Committee of the Whole
REPORT 10-015

9:30 a.m.
June 7, 2010
Albion Room,
Hamilton Convention Centre

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

Absent with regrets: Councillor R. Powers – Vacation
Councillor M. McCarthy - Vacation
Councillor B. McHattie – Vacation

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
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 10-015 AND
RESPECTFULLY RECOMMENDS:
1. Hamilton Police Services Monthly Report 10-038 (Item 4.2)
   
   That the Hamilton Police Services Monthly Report 10-038 be received.

2. Hamilton Police Services Monthly Report 10-046 (Item 4.3)
   
   That the Hamilton Police Services Monthly Report 10-046 be received.

3. Hamilton Utilities Corporation (HUC) Shareholders Annual General Meeting
   
   (a) 2009 Hamilton Utilities Corporation Annual Report (Item 7.1)
   
   That the 2009 Hamilton Utilities Corporation Annual Report be received.

   (b) Resolutions of Shareholders (Item 7.2)
       
       (i) HUC 2009 Audited Consolidated Financial Statements
       
       That the audited Consolidated Financial Statements for the year ended December 31, 2009 be received as approved by the Board of Directors of Hamilton Utilities Corporation.

       (ii) Appointment of the Auditors
       
       That KPMG, LLP, Chartered Accountants be appointed auditors of Hamilton Utilities Corporation for the fiscal year 2010.

   (c) Reduction in Utilities – Advocate to the Province
       
       That Hamilton Utilities Corporation be directed to advocate to the Province a reduction in utilities at peak times related to the Smart Meter Implementation for low income customers, seniors, people with disabilities and those with medical needs.

   (d) Impacts of Hydro One – Request Meeting with the Province
       
       That the Mayor and Hamilton Utilities Corporation, with the assistance of Economic Development, be requested to forward correspondence to the Minister of Energy and Infrastructure requesting an urgent meeting to address the impact of Hydro One not transferring assets, and respectfully request the Province to intervene on the City’s behalf.
4. **2009 Litigation File Closing Summary (LS10006)**


5. **Infrastructure Deficit - 2010 Work Plan for Additional $3.6 Million Funding (PW10057) (Item 8.2)**

That the $3,616,455 in funding, approved by Council in April 2010 for infrastructure replacement/upgrades, be applied on a Ward by Ward basis as outlined in the Funding Allocation List attached as Appendix “A” to Report PW10057.

6. **2010 HST – Impact on User Fees (FCS10048) (City Wide) (Item 8.3)**

(a) That, effective July 1, 2010, minor adjustments to certain 2010 taxable user fees, as identified in Appendix A to report FCS10048, be approved;

(b) That, the City Solicitor be authorized and directed to prepare the 2010 User Fee and Charges by-law, for Council approval.

7. **Municipal Tax Competitiveness Study – 2009 (FCS10045) (City Wide)**

That report FCS10045 respecting Municipal Tax Competitiveness Study – 2009 be received.

8. **Infrastructure Stimulus Fund Amending Agreement (FCS09052(f)) (Ward 1) (Item 8.5)**

(a) That the Mayor and Chief Administrative Officer (City Manager) be authorized and directed to execute an Amending Agreement between the City of Hamilton and the Ministry of Energy and Infrastructure and the Ministry of Agriculture, Food and Rural Affairs, related to the scope change for Coronation Arena (ISF project no. 2344), whereby the renovation of the existing Coronation Arena will occur rather than a redevelopment of the arena into a three pad complex, under the Infrastructure Stimulus Fund Program;

(b) That the appropriate By-Law, City of Hamilton/ Ministry of Energy and Infrastructure/Ministry of Agriculture, Food and Rural Affairs Infrastructure Stimulus Fund Amending Contribution Agreement By-Law be passed and enacted attached as Appendix “A” to Report FCS09052(f);
(c) That a certified copy of this By-Law be forwarded to the Canada Ontario Infrastructure Secretariat upon Council approval.

9. Fire Arbitration Award (HUR10011) (City Wide)

That Report HUR10011 respecting Fire Arbitration Award be received.

10. Hamilton Renewable Power Inc. Shareholders Meeting

Hamilton Renewable Power Inc. Report 10-002 (Item 9.1)

(a) Appointment of Signing Officers

i) That E. Beth Goodger, Senior Director, Operations & Waste Management, be appointed as President of the Hamilton Renewable Power Inc. Board of Directors.

ii) That John Mater, Senior Director of Transportation, Energy & Facilities, be appointed as Senior Vice-President of the Hamilton Renewable Power Inc. Board of Directors.

iii) That Rose Caterini, City Clerk, be appointed as Secretary of the Hamilton Renewable Power Inc. Board of Directors, as of April 1, 2010.

(b) Audited Financial Statements

That the 2009 Audited Financial Statements of HRPI, attached as Appendix “A” to HRPI Report 10-002 be approved.

(c) Financial Update

That the Financial Update – 1st Quarter 2010 attached as Appendix “B” to HRPI Report 10-002, be received.

FOR THE INFORMATION OF COUNCIL:

(a) CHANGES TO THE AGENDA

Added item 8.7 – Terms of Reference for the Pan Am Stadium Facilitation Process

Item 12.1 In Camera Presentation respecting Unsolicited Proposal Stoney Creek Four Pad Facility has been withdrawn from today’s agenda

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

None

(c) ADOPTION OF MINUTES

3.1 May 10, 2010

The Minutes of May 10, 2010 were adopted as presented.

(d) Advisory Committee/Sub-Committee Minutes

The following minutes were received:

(i) Advisory Committee for Persons with Disabilities, Minutes of April 13, 2010

(e) PRESENTATIONS

(i) Presentation by Simon Geoghegan respecting Hamilton CarShare – securing a revolving loan from the City (Item 6.1)

Jason Hammond, Janet McCloud and Peter Ormond addressed Committee. Highlights of the presentation included:

- this is a non profit co-operative founded in 1998
- car sharing program
- 350 members
- membership fee is $400
- 3 employees employed
- provide self serve access to vehicles that can be booked online or by phone
- enable people to make better transportation decisions
- enabler for more sustainable transportation options
- city has provided revenue parking spaces in the past
- request the city to provide parking spaces at recreation, community centres, libraries, police stations etc.

The presentation was received.

Staff Direction:

(a) That the request for a revolving loan, parking spaces and any city liability be referred to the General Manager of Public Works for a report to Committee of the Whole:

Council – June 09, 2010
(b) That the organization be directed to provide the statement of earnings and balance sheet as of July 1, 2010 to the General Manager of Public Works.

(ii) Presentation by Jim Commerford, President, CEO, YMCA of Hamilton/Burlington/Brantford, Karen Anderson, Branch Manager, Turner Park Library, Inspector Jamie Anderson, Division Three, Hamilton Police Services respecting Turner Park partnership - success of facility at Turner Park (Item 6.2)

Jim Commerford, Karen Anderson on behalf of Ken Roberts and Inspector Jamie Anderson on behalf of Supt. Ken Bond addressed Committee. Highlights of the presentation included:

- success of a great partnership
- community base fundraising has increased
- complex was opened on time, on budget
- complex has been a great success
- it is a model of partnership and collaboration
- thank you to council and staff for support, vision, design and partnership
- the complex is a community destination and focal point
- partnership that works
- impact on the community
- it’s a hub of activity
- great new skate board park
- Skate Jam held where 200 young people participated, barbeque and prizes
- continue to see hundreds of kids at the facility
- extremely pleased with the partnership
- many officers in uniform using facilities
- interact with the public
- successful model and should be considered for future ventures

Members of Council addressed the success of the collaboration and partnership.

Councillor Duvall addressed concerns expressed from residents about crossing Rymal from the bus stop to visit the complex. Karen Anderson advised that while she had not received any complaints or feedback about the concerns expressed, she would undertake checking into it.

The presentation was received.
(iii) Hamilton Utilities Corporation Shareholders Annual General Meeting

Committee met as Shareholders of Hamilton Utilities Corporation in order to conduct the Annual General Meeting and to approve the Resolutions of Shareholders.

Sandy Adam, Chair of HUC Board, Max Cananzi, President/CEO, John Basilio, Senior Vice President/Chief Financial Officer, Katie Mills, CFO and Corporate Secretary provided an overview of the 2009 Annual Report and Financial Outlook/Statements, challenges and opportunities in the Year ahead.

The Committee expressed concerns with respect to the City of Hamilton losing business opportunities in the Business Parks because of the high costs of Hydro One and suggested launching an aggressive advocacy campaign.

(iv) Terms of Reference for Facilitation Process – Pan Am Games Stadium

The following recommendations were forwarded to a Special Meeting of City Council on June 7, 2010 for consideration:

(a) That the Terms of Reference for Facilitation Process, included as Appendix “A” of Report CM09006(d) be approved as amended;

That the words following City of Hamilton in the third line in subsection (c) on page 9 be deleted their entirety.

“which for its part, the City of Hamilton would consider to be equivalent to being within the urban boundary of the City of Hamilton”.

(b) That the City Manager and the Director of Tourism be approved as the ”primary contacts” for the Facilitation process;

(c) That staff report back to Council by July 8, 2010.

Appointment of Advisors to the Facilitation process

(a) That the Mayor and up to seven Councillors be appointed to serve as Advisors to the Facilitation process;

(b) That Councillors Ferguson, Jackson, Bratina, Pearson, Duvall and Powers be appointed as Advisors;
(c) That periodic briefings by the Facilitator be provided to Committee of the Whole during the Facilitation process.

A motion that the Reference group be called Committee of the Whole was DEFEATED on a Standing Recorded Vote as follows:

Yeas: Clark, Duvall, Merulla
Total: 3

Nays: Eisenberger, Bratina, Collins, Ferguson, Jackson, Morelli, Pasuta, Mitchell, Pearson, Whitehead
Total: 10
Absent: McCarthy, McHattie, Powers
Total: 3

The Motion to approve the Appointment of the Advisors CARRIED on a Standing Recorded Vote as follows:

Yeas: Eisenberger, Bratina, Collins, Duvall, Ferguson, Jackson, Morelli, Pasuta, Mitchell, Pearson, Whitehead
Total: 11

Nays: Clark, Merulla
Total: 2
Absent: McCarthy, McHattie, Powers
Total: 3

The motion as amended including the Terms of Reference and Advisory Membership CARRIED on a Standing Recorded Vote as follows:

Yeas: Eisenberger, Bratina, Collins, Duvall, Ferguson, Jackson, Morelli, Pasuta, Mitchell, Pearson, Whitehead
Total: 11

Nays: Clark, Merulla
Total: 2
Absent: McCarthy, McHattie, Powers
Total: 3
(f) 2009 Litigation File Closing Summary (LS10006)

City Solicitor, Peter Barkwell was requested to provide to Council at the request of Councillor Clark, the number of files from the 195 files closed in 2009 which were files in which the City was the claimant.

At the request of Councillor Mitchell, Peter Barkwell was requested to provide Council with information on how many open OMB files the City has currently.

(g) Municipal Tax Competitiveness Study – 2009 (FCS10045) (City Wide)

Staff was requested to follow up with Stoney Creek Dairy to discuss the tax comparison between what they will be paying in Quebec vs. Hamilton.

(h) Fire Arbitration Award (HUR10011) (City Wide)

Councillor Ferguson indicated that he wished to be recorded as Opposed.

(i) Hamilton Renewable Power Inc. Shareholders Meeting

Committee met as Shareholders of Hamilton Renewable Power Inc. in order to consider recommendations from Hamilton Renewable Power Inc. Board of Directors

Councillor Mitchell expressed his appreciation to Jim Harnum for his work with Hamilton Renewable Power Inc.

(j) PRIVATE AND CONFIDENTIAL

(i) In Camera Presentation Re: Unsolicited Proposal Stoney Creek Four Pad Facility

This item was withdrawn from the agenda.

There being no further business, the meeting adjourned at 2:20 p.m.

Respectfully submitted,

Mayor F. Eisenberger

M. Gallagher, Co-ordinator
Council/Committee of the Whole
June 7, 2010