Public Works, Infrastructure and Environment Committee

REPORT 06-012
AS AMENDED BY COUNCIL ON SEPTEMBER 13, 2006
9:30 a.m.
Monday, September 11, 2006
Council Chambers
2nd Floor, Hamilton City Hall
71 Main Street West, Hamilton

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

Absent with regrets: Councillor M. Ferguson, Illness

Also Present: Councillor B. Bratina
B. Shynal, A/General Manager
B. Goodger, J. Harnum, G. Davis, L. De Angelis, D. Hull,
C. Murray, C. Hill, G. Lupton, E. Switenky – Public Works
Department
S. Robichaud, Manager, Growth Management and G.R.I.D.S.
C. Biggs, Clerk’s Office

THE PUBLIC WORKS, INFRASTRUCTURE AND ENVIRONMENT COMMITTEE
PRESENTS REPORT 06-012 AND RESPECTFULLY RECOMMENDS:

1. Volunteer/Sub-Committee Minutes – For Information: (Item 5.1)

That the following Minutes be received:

(a) Hamilton Cycling Committee Meeting Minutes of May 3, 2006.
(b) Keep Hamilton Clean Committee Meeting Minutes of May 3, 2006.
(c) Glanbrook Landfill Co-Ordinating Committee Meeting Minutes of May 29, 2006

Council – September 13, 2006
2. To Incorporate Certain Land into Various Streets By By-law (PW06002(f)) (Affects Wards 1, 7, 8, 10 and 11) (Item 5.2)

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

<table>
<thead>
<tr>
<th>Street</th>
<th>Part</th>
<th>Plan</th>
<th>Ward</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dynasty Avenue</td>
<td>Part 2</td>
<td>62R-10222</td>
<td>10</td>
</tr>
<tr>
<td>Fortissimo Drive</td>
<td>Part 2</td>
<td>62R-10269</td>
<td>8</td>
</tr>
<tr>
<td>Great Oak Trail</td>
<td>Block 94</td>
<td>62M-1035</td>
<td>11</td>
</tr>
<tr>
<td>Lorenzo Drive</td>
<td>Part 4</td>
<td>62R-16832</td>
<td>7</td>
</tr>
<tr>
<td>Rifle Range Road</td>
<td>Parts 1 and 2</td>
<td>62R-16591</td>
<td>1</td>
</tr>
</tbody>
</table>

(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. Speed Limit Change – 5th Concession East, Highway 6 to Centre Road (PW06113) (Ward 15) (Item 5.3)

(a) That the speed limit on 5th Concession East, from Centre Road to Highway 6, be set at 60 km/h;
(b) That the appropriate by-law to amend City of Hamilton Traffic By-law 01-215 be passed and enacted.

4. 2007 Capital Budget Pre-Approval (PW06115) (City Wide) (Item 5.4)

That the General Manager of Public Works be authorized and directed to proceed with the design, tender and construction of the coordinated capital projects eligible under the guidelines as identified within the Capital Budget Pre-Approval Policy, at a total estimated cost of $38,082,500 as identified on Schedule A to Report PW06115.

5. Co-operative Purchase of Bulk Fuel (PW06111) (City Wide) (Item 5.5)

(a) That Report PW06111 respecting Co-Operative Purchase of Bulk Fuel, be received;

(b) That this item be deleted from the Outstanding Business List of the Public Works, Infrastructure and Environment Committee.

6. 451 Victoria Avenue North – Leash Free Park Proposal (PW06119) (Ward 3) (Item 5.6)

That Report PW06119 respecting 451 Victoria Avenue North – Lease Free Park Proposal, be received.

7. Proposed Permanent Closure and Sale of a Portion of the Public Unassumed Alleyways at the Rear of 500-510 Concession Street (Former Hillcrest Restaurant Site), Hamilton (PW06114) (Ward 7) (Item 6.1)

(a) That the application of The Belmont Equity Group Inc., 500-510 Concession Street, to permanently close and purchase portions of the public unassumed alley running east/west behind the existing Hillcrest Restaurant building from the north/south alley to Upper Wentworth Street, and the public unassumed alley running north/south in the parking area behind 502 Concession Street, be approved, subject to the following conditions:

(i) That the applicant makes an application to a District Court Judge, under Section 88 of the Registry Act, R.S.O. 1990, for an order to permanently close and purchase a portion of the un-assumed alley running east/west between 500-510 Concession Street and 340 Upper Wentworth Street, Hamilton;
(ii) That the General Manager, Public Works or his designate sign the appropriate documentation confirming that no public funds have been expended on the portion of alley to be closed;

(iii) That the documentation regarding the application to the District Court Judge be prepared by the applicants, to the satisfaction of the City Solicitor;

(iv) That the applicant register a reference plan under the Registry Act and that said plan be prepared by an Ontario Land Surveyor to the satisfaction of the Senior Project Manager, Survey and Technical Services and that the applicants deposit a reproducible copy of said plan with the Senior Project Manager, Survey and Technical Services;

(b) That provided the Judge’s Order to permanently close the public unassumed alley is granted:

(i) That the City Solicitor be authorized and directed to prepare a by-law to permanently close the highway;

(ii) That the appropriate by-law be introduced and enacted by Council;

(iii) That the Development and Real Estate Division, Planning and Economic Development Department, be authorized to sell the closed highway to the applicant at fair market value and in accordance with the Procedural By-law for the Sale of Land, By-law No. 04-299;

(iv) That the City Solicitor be authorized and directed to register a certified copy of the by-law permanently closing the highway in the proper Land Registry Office;

(v) That the by-law permanently closing the highway does not take effect until a certified copy of the by-law is registered in the proper Land Registry Office;

(vi) That the Public Works Department publish a notice pursuant to Section 300 of the Municipal Act, R.S.O. 1990, of the City's intention to pass the by-law.
8. Proposed Permanent Closure and Sale of a Portion of Public Unassumed Alleyway between 11-23 Tisdale Street South and 435 Main Street East in Landsdale, Hamilton (PW06112) (Ward 3) (Item 6.2)

(a) That the application of Loblaw Properties Ltd. to permanently close and purchase a portion of the public assumed alley running between the properties known as 11, 15, 17, 19, and 23 Tisdale Street South and the property known as No Frills located at 435 Main Street East in Landsdale, Hamilton, be approved subject to the following conditions:

(i) That the applicants make an application to a District Court Judge, under Section 88 of the Registry Act, R.S.O. 1990, for an order to permanently close and purchase a portion of the un-assumed alley running between the properties known as 11, 15, 17, 19, and 23 Tisdale Street South and the property known as No Frills located at 435 Main Street East, Hamilton;

(ii) That the General Manager, Public Works or his designate sign the appropriate documentation confirming that no public funds have been expended on the portion of alley to be closed;

(iii) That the documentation regarding the application to the District Court Judge be prepared by the applicants, to the satisfaction of the City Solicitor;

(iv) That the applicants register a reference plan under the Registry Act and that said plan be prepared by an Ontario Land Surveyor to the satisfaction of the Senior Project Manager, Survey and Technical Services and that the applicants deposit a reproducible copy of said plan with the Senior Project Manager, Survey and Technical Services;

(b) That provided the Judge’s Order to permanently close the public unassumed alley is granted:

(i) That the City Solicitor be authorized and directed to prepare a by-law to permanently close the highway;

(ii) That the appropriate by-law be introduced and enacted by Council;

(iii) That the Development and Real Estate Division, Planning and Economic Development Department be authorized and directed to sell this closed highway in accordance with the Procedural By-law for the Sale of Land, By-law No. 04-299;
(iv) That the City Solicitor be authorized and directed to register a certified copy of the by-law permanently closing the highway in the proper land registry office;

(v) That the by-law permanently closing the highway does not take effect until a certified copy of the by-law is registered in the proper Land Registry Office;

(vi) That the Public Works Department publish a notice pursuant to Section 300 of the Municipal Act, R.S.O. 1990, of the City's intention to pass the by-law.

9. Proposed Closure of a Portion of Nebo Road, Road Allowance Abutting Lots 13 and 14, Concession 7, Glanbrook (PW06123) (Ward 11) (Item 6.3)

That the application of The Roman Catholic Episcopal Corporation of the Diocese of Hamilton, registered owner of a portion of Lots 13 and 14, Concession 7, in the former Township of Glanbrook, to purchase a portion of road allowance abutting the property, from Chippewa Road to approximately 122 metres south, be approved subject to the following conditions:

(a) That the City Solicitor be authorized and directed to prepare a by-law to permanently close the highway;

(b) That the appropriate by-law be introduced and enacted by Council;

(c) That the Development and Real Estate Division, Planning and Economic Development Department be authorized and directed to sell the closed highway at fair market value and in accordance with the Procedural By-law for the Sale of Land, By-law No. 04-299, save and except those lands identified as Part 2 on Plan 62R-12904, which will be reconveyed to the adjoining property owners of Part 1 on said Plan for a nominal fee of $2;

(d) That the City Solicitor be authorized and directed to register a certified copy of the by-law permanently closing the highway in the proper land registry office;

(e) That the by-law permanently closing the highway does not take effect until a certified copy of the by-law is registered in the proper land registry office.
10. **Integrated Water and Wastewater Master Plan for the Lake-Based Systems – Class Environmental Assessment (PW06121) (City Wide) (Item 7.1)**

(a) That the General Manager, Public Works, be authorized and directed to file the projects identified in the Integrated Water and Wastewater Master Plan for the Lake Based Systems - Class Environmental Assessment Schedule B undertakings, as per the Municipal Class Environmental Assessment (June 2000), with the Municipal Clerk for a thirty day review period;

(b) That upon final approval, the General Manager, Public Works, be authorized and directed to proceed with implementation of the preferred alternatives which are identified as Schedule B undertakings, as per the Municipal Class Environmental Assessment (June 2000);

(c) That the General Manager, Public Works, be authorized and directed to proceed with Phases 3 and 4 of the Municipal Class Environmental Assessment (June 2000) for Schedule C undertakings identified in the Integrated Water and Wastewater Master Plan for the Lake Based Systems - Class Environmental Assessment;

The *Nash Neighbourhood project* listed on Appendix A indicated in the following sub-section was referred back to the Public Works, Infrastructure and Environment Committee:

(d) That Schedule B projects identified in Appendix A to Report PW06121, for immediate implementation, be identified in the 2007 Rate Budget;

(e) That the General Manager of Public Works be authorized and directed to negotiate on a "Time Sensitive" basis under Policy 11 of the Purchasing By-laws with the KMK team for completion of Phase-3 and Phase-4 EA.

11. **Replacement of Street Sweepers (PW05095(b)) (City Wide) (Item 8.2)**

(a) That the City of Hamilton proceed with a single source purchase of seven new Tymco DST-6 street sweepers from The Equipment Specialist, 495 Woodward Avenue, Hamilton at an estimated cost of $1,722,240.00 to replace seven street sweepers that have either been removed from service due to failure or have reached their scheduled replacement point, with the source of funding to be pre-approved as part of the 2007 Capital Budget for Central Fleet vehicle and equipment replacement submission;

(b) That the Central Fleet establish the Tymco regenerative air sweepers certified by ETV Canada as its standard street sweeper until the end of 2007.
12. Supply of Furniture – Workstations and Case Goods for City of Hamilton Employees (PW06117) (City Wide) (Item 8.3)

(a) That Teknion, Boulevard and Steelcase continue to be approved as acceptable manufacturers for the supply of office furniture, workstations and case goods in accordance with Council Report PW03032, dated May 14, 2003;

(b) That staff be authorized and directed to continue to negotiate the existing “house account agreements” with these manufacturers for an additional one year period ending September 31, 2007, with the option to extend a further year ending September 31, 2008;

(c) That staff prepare a tender for furniture supply for a three-year period beginning October 1, 2007.

13. Queen Elizabeth Way Beach Boulevard Flood Protection (PW06118) (Ward 5) (Item 8.4)

(a) That the General Manager of Public Works be Authorized and directed to enter into a Cost Sharing Agreement with the Ministry of Transportation (MTO), in a form satisfactory to the City Solicitor, for the design, tender and construction of a Flooding Protection Gravity Sewer, Stormwater Lift Station and Forcemain for the residents on Dunraven, Locarno, Renfrew, North Park, Rembe, Windemere, Knapmans, Wickham, Grafton, Comet, Granville, Clare, Lagoon and Arden;

(b) That the General Manager of Public Works be authorized and directed to carry out the design, tender and contract award of the recommended flood protection works as set out in the cost sharing agreement with MTO in recommendation (a) of Report PW06118;

(c) That the City’s share in the cost of the project, in an amount not to exceed $2,400,000, be funded from the Storm Sewer Capital Reserve 108010.

14. Lynden Rural Settlement Area Water Supply – Property Purchase for Back-up Well Site Investigation and Construction (PW06120) (Ward 14) (Item 8.5)

That the General Manager, Planning and Economic Development, be authorized and directed to negotiate and purchase the property requirements to site and establish a new back-up well for the Lynden Rural Settlement Area Municipal Communal Water System and that the cost and disbursements for the property purchase be charged to Account No. 5140566508 identified in the 2006 budget as having a total budget of $900,000 for the purposes of securing the property, and for the planning, design, and construction of the back-up well.

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The following Item was amended by adding a subsection (f):

15. **Environmental Bill of Rights Registry No. RA06E0008 – Province of Ontario Proposed Regulatory Amendments to Facilitate Waste Recycling, Use of Alternative Fuels and New and Emerging Waste Management Technologies (PW06122) (City Wide) (Item 8.6)**

   (a) That the City of Hamilton supports the proposed regulatory amendments proposed by the Minister of Environment in Environmental Bill of Rights (EBR) Registry No. RA06E0008 regarding waste recycling and new and emerging waste technologies;

   (b) That the Ministry of the Environment be requested to give further consideration to including municipal wastewater biosolids in the definition of biomass used in the proposed regulatory amendments relating to the use of biomass in the production of ethanol and biodiesel;

   (c) That copies of Report PW06122 be forwarded to the Ministry of the Environment (MOE), Association of Municipalities of Ontario (AMO) and the Association of Municipal Recycling Coordinators (AMRC), the Municipal Waste Integrated Network (MWIN), the Canadian Renewable Fuels Association (CRFA) and the Canadian Water and Wastewater Association (CWWA);

   (d) That copies Report PW06122 be sent to the Members of Provincial Parliament representing the City of Hamilton;

   (e) That the Minister of Environment be requested to adopt a provincial waste management strategy to provide an effective policy framework for sustainable waste management in Ontario.

   (f) That with Municipal and Provincial waste diversion targets of 60 to 65%, that the Province of Ontario respectfully be requested to develop a program to offer incentives to industry to stimulate the research and manufacturing of new products from recycled materials.

16. **Trinity Neighbourhood Collector Road Approval to Undertake Property Acquisition (PW06116) (Ward 9) (Item 12.1)**

   (a) That the General Manager of Planning and Economic Development be authorized and directed to negotiate the purchase of the property located at 337 Highland Road West;

   (b) That the cost for the property acquisition be front-ended from the Roads DC Reserve and from 2006 Capital Accounts for Annual Municipal Act (Accounts 5180625107 and 5140625307);

   Council – September 13, 2006
(c) That subject to approval of sub-section (b), staff be authorized and directed to prepare a Municipal Act cost recovery By-law for the new Trinity Neighbourhood Collector road to include the cost of the road, any necessary land acquisition, underground services, and other future costs for benefiting developable properties in the Trinity Neighbourhood;

(d) That should negotiations be unsuccessful in the acquisition of the lands located at 337 Highland Road West, the City Solicitor be authorized and directed to proceed with the necessary steps to expropriate the property located at 337 Highland Road West, with funding for the expropriation as noted in (b);

(e) That in the event that part of the properties are declared surplus and are sold, that the net proceeds be used to repay the Roads Development Charges Reserves and the 2006 Capital Accounts for Annual Municipal Act.;

(f) That Report PW06116 remain confidential as the report contains information with respect to property acquisition for municipal purposes.

FOR THE INFORMATION OF COUNCIL:

(a) CHANGES TO THE AGENDA (Item 1):

The agenda was approved, as presented.

(b) DECLARATIONS OF INTEREST (Item 2)

None declared.

(c) MINUTES (Item 3)

The Minutes of the June 19, 2006 meeting were approved as presented.

(d) DELEGATION REQUESTS (Item 4)

The following delegation requests were approved:
(i) Mike Delsey of Totten Sims Hubicki Associates and Fred Leech of the MTO respecting Highway 24 Transportation Corridor Planning and Class EA Study

(ii) Jennifer Durley, Watershed Planning Specialist, Niagara Peninsula Conservation Authority, respecting Twenty Mile Creek Watershed Plan

(e) **SPEED LIMIT CHANGE – 5TH CONCESSION EAST, HIGHWAY 6 TO CENTRE ROAD (PW06113) (Ward 15) (Item 5.3)**

On motion, sub-sections (a) to (c) were deleted in their entirety and replaced as per Item 3 of Report 06-012.

(f) **PUBLIC HEARINGS/DELEGATIONS (Item 6)**

(i) Proposed Permanent Closure and Sale of a Portion of the Public Unassumed Alleyways at the Rear of 500-510 Concession Street (Former Hillcrest Restaurant Site), Hamilton (PW06114) (Ward 7) (Item 6.1)

The Chair requested if there was anyone present wishing to address the Committee. There was no one wishing to speak on this matter.

(ii) Proposed Permanent Closure and Sale of a Portion of Public Unassumed Alleyway between 11-23 Tisdale Street South and 435 Main Street East in Landsdale, Hamilton (PW06112) (Ward 3) (Item 6.2)

The Chair requested if there was anyone present wishing to address the Committee. There was no one wishing to speak on this matter.

(iii) Proposed Closure of a Portion of Nebo Road, Road Allowance Abutting Lots 13 and 14, Concession 7, Glanbrook (PW06123) (Ward 11) (Item 6.3)

The Chair requested if there was anyone present wishing to address the Committee. There was no one wishing to speak on this matter.

On motion, sub-section (c) of Report PW06123 respecting Proposed Closure of a Portion of Nebo Road, Road Allowance Abutting Lots 13 and 14, Concession 7, Glanbrook, was amended by adding the following after “By-Law No. 04-299”:

“save and except those lands identified as Part 2 on Plan 62R-12904, which will be reconveyed to the adjoining owners of Part 1 on said Plan for a nominal fee of $2.”
(g) **STAFF PRESENTATIONS**

(i) Integrated Water and Wastewater Master Plan for the Lake-Based Systems – Class Environmental Assessment (PW06121) (City Wide (Item 7.1)

Jim Harnum, Senior Director, Water and Wastewater, gave a power point presentation outlining the Water and Wastewater Master Plan, including what is the Master Plan and why is it important, the Committee and Council’s role with respect to the Master Plan, how the Plan was developed, the preferred strategy and next steps.

Portions of the power point were also presented by Lisa De Angelis, Senior Project Manager, and Chris Hamel of KMK Consultants Ltd.

Following the presentation, Mr. Harnum acknowledged and thanked the efforts of staff and the various agencies that provided input into the Master Plan.

During discussion of this issue, Councillor McCarthy relinquished the Chair to the Vice Chair in order to ask questions of staff.

Recommendations (a) to (e) were approved; however, the portions of the recommendations dealing with Airport servicing **CARRIED** on the following vote:

Yeas: Bruckler, Collins, Jackson, Merulla, Mitchell, Pearson
Total yeas: 6

Nays: Braden, McCarthy
Total Nays: 2

(h) **MORATORIUM ON OUTDOOR PATIO BOULEVARD ENCROACHMENT FEES**

(PW05040a) (City Wide) (Item 8.1(a))

**EXTENSION OF MORATORIUM ON OUTDOOR PATIO BOULEVARD ENCROACHMENT FEES** (Item 8.1(b))

On motion, Items 8.1(a) and 8.1(b) respecting “Moratorium on Outdoor Patio Boulevard Encroachment Fees”, were deferred to permit further discussions.

*Council – September 13, 2006*
(i) GENERAL INFORMATION/OTHER BUSINESS (Item 11.1)

(i) Review of Outstanding Business List – Updates

Staff provided an update on the following Outstanding Business List items:

(aa) OBL Item S – Letter from Ontario Federation of Anglers and Hunters regarding the health of Lake Ontario – Staff advised that the City is actively participating in Harbour clean up with various agencies and therefore no further action is required at this time.


On motion, Items S and EE were removed from the Outstanding Business List of the Public Works, Infrastructure and Environment Committee, and the balance of the items were amended as circulated.

(ii) Taro East Landfill Site Community Liaison Committee

(aa) Councillor Bruckler advised the Committee that staff are in the process of preparing a report to bring forward to the Committee with respect to the revised Certificate of Approval amendment application regarding the Taro Community Liaison Committee.

(bb) Councillor Bruckler expressed concern with respect to the master plan for truck routes and specifically, the area of Upper Mount Albion, which is linked to ROPA 9. He requested that a report be brought to a future meeting.

(iii) 5th and 6th Concessions West at Brock Road, Flamborough

Councillor Braden requested staff to investigate and bring forward a recommendation with respect to the traffic control measures at the intersections of the 5th Concession West and Brock Road, and the 6th Concession West and Brock Road.

(j) PRIVATE AND CONFIDENTIAL (Item 12)

On motion, the Committee moved In Camera to discuss an issue respecting a proposed acquisition of land for municipal purposes.

On motion, the Committee reconvened in Open Session.
Following the In Camera session, the Committee approved the recommendations as shown in Item 16.

(k) ADJOURNMENT

There being no further business, the meeting of the Public Works, Infrastructure and Environment Committee adjourned at 11:50 a.m.

Respectfully submitted,

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

Carolyn Biggs, Legislative Assistant
Public Works, Infrastructure and Environment Committee
September 11, 2006