR
CONSIDERATION:
1. **CHANGES TO THE AGENDA**

The Clerk noted the following changes to the agenda for consideration:

**Added Items:**

Added Delegation Request 4.2 from John Callinor of Nestle Waters Canada respecting Item 6.9 – Bottled Water report. You may wish to have the staff report moved up on the agenda to be entertained at the same time as the delegation.

**Two Added Private and Confidential Matters:**

9.4 Investigations directed into the allegations of Abdul Khan

9.5 "City of Hamilton ats 775377 Ontario Limited"

Notice of Motion by Councillor Powers respecting environmental-friendly playground at 236 King Street West, Dundas

(Mitchell/Pearson)
That the agenda be adopted as amended. CARRIED.

2. **DECLARATIONS OF INTEREST**

None

3. **ADOPTION OF MINUTES**

3.1 March 8, 2010

(Pearson/Collins)
That the Minutes of March 8, 2010 be adopted as presented. CARRIED.

4. **DELEGATION REQUESTS**

(Mitchell/Pearson)
That the delegation requests be approved. CARRIED.

4.1 Request to address Committee by Jack Gibbons, Ontario Clean Air Alliance respecting Coal Phase-out resolution
4.2 Request to address Committee by John Callinor of Nestle Waters Canada respecting Item 6.9 on today’s agenda regarding Bottled Water

5. PRESENTATIONS

5.1 Amendments to Schedule 20 (Residential Care Facilities) of the Licensing By-law 07-170 (PED10005(a)) – Supplementary Report and By-law
(Clark/Morelli)
(a) That the amendments to Schedule 20 (Residential Care Facilities) of the Licensing by-law No. 07-170, detailed in the proposed amending by-law attached as Appendix “B” to Report PED10005(a), be approved;
(includes Amendment #2 which related to Section 47)
(b) That the proposed amending by-law attached as Appendix “B” to Report PED10005(a), which has been prepared in a form satisfactory to the City Solicitor, be passed.
(c) That the City of Hamilton requests amendments to the Substitute Decisions Act that prohibits owner operators from acting as Power of Attorneys under their care or in the care of a related Company.

(Whitehead/Jackson)
That this item be deferred pending the assessment of the per diem as well as other costs to the operators that may be affected.

(Pearson/Powers)
Call the question. CARRIED.

Deferral Motion was DEFEATED on a Standing Recorded Vote:

Yeas: Duvall, Jackson, Whitehead
Total: 3
Nays: Bratina, Clark, Collins, Ferguson, McHattie, Morelli, Mitchell, Pearson, Powers, Pasuta
Total: 10
Absent: Mayor Eisenberger, Councillor McCarthy, Merulla
Total: 3

Main Motion CARRIED with the following oppositions noted:
Councillors Jackson, Duvall, Whitehead opposed

Deputy Mayor Pasuta vacated the Chair.
Acting Deputy Mayor Pearson assumed the Chair.

5.2 **Request to address Committee by John Callinor of Nestle Waters Canada respecting Item 6.9 on today’s agenda regarding Bottled Water**

John Challinor addressed Committee. The delegation provided a written presentation to Committee. The delegation was in support of the staff report and encouraged Committee to approve the resolution.

(Whitehead/Duvall)
That the presentation be received. CARRIED.

6.9 **Bottled Water (CS10035/PW10035) (City Wide)**

Diane LaPointe Kay and Jim Harnum answered questions on the staff report.

(Whitehad/Powers)
(a) That the General Managers of Public Works and Community Services be authorized to implement a strategy which reduces reliance on bottled water at City facilities and events. The strategy entails:
   (i) A social awareness campaign to educate residents and consumers about the value and safety of municipal drinking water, the environmental implications of non-recycled Polyethylene Terephthalate (PET) bottles and the importance of source water and watershed protection;
   (ii) Continuing to sell bottled water at City Recreation facilities but at the same time increasing access to municipal drinking water wherever possible.

(b) That the item respecting “Correspondence from Refreshments Canada respecting bottled water and support of a broader sustainability program” be lifted from the Outstanding Business List on the Committee of the Whole Agenda.

(McHattie/Morelli)
That the following be added as subsection (c):
That staff be directed to report back with timelines associated with implementing actions noted in the report. Amendment CARRIED
Motion as AMENDED CARRIED
6. DISCUSSION ITEMS

6.1 Amendments to Schedule 20 (Residential Care Facilities) of the Licensing By-law 07-170 (PED10005) – Tabled as amended by Committee on February 8, 2010

(Powers/Clark)

That the report be lifted from the tabled. CARRIED.

(Powers/Clark)
That the report be received. CARRIED.

6.2 Advisory Committee for Persons with Disabilities Report 10-002

1. Barrier Free Design Guidelines (Item 5.1(A))

(Bratina/Morelli)

That, pending the implementation of the Provincial AODA Built Environment Standards, the Advisory Committee for Persons with Disabilities recommends to Council that the Barrier-Free Design Guidelines, 2006 be reviewed for gaps and deficiencies such as those existing in social housing, curb cuts and accessible washrooms design and be updated at its earliest convenience. CARRIED

2. Roundabouts (Item 5.1(A))

That the Advisory Committee for Persons with Disabilities respectfully recommends that roundabouts be built in the City of Hamilton require input from the Advisory Committee has been received and pedestrian safety concerns expressed by committee members over the last few years have been addressed.

(Bratina/Morelli)
That recommendation 2. be received and that the Advisory Committee for Persons with Disabilities be added as a commenting body to city projects such as roundabouts to address concerns of persons with disabilities. CARRIED.
3. **Signage at City Hall (Item 7)**  
   (Bratina/Morelli)  
   That, a request be sent to the City Hall construction project managers that the Advisory Committee for Persons with Disabilities be invited to tour the City Hall facilities as soon as possible in order to view, observe and provide feedback.  
   CARRIED.

6.3 **Canada Mortgage and Housing Corporation Municipal Infrastructure Lending Program (FCS10022)**  
   (Clark/Whitehead)  
   That this item be referred to City Council as a motion to reconsider is required.  
   CARRIED.

6.4 **Capital Projects’ Status and Closing Report as of December 31, 2009 (FCS09083(b)) (City Wide)**  
   (Jackson/Whitehead)  
   (a) That the December 31st, 2009, Capital Projects' Status and Projects' Closing Report and the attached Appendices A, B, C, D, and E to report FCS09083(b) for the tax levy and the rate supported capital projects be received for information;  
   (b) That the General Manager of Finance & Corporate Services be directed to close the completed capital projects listed in Appendix B to report FCS09083(b) in accordance with the Capital Closing Policy and that the net transfers be applied as listed below and as detailed by project in Appendix B to report FCS09083(b)  
   **Summary of Transfers:**  
   **Transfers to/(from) Reserves**  
   
<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Development Charges</td>
<td>12,871</td>
</tr>
<tr>
<td>Police-Capital Reserve</td>
<td>62,986</td>
</tr>
<tr>
<td>Former Municipal Capital Reserves</td>
<td>(55,153)</td>
</tr>
<tr>
<td>Information Technology Capital Reserves</td>
<td>311,788</td>
</tr>
<tr>
<td>Unallocated Capital Levy</td>
<td>259,820</td>
</tr>
<tr>
<td>Reduce Outstanding Debt-Rates Program</td>
<td>1,000,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>1,592,312</td>
</tr>
</tbody>
</table>
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(Jackson/Collins)
That $516,455 noted in subsection (b): Former Municipal Capital Reserves; Information Technology Capital Reserves; Unallocated Capital Levy) be redirected from Reserves to road/sidewalk infrastructure replacement/upgrades and that staff bring a report back to committee on a suggested priority listing for consideration.

Amendment CARRIED.
Motion as Amended CARRIED.

6.5 Stimulus Infrastructure Project Implementation Update (FCS09052(e)/PW10034/CS10039) (City Wide)
(Powers/Morelli)
Be received. CARRIED.

6.6 Tax and Rate Operating Budget Variance Report to December 31, 2009 (Unaudited) (FCS10027) (City Wide)
(Ferguson/Whitehead)

(a) That the 2009 Tax and Rate Operating Budget Variance Report to December 31, 2009 be received for information; and

(b) That, subject to final audit, the Disposition of year-End Surplus/Deficit be approved as follows:

<table>
<thead>
<tr>
<th>DISPOSITION / RECONCILIATION OF YEAR-END SURPLUS/ (DEFICIT)</th>
<th>$</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Corporate Surplus from Tax Supported Operations</td>
<td>$3,784,057</td>
<td></td>
</tr>
<tr>
<td>Less: Disposition to Self-Supporting Programs &amp; Agencies</td>
<td>$292,409</td>
<td>($789,363)</td>
</tr>
<tr>
<td>HECFI</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Police</td>
<td>($453,489)</td>
<td></td>
</tr>
<tr>
<td>Library</td>
<td>($628,283)</td>
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</tr>
<tr>
<td>Balance of Corporate Surplus</td>
<td>$2,994,694</td>
<td></td>
</tr>
<tr>
<td>Less: Transfer to Tax Stabilization Reserve</td>
<td>($2,994,694)</td>
<td></td>
</tr>
<tr>
<td>Balance of Tax Supported Operations</td>
<td>$0</td>
<td></td>
</tr>
<tr>
<td>Corporate (Deficit) from Rate Supported Operations</td>
<td>($7,117,090)</td>
<td></td>
</tr>
<tr>
<td>Plus: Transfer from the Water/WasteWater Reserves</td>
<td>$7,117,090</td>
<td></td>
</tr>
<tr>
<td>Balance of Rate Supported Operations</td>
<td>$0</td>
<td></td>
</tr>
</tbody>
</table>

CARRIED.
6.7 Wireless Cellular Services and Device Agreements (FCS10029) (City Wide) (Powers/Morelli)

(a) That City of Hamilton staff be directed and authorized to negotiate the terms and conditions for an agreement, including pricing and value added services, with the preferred vendors for Wireless Cellular Services and Devices established under the Government of Ontario’s Broader Public Sector plan; and

(b) That City of Hamilton staff prepare a final report with a recommended preferred vendor(s) and terms for a final agreement in a form acceptable to the City Solicitor for Council approval. CARRIED.

6.8 Amendment to the Ice Rates for the 2010/2011 Season (CS10029) (City Wide) (Collins/Mitchell)

(a) That Appendix “A” of Item 1, of the Committee of the Whole Report 09-032, approved by Council on November 25, 2009 be amended to reflect the revised ice rates (attached as Appendix “A” to Report CS10029).

(b) That the revised Ice Rate Fees be incorporated into the 2010 User Fee by-law.

(c) That, if a funding surplus exists in the Community Services Department 2010 year-end budget position, the impact of the proposed Ice Rate Amendments in the amount of $162,290, be funded through the year-end surplus disposition;

(d) That if the City is in an accumulated deficit position in 2010, the impacts of the recommendations above be funded from the Tax Stabilization Reserve 110046. CARRIED

7. MOTIONS

None

8. NOTICES OF MOTION

Councillor Powers presented the following Notice of Motion:
(a) That up to $100,000, inclusive of any external funding, be borrowed from the Parkland Dedication Reserve 104090 to be repaid over 5 years at 3.40% with the associated financing charges area rated to Ward 13;

(b) That the aforementioned funding be committed for the completion of the approved environmental-friendly playground located at 236 King St. W., Dundas and that this work be contracted to Bienenstock Natural Playgrounds.

(Powers/Mitchell)

That the rules of order be waived to allow the introduction of a motion respecting playground at 236 King St. West, Dundas. CARRIED.

(Powers/Mitchell)

(a) That up to $100,000, inclusive of any external funding, be borrowed from the Parkland Dedication Reserve 104090 to be repaid over 5 years at 3.40% with the associated financing charges area rated to Ward 13;

(b) That the aforementioned funding be committed for the completion of the approved environmental-friendly playground located at 236 King St. W., Dundas and that this work be contracted to Bienenstock Natural Playgrounds. CARRIED.

9. PRIVATE AND CONFIDENTIAL

(Mitchell/Pasuta)

That Committee move into Closed Session further to the following sections of the Procedural By-law and Municipal Act:

8.1 (d) labour relations or employee negotiations
8.1(e) Litigation or potential litigation
8.1(f) The receiving of advice that is subject to solicitor client privilege including communications necessary for that purpose

9.1 Closed Session Minutes of March 8, 2010

9.2 Labour Relations Challenges & Job Evaluation (Compensation) Pressures resulting from the transfer of positions to the CUPE 5167 Collective Agreement (HUR10009)

9.3 Landmart OMB appeals in North Waterdown, 25T200802 and ZAC-08-10, OMB Case Number PL081128
9.4 Investigations directed into the allegations of A. Khan

9.5 City of Hamilton ats 775377 Ontario Limited CARRIED.

Quorum was lost at 2:55 p.m.

Respectfully submitted,

Deputy Mayor R. Pasuta

M. Gallagher, Co-ordinator
Council/COW/Budgets
April 13, 2010