



GENERAL ISSUES COMMITTEE

REPORT 12-028

(as approved by Council on October 10, 2012)

9:30 a.m.

Wednesday, October 3, 2012

Council Chambers

Hamilton City Hall

71 Main Street West

Present: Deputy Mayor B. McHattie (Chair)
Mayor R. Bratina
Councillors B. Clark, C. Collins, S. Duvall, J. Farr,
L. Ferguson, T. Jackson, B. Johnson, S. Merulla, B. Morelli,
R. Powers, J. Partridge, R. Pasuta, T. Whitehead

Absent with Regrets: Councillor M. Pearson - Personal

THE GENERAL ISSUES COMMITTEE PRESENTS REPORT 12-028 AND RESPECTFULLY RECOMMENDS:

1. Smith's Knoll War of 1812 Bicentennial Activities (PED12179) (Ward 9) (Item 5.1)

That Report PED12179 respecting Smith's Knoll War of 1812 Bicentennial Activities, be received.

2. Employee Suggestion Program (CM12014) (City Wide) (Item 5.2)

That Report CM12014 respecting Employee Suggestion Program, be received.

3. Traffic Islands Requiring Beautification/Allocation of Capital Budget Enhancements for Roads and Sidewalks/Floral Traffic Islands (PW12076) (City Wide) (Budget Outstanding Business List) (Item 5.3)

That Report PW12076 respecting Traffic Islands Requiring Beautification/Allocation of Capital Budget Enhancements for Roads and Sidewalks/Floral Traffic Islands, be received.

4. Cell Tower Lease/Licence Agreements: Revenue Policy (FCS12063) (City Wide) (Outstanding Business List) (Item 8.1)

- (a) That the annual net proceeds of all cell tower licences/leases on City of Hamilton property (excluding Boards & Agencies and cell towers on the Right of Way) be credited to the respective Ward Special Capital Reserve Fund (Wards 1-8) or the Former Area Municipal Capital Reserve Fund;
- (b) That Appendix A to the Telecommunication Tower and Antenna Protocol, entitled "Procedure for the Installation of Broadcasting Communication Facilities on City of Hamilton Properties", be amended to reflect recommendation (a) above.

5. Health Impacts Reducing Interim Federal Health Program (BOH12023) (City Wide) (Outstanding Business List) (Item 8.2)

That Report BOH12023 respecting Health Impacts Reducing Interim Federal Health Program, be received.

6. Hamilton Downtown/West Harbourfront Remediation Loan Program Application (RLP-12-02) and Environmental Remediation and Site Enhancement (ERASE) Redevelopment Grant Application (ERG-12-03) – 134 Cannon Street East (PED12174) (Ward 2) (Item 8.3)

- (a) That a conditional loan commitment totaling \$400,000 for the Mary Street Knitting Mill Property Limited, the registered owner of the property located at 134 Cannon Street East (parent company, the Hamilton Realty Capital Corporation, Richard Abboud, President), be authorized and approved in accordance with the terms and conditions of the Hamilton Downtown/West Harbourfront Remediation Loan Program;
- (b) That Environmental Remediation and Site Enhancement (ERASE) Redevelopment Grant Application ERG-12-03, submitted by the Hamilton Realty Capital Corporation on behalf of Mary Street Knitting Mill Property Limited, owner of the property at 134 Cannon Street East, for an ERASE Redevelopment Grant not to exceed \$1,493,400, payable to the Mary Street Knitting Mill Property Limited over a maximum of 10 years, be authorized and approved in accordance with the terms and conditions of the ERASE Redevelopment Agreement;
- (c) That the Mayor and City Clerk be authorized and directed to execute loan agreements, together with any ancillary documentation required, to effect recommendations (a) and (b), above, in a form satisfactory to the City Solicitor;

- (d) That the General Manager of the Planning and Economic Development Department be authorized to approve and execute any loan amending agreements, together with any ancillary amending documentation, if required, provided that the terms and conditions of the Hamilton Downtown/West Harbourfront Remediation Loan Program and Environmental Remediation and Site Enhancement (ERASE) Redevelopment Grant, as approved by City Council, are maintained.

7. Accelerate Shovel-ready Strategy for Industrial Servicing and Transportation (ASSIST) Incentive Program Review (PED12171) (City Wide) (Item 8.4)

- (a) That the 2010 Capital Budget Program Accelerated Shovel-ready Strategy for Industrial Servicing and Transportation (ASSIST) Incentive Program Review, be discontinued;
- (b) That the \$2 Million in approved funding be reallocated to the City's Unallocated Capital Reserve Account No. 108020 and earmarked for Parkland Acquisition, i.e., Surplus School Sites.

8. Public Art Procurement Process Review (PED12180) (City Wide) (Outstanding Business List Item) (Item 8.5)

- (a) That the Public Art Call for Artists Policy, attached hereto as Appendix "A", be approved;
- (b) That the Public Art acquisition procedures be refined and implemented by Tourism and Culture Division staff to reflect the principles and guidelines set out in the Public Art Call for Artists Policy for all new Public Art acquisitions.
- (c) That Public Art acquisitions, as identified in the Public Art Call for Artists Policy, be exempt from the City's Procurement Policy, with such exemptions to be reflected in the Procurement Section's 2012 annual amendments to the Procurement Policy By-law.

9. Capital Projects Status and Closing Report as of June 30, 2012 (FCS12074) (City Wide) (Item 8.6)

- (a) That the June 30th, 2012, Capital Projects' Status and Projects' Closing Report and the attached Appendices A, B, C, D, and E to Report FCS12074 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 FCS12074 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 FCS12074:

Summary of Net Transfers

	\$ To\From
<u>Dedicated Reserves/Projects</u>	
Rate Reserves	(53,739)
Unallocated Capital Levy Reserve	296,834
Net Transfers	<u>243,096</u>

10. Projected Retirements (HUR12014) (City Wide) (Item 8.7)

That the City not pursue an early retirement incentive program, given the City's pending wave of retirements which enables Senior Management to identify sufficient positions through normal attrition which can be redeployed to sustainable service delivery requirements, emerging service needs or can be deleted.

11. Hamilton Future Fund Report 12-002 – September 20, 2012 (Item 8.8)

(a) Good Shepherd Centre's Request for a Loan from the City of Hamilton (FCS12035) (Ward 1) (Referred by the General Issues Committee –July 9, 2012)

- (i) That the Good Shepherd Centre be loaned \$3 million from Future Fund A, to be paid back within a five year term on a flexible/stepped repayment schedule with interest charged;
- (ii) That an additional \$2 million be loaned to the Good Shepherd Centre under the same terms and conditions as the \$3 million loan in (a) above i.e., 5-year term at an estimated 2.3% interest rate, to be funded from the City's General Reserves and set-up as a loan receivable;
- (iii) That the rate of interest for the loan be set at 5-year debenture plus 25 points, for an estimated rate of interest of 2.3%;

- (iv) That the loan be awarded on the condition of the Good Shepherd Centre entering into an agreement with the City of Hamilton that includes the provision that both the loan and interest can not be forgiven.

(b) Opening of the Future Fund to Applications - Spring 2013 (Item 8.2)

- (i) That the amended Hamilton Future Fund Application attached hereto as Appendix "B", be approved;
- (ii) That the Future Fund pursue the following general timelines for applications:
 - (aa) Fund B opens to applications, October 15, 2012
 - (bb) Fund B closes to applications, March 15, 2013
 - (cc) Review of Applications, including presentations if necessary, middle of May 2013.

12. Accessibility to Council Chambers and Meeting Rooms at Hamilton City Hall for Disabled Persons

That staff be directed to file the necessary Heritage documents to permit the installation of barrier-free access, such as automatic door openers, into the Council Chambers and meeting rooms within City Hall that are available to the public.

13. Acquisition of 2555 Creekside Drive, Dundas from 1475780 Ontario Inc. (Alterra (Spencer Creek) Ltd./Richard Liebtog) (PED12172) (Ward 13) (Item 12.2)

- (a) That an Option to Purchase with an Authority to Enter, executed by 1475780 Ontario Inc., scheduled to close on December 12, 2012, subject to satisfactory environmental review, to acquire 0.32 ha (0.79 acres) of land described as Block 11, Plan 62M-963, in the former Town of Dundas, now in the City of Hamilton, being all of PIN 17481-0388(LT) and known municipally as 2555 Creekside Drive, shown on Appendix "A" attached to Report PED12172, be approved on the basis of the recommendations contained in Report PED12172, and the details of the transaction be made public upon completion of the purchase;
- (b) That the funding for this purchase be generated from area rating to the former municipality of Dundas;
- (c) That, as consideration, the amount of \$2, paid to the owners pursuant to the agreement, be deducted from the purchase price;

- (d) That the purchase price and related fees be borrowed from the City's Unallocated Capital Reserve, with the loan repayments beginning in 2013 amortized over 10 years at an interest rate of 3% (current 10-year external borrowing rate) to be area-rated;
- (e) That the completion of this Option to Purchase be conditional upon the City being permitted a period of 60 days from the date of acceptance of the Option to Purchase, to enter upon the property for the purpose of carrying out physical and environmental inspections, investigations and testing pursuant to the Authority to Enter provided by the Owner to the City. Following these investigations, should the City not be satisfied with the findings, the City may terminate this agreement;
- (f) That the Mayor and Clerk be authorized and directed to execute any necessary documents, in a form satisfactory to the City Solicitor;
- (g) That costs incurred for Real Estate (inclusive of an appraisal) and legal expenses be funded from area rating and credited to Account No. 45408-3560150200 (Property Purchases and Sales);
- (h) That Legal Counsel be authorized and directed to manage and settle the Ontario Municipal Board appeal on the basis that the subject transaction proceeds and written confirmation is received from the Ontario Municipal Board that the Owner has withdrawn its appeal and that the said appeal file is closed;
- (i) That the contents of Report PED12172 remain confidential.

14. Wentworth Lodge Construction Litigation (PW12073/LS12029) (City Wide) (Item 12.3)

That the contents of Report PW12073/LS12029 respecting Wentworth Lodge Construction Litigation remain confidential.

15. Application for Approval to Expropriate Part of 1375 Upper Wentworth Street (PED12178/PW12072) (Ward 7) (Item 12.4)

- (a) That the Acting City Solicitor be authorized and directed to proceed with the necessary steps to expropriate the following real property, which the Manager of Real Estate has been unable to purchase through negotiations,

<u>Municipal Address</u>	<u>Owner</u>	<u>Description</u>
Part of 1375 Upper Wentworth Street	James and Carlene Brown	Part of Lot 10, Concession 8, Geographic Township of Barton, now City of Hamilton, designated as Part 4, Plan 62R-19154, being part of PIN No. 16920- 0005.

for the purposes of constructing a sidewalk connection on the east side of Upper Wentworth Street;

- (b) That the Acting City Solicitor be authorized and directed to prepare, and the City Clerk sign, an Application for Approval to Expropriate by the City of Hamilton the property known as Part of 1375 Upper Wentworth Street, Part of Lot 10, Concession 8, Geographic Township of Barton, now City of Hamilton, designated as Part 4, Plan 62R-19154, for the purposes of constructing a sidewalk connection on the east side of Upper Wentworth Street;
- (c) That the Application of the City of Hamilton, signed by the City Clerk, to expropriate property known as Part of 1375 Upper Wentworth Street, Part of Lot 10, Concession 8, Geographic Township of Barton, now City of Hamilton, designated as Part 4, Plan 62R-19154, be authorized, and that the said Applications be hereby received, and that the Acting City Solicitor be authorized and directed to cause the necessary Notices in these Applications to be served on the registered owner(s) of the property affected and, for advertisement of the said Notice of Application for Approval to Expropriate to be placed in The Hamilton Spectator, or other local newspaper, for three consecutive weeks;
- (d) That the Acting City Solicitor be authorized and directed to forward to the Chief Inquiry Officer any Request for Hearings received, and to report such information to City Council;
- (e) That in the event no Request for Hearing is received, the Acting City Solicitor be authorized and directed to introduce the Expropriation By-Law to City Council;
- (f) That the Manager of Real Estate, Economic Development Division of the Planning and Economic Development Department, be authorized and directed to obtain an external fee appraisal of the property if and when necessary;
- (g) That all the costs of the expropriation be charged to Account Number 59259-4031011222 (Annual New Sidewalk Program).

16. Corporate Organizational Changes 2012 (CM12016) (City Wide)

- (a) That Report CM12016 respecting Corporate Organizational Changes 2012 be received;
- (b) That the transfer of the Recreation Division's Facilities and Capital Programs and the associated FTE's to Public Works, as per Report CM12016, be approved;
- (c) That the transfer of Fire Services and Emergency Medical Services and the associated FTE's to the Community Services Department, as per Report CM12016, be approved;
- (d) That the transfer of FTE's between divisions within Planning and Economic Development and within Public Works, as per Report CM12016, be approved;
- (e) That Human Resources be directed to implement the compensation recommendation of the General Manager of Public Works with respect to the Director of Corporate Assets and Strategic Planning;
- (f) That the contents of Report CM12016 remain confidential as it relates to identifiable individual(s).

17. Alleyway Encroachment – 14 James Street North (PW12059(a)/LS12021(a)/PED12158(a)) (Ward 2) (Item 12.6)

That the contents of Report PW12059(a)/LS12021(a)/PED12158(a) respecting Alleyway Encroachment – 14 James Street North, remain confidential.

FOR THE INFORMATION OF COUNCIL:

(a) CHANGES TO THE AGENDA (Item 1)

The Committee Clerk advised of the following changes to the agenda:

ADDED DELEGATION REQUESTS

- (i) Danielle Boissoneau respecting Enbridge Pipelines (Added Item 4.1)
- (ii) Elysia Petrone respecting Enbridge Pipelines (Added Item 4.2)
- (iii) Diane Fields respecting Enbridge Pipelines (Added Item 4.3)

(iv) Dr. Diane Gower Dent, on behalf of The Friends of Auchmar, respecting the Auchmar Estate (Added Item 4.3)

(v) Brock Browett, to present a proposal regarding the Auchmar Estate (Added Item 4.4)

STAFF PRESENTATION

(vi) Typographical Error – Subject Line should read, “Tourism Hamilton Mobile App” (Item 7.1)

NOTICE OF MOTION

(vii) City Representation on the Hamilton Chamber of Commerce Light Rail Transit Task Force (Added Item 10.1)

PRIVATE & CONFIDENTIAL

(viii) Alleyway Encroachment – 14 James Street North (PW12059(a)/LS12021(a)/PED12158(a)) (Ward 2) (Added Item 12.6)

On a motion, the agenda was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 2)

None.

(c) APPROVAL OF PREVIOUS MINUTES

On a motion, the September 19, 2012 Minutes of the General Issues Committee meetings were approved, as presented.

(d) DELEGATION REQUESTS

On a motion, the following delegation requests were approved:

(i) Danielle Boissoneau respecting Enbridge Pipelines (Added Item 4.1)

(ii) Elysia Petrone respecting Enbridge Pipelines (Added Item 4.2)

(iii) Diane Fields respecting Enbridge Pipelines (Added Item 4.3)

(iv) Dr. Diane Gower Dent, on behalf of The Friends of Auchmar, respecting the Auchmar Estate (Added Item 4.4)

(v) Brock Browett, to present a proposal regarding the Auchmar Estate (Added Item 4.5)

(e) CONSENT ITEMS

Items 5.1 to 5.3 inclusive were moved to the Discussion Agenda.

(f) PRESENTATIONS

(i) Tourism Hamilton Mobile App (Item 7.1)

Sue Monarch, Acting Manager of Tourism, provided introductory comments which included, but were not limited to, the following:

- Tourism Hamilton App is a significant step forward with the opening of the new visitors' centre in the Lister Block
- Pleased to launch another tool which sets Hamilton apart from other cities i.e., Visit Hamilton App
- Not only a functional tool, but it is a user friendly experience and is a superior product
- It is an itinerary planner and an experience for visitors
- Involves e-market strategy; visitors will always be connected whenever and wherever

Ms. Monarch introduced Andy Zimmerman, e-Marketing Co-ordinator, to walk through the Mobile App, which will be available on iPhone, iPod touch and iPad and released in the next 24 hours. Staff is looking to move this App into the Google/Android market.

During his presentation, Mr. Zimmerman advised that this is Hamilton's first city-wide application and offers nine "tiles", including:

- Why Hamilton
- Where to Stay
- What to Do
- Where to Eat
- Events
- Photos
- Itineraries
- Getting Here and Around
- Contact Us

Ms. Monarch recognized and thanked all staff who contributed to bring this project to fruition, and acknowledged the contributions of Tyler Cowie and Adrian Duyzer of factorE, the program developers.

On a motion, the presentation with respect to the Tourism Hamilton Mobile App, was received.

(g) DISCUSSION AGENDA

(i) Smith Knoll War of 1812 Bicentennial Activities (PED1179) (Ward 9) (Item 5.1)

Councillor Clark provided a verbal update with respect to the project and thanked staff and colleagues

(ii) Employee Suggestion Program (CM12014) (City Wide)

On a motion, the City Manager and Director of Human Resources were directed to report back to the Committee with respect to how a stronger relationship of trust can be built between the union and non-union employees and management relative to providing opportunities for City employees to be able to participate in performance-improving suggestions. **CARRIED**

(iii) Allocation of Islands Requiring Beautification; Allocation of Capital Budget Enhancements for Roads and Sidewalks; Floral Traffic Islands (PW12076) (City Wide) (Outstanding Business List)

On a motion, staff was directed to develop a policy related to the maintenance of floral traffic islands and round-a-bouts as part of the 2013 budget process.

(iv) Accelerate Shovel-ready Strategy for Industrial Servicing and Transportation (ASSIST) Incentive Program Review (PED12171) (City Wide) (Item 8.4)

On a motion, sub-section (b) was amended by deleting, "Land Banking Program (for a total commitment of \$6 Million)", and replacing it with "Unallocated Capital Reserve Account No. 108020 and earmarked for Parkland Acquisition, i.e., Surplus School Sites" in lieu thereof.

The Amendment **CARRIED** and the Main Motion, as amended, **CARRIED**.

(v) Good Shepherd Centre's Request for a Loan from the City of Hamilton (FCS12035) (Ward 1) (Referred by the General Issues Committee – July 9, 2012)

On a motion, the following was added as sub-section (b) and the balance of the sections re-numbered accordingly:

- (b) That an additional \$2 million be loaned to the Good Shepherd Centre under the same terms and conditions as the \$3 million loan in (a) above i.e., 5-year term at an estimated 2.3% interest rate, to be funded from the City's General Reserves and set-up as a loan receivable;

The Amendment **CARRIED** on the following recorded vote:

Yeas: McHattie, Farr, Morelli, Merulla, Jackson, Duvall,
Whitehead, Partridge, Pasuta, Powers, Ferguson
Total Yeas: 11
Nays: Clark
Total Nays: 1
Absent: Bratina, Collins, Johnson, Pearson
Total Absent: 4

The Main Motion, as amended, **CARRIED** on the following recorded vote:

Yeas: McHattie, Farr, Morelli, Merulla, Jackson, Duvall,
Whitehead, Partridge, Pasuta, Powers, Ferguson
Total Yeas: 11
Nays: Clark
Total Nays: 1
Absent: Bratina, Collins, Johnson, Pearson
Total Absent: 4

(h) MOTIONS

Accessibility to Council Chambers and Meeting Rooms at Hamilton City Hall for Disabled Persons

On a motion, the words, "disabled door openers" were deleted and replaced with the words, "barrier-free access, such as automatic door openers", in lieu thereof.

The Amendment **CARRIED** and the Main Motion, as amended, **CARRIED**.

(i) NOTICES OF MOTION

Councillor J. Farr introduced the following Notice of Motion:

City Representation on the Hamilton Chamber of Commerce Light Rail Transit Task Force

Whereas, the City of Hamilton has committed substantial staffing and financial resources in the preparation of a Light Rail Transit (LRT) Plan, to be completed and ready for submission to Metrolinx by late December 2012/January 2013, and;

Whereas, the next step in the LRT process is for Metrolinx to submit an LRT implementation recommendation to the Province of Ontario by June 2013, and;

Whereas, Hamilton City Council is on record as desiring 100% capital funding from the Province of Ontario for LRT, and;

Whereas, notwithstanding City Council's funding position, Metrolinx has asked GTAH municipalities to participate with them in consideration of alternative funding mechanisms to build LRT such as tax incentive financing, and;

Whereas, on October 13, 2011, John Howe, Vice President, Investment Strategy and Project Evaluation, at Metrolinx stated to Council that the (LRT) project "has such potential and prospect" and that Metrolinx is very "bullish" on Hamilton, yet the City has not yet been aggressive on a government relations project to secure LRT funding for Hamilton, and;

Whereas, the Chamber of Commerce has an LRT Task Force which includes all of the relevant Hamilton partners, including McMaster University, Hamilton and Halton Homebuilders Association, Hamilton Realtors' Association and others.

Therefore be it resolved:

- (a) That the City of Hamilton join the Chamber of Commerce LRT Task Force and jointly implement a government relations project to encourage the Province of Ontario to fund LRT in Hamilton,
- (b) That three Councillors and the Mayor, or designate, represent the City of Hamilton on the Chamber of Commerce's LRT Task Force, supported by the City Manager;
- (c) That this LRT Task Force report back to the General Issues Committee on deliberations of the Chamber Task Force and the results of the government relations project on a regular basis.

(j) GENERAL INFORMATION/OTHER BUSINESS (Item 11.1)

- (i) On a motion, the revised due dates for the following items on the Outstanding Business List were approved:

City Manager

Item C: Open Data
Due Date: October 17, 2012
Revised Due Date: November 21, 2012

Planning

Item A: Canadian Ballet Youth Ensemble
Due Date: September 19, 2012
Revised Due Date: November 21, 2012

Item C: Auchmar Estates
Due Date: October 3, 2012
Revised Due Date: October 17, 2012

Item D: HABIA Terms of Reference and Strategic Plan
Due Date: September 19, 2012
Revised Due Date: October 17, 2012

Item G: Hamilton LEEDing the Way
Due Date: September 19, 2012
Revised Due Date: November 7, 2012

Public Works

Item A: North End Traffic Management Study
Due Date: December 5, 2012
Revised Due Date: Q2 2013

- (ii) On a motion, the following items were removed from the Outstanding Business List:

Community Services

Item A: 2012 Proposed Provincial Budget and Changes to the Discretionary Benefits

Corporate Services

Item C: Cell Towers Licence Renewal Agreements
(Item 8.1)

Planning

Item Q: Public Art Procurement Process (Item 8.5)

Public Health

Item A: Changes to the Interim Federal Health Program (Item 8.2)

2012 Budget Deliberations

Item D: Early Retirement Packages (Item 8.7)

Item F: Public Works 2012 Council-REFERRED Program Enhancements

Item G: List of Traffic Islands requiring Beautification (Item 5.3)

Item H: Allocation of Capital Budget Enhancements for Roads and Sidewalks (Item 5.3)

Item I Floral Traffic Islands (Item 5.3)

Recess and reconvene at 1:00 p.m.

(k) PRIVATE & CONFIDENTIAL

12.1 Minutes of Closed Session Meetings – September 6, 2012

On a motion, the Minutes of the Closed Session Meeting of the General Issues Committee held on September 6, 2012 were approved. These Minutes will remain confidential and restricted from public disclosure.

On a motion, the Committee moved into closed session at 1:16 p.m. pursuant to sub-sections (b), (c), (e) and (f) of the City of Hamilton's Procedural By-law and Section 239.2(b), (c), (e) and (f) of the Municipal Act as the subject matters pertain to:

- (b) personal matters about an identifiable individual, including municipal or local board employees;
- (c) a proposed or pending acquisition or disposition of land by the Municipality or Local Board;
- (e) litigation or potential litigation, including matters before administrative tribunals affecting the municipal or local board;
- (f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose,

respecting:

12.2 Acquisition of 2555 Creekside Drive, Dundas, from 1475780 Ontario Inc. (Alterra (Spencer Creek) Ltd./Richard Liebttag) (PED12172) (Ward 13)

12.3 Wentworth Lodge Construction Litigation (PW12073/LS12029) (City Wide)

- 12.4 Application for Approval to Expropriate Part of 1375 Upper Wentworth Street (PED12178/PW12072) (Ward 7)
- 12.5 Corporate Organizational Changes 2012 (CM12016) (City Wide)
- 12.6 Alleyway Encroachment – 14 James Street North (PW12059(a)/LS12021(a)/PED12158(a)) (Ward 2)

The Committee reconvened in Open Session at 3:55 p.m.

- 12.2 Acquisition of 2555 Creekside Drive, Dundas, from 1475780 Ontario Inc. (Alterra (Spencer Creek) Ltd./Richard Liebtag) (PED12172) (Ward 13)

See Item 13 for the disposition of this Item.

- 12.3 Wentworth Lodge Construction Litigation (PW12073/LS12029) (City Wide)

Direction provided to staff In Camera.

See Item 14 for the disposition of this Item.

- 12.4 Application for Approval to Expropriate Part of 1375 Upper Wentworth Street (PED12178/PW12072) (Ward 7)

See Item 15 for the disposition of this Item.

- 12.5 Corporate Organizational Changes 2012 (CM12016) (City Wide)

See Item 16 for the disposition of this item.

Sub-section (e) of the recommendations **CARRIED** on the following recorded vote:

Yeas:	McHattie, Farr, Morelli, Collins, Duvall, Jackson, Partridge, Powers, Johnson, Clark
Total Yeas:	10
Nays:	Whitehead
Total Nays:	1
Absent:	Bratina, Merulla, Pearson, Ferguson, Pasuta
Total Absent:	5

**12.6 Alleyway Encroachment – 14 James Street North (PW12059(a)/
LS12021(a)/PED12158(a)) (Ward 2)**

Direction provided to staff in Camera.

See Item 17 for the disposition of this item.

(I) ADJOURNMENT

There being no further business, the Committee adjourned at 4:00 p.m.

Respectfully submitted

Councillor B. McHattie
Deputy Mayor

Carolyn Biggs
Legislative Co-ordinator
Office of the City Clerk

PUBLIC ART CALL FOR ARTISTS POLICY

(Draft August 31)

1.0 PURPOSE

To direct the development of documents and processes used in the acquisition of works of *public art* by the City of Hamilton.

2.0 DEFINITION

Public Art

Public art is created by artists or in collaboration with artists through a public process and existing in publicly accessible City of Hamilton property.

3.0 CITY OF HAMILTON PROCUREMENT POLICY

The documents and processes used to acquire works of Public Art by the City of Hamilton shall be in compliance with the following sections of the Procurement Policy By-Law:

- Policy # 2 Approval Authority;
- Policy # 17 Conflicts of Interest; and,
- Schedule A – Statement of Ethics for Public Procurement.

4.0 PRINCIPLES

The documents and processes used to acquire works of Public Art by the City of Hamilton shall:

- Be open, transparent and competitive;
- Treat all artists participating in an objective and equitable fashion;
- Maximize value by encouraging the submission of a large number of high-quality of proposals;
- Consider durability, ongoing maintenance, public safety and any other relevant technical issues in all evaluations;
- Encourage excellence and creativity in design;

- Recognize and encourage new ideas and innovation;
- Recognize diversity in types of public art, artists' approach and artists' experience;
- Respect the intellectual rights of the artist;
- Encourage art reflective of the community through the use of public consultation and citizen juries; and,
- Be in compliance with all City of Hamilton conflict of interest policies.

5.0 ACQUISITION PROCESS GUIDELINES

The following process guideline is intended as a general guide and may be adjusted to allow for the specific project requirements in terms of the scale and type of art, project goals/themes and contextual issues resulting from public consultation.

5.1. Initial Public Consultation

Public art staff conducts a focus group and/or public meeting to determine theme(s) or subject(s) for the public art that has meaning for the community.

This along with site, budget and technical information is used by public art staff to develop a Call for Artists document. This document is used to solicit submissions from artists.

5.2. Initial Submission

The Call for Artists document is posted on the City's public art webpage, promoted via the internet through arts and community groups and other appropriate means.

Typical initial submissions requirements as outlined in the Call for Artists document may include:

- a. A one page artist's concept statement.
- b. Conceptual sketch of proposed work(s).
- c. Curriculum vitae of the Artist(s).
- d. Images of recent relevant work by the principal Artist(s).
- e. Other criteria specific to the project.

5.3. Initial Adjudication

Initial submissions are reviewed for basic compliance with the Call for Artist document requirements by public art staff. Compliant submissions are provided to the Jury for review.

The Jury meets to adjudicate submissions against criteria outlined in the Call for Artists document that may include:

- a. Concept and approach.
- b. Qualifications and professional experience.
- c. Quality of previous work.
- d. Other criteria specific to the project.

A number of artists' submissions that best meet the criteria will be selected by the Jury to make a detailed submission. A minimum number of three and maximum of six submissions is preferred.

5.4. Detailed Submission

The artists selected in the initial adjudication are invited to make a second more detailed submission.

Typical Submissions Requirements as outlined in the Call for Artists document may include:

- a. Site plan.
- b. Plan, elevation and section drawings to scale.
- c. A maquette and/or fully colour renderings.
- d. Details of sub-consultants or sub-contractors.
- e. Fabrication and installation plan.
- f. A brief statement for long-term maintenance and conservation.
- g. Artist's concept statement for public review.
- h. Any other information specific to the project.

An honorarium is paid to artists for completion of this work.

5.5 Detailed Submission Review

Detailed submissions are reviewed for basic compliance and compliant submissions are provided to jurors for review.

Technical advisors meet to review the material and fabrication methods proposed against the material guidelines included in the Call for Artists document and good conservation standards for the purpose of identifying any major concerns.

Each artist is sent a standard set of interview questions, based on the criteria set out in the Call for Artist document.

Artists, whose submissions have a material or fabrication issue, will receive a letter identifying the issue and requesting that the artist address the issue at the interview.

Artist Interviews

The Jury is assembled to interview each artist.

Artists are asked to respond to the set of questions that they received via letter or e-mail.

Those artists that received a notification of material or fabrication issue are asked to indicate how they will address that concern.

Artists are not to provide any new information at this stage that will alter the general content or the conceptual intent of their proposal.

Artists may be asked to make minor revisions to their submissions to reflect material or fabrication changes recommended by technical advisors. If a material or fabrication concern is not addressed to the satisfaction of the jury, the submission may be rejected.

5.7 Final Public Consultation

The short listed artists' detailed submissions are presented to the public. The public are asked to review the proposals and comment on how the proposal responds to the following:

- a. The competition theme(s).
- b. The local physical and social context.

This information is collected and analyzed by City staff. The information is provided to the Jury for consideration in the final adjudication of the site responsiveness and community engagement criteria or other relevant criteria. The information is not binding on the Jury.

5.8 Final Adjudication

The Jury is assembled to discuss the information provided to date and to adjudicate the submissions in terms of the public consultation information and against criteria outlined in the Call for Artists document that may include:

- a. Technical Requirements.
- b. Site Responsiveness and Community Engagement.
- c. Proposal Resolution.
- d. Project Details.
- e. Artistic Excellence.
- f. Any other criteria specific to the project.

The Jury develops a consensus score for all of the short listed submissions in each of the criteria. The submission with the highest score is awarded the commission.

A document outlining the reasoning for the Jury's decision is to be made available to the artists and public.

6.0 THE JURY

The jury shall typically consist of a diverse group of citizen volunteers with various interests in the community, site and project theme along with artists and those with expertise in the arts. All members of the Jury should have respect for the creative process and be comfortable working in group situations. The Jury shall be advised on process and technical issues by City staff.

The size of a Jury is dependent on the scope and complexity of the project but generally shall be a maximum of seven exclusive of advisors.

Jury meetings shall be facilitated by City staff and shall make decisions by consensus.

Jury members shall be selected by the City's public art staff in consultation with the local Councillor, relevant City staff and community stakeholders.

The names of all jurors shall remain confidential until the winning submission is announced.



HAMILTON FUTURE FUND

FUND APPLICATION FORM

Fund Application

Please prepare your fund application using the following criteria guidelines and provide all information to the questions on page 2 of this application.

Applications submitted without complete information and required attachments will be an automatic decline.

Fund Application Guiding Principles

Although the fund application is reviewed by the Future Fund Board of Governors and recommendations are submitted to City Council for consideration, the final decision for any approvals rests with City Council.

Applications to the Hamilton Future Fund will be evaluated by the Board of Governors based on the Mission Statement and Guiding Principles established by the Board (appendix A attached). Only applicants located in and requesting funding for project initiatives in the city of Hamilton, that meet this criteria will be considered.

To that end, HFF Board of Governors will place a priority on granting initiatives where:

- applicant is a not-for-profit, registered charitable organization or leveraged partnership
- funds will be used to create legacy projects/initiatives for present and future Hamiltonians
- project provides a permanent benefit, long-term impact and return on investment
- clear long-term impact for economic growth and/or improved quality of life
- process for timely evaluation and indicators in place for specific measurable results
- Sunset clause - funds will be rescinded if project is not substantially completed within two years from the date of final approval by Council
- Ensure equality access to all community organizations requesting funding

Application Deadlines for submissions:

October 15, 2012 – Future Fund Open to Applications

March 15, 2013 – Future Fund Closes to Applications

Mid-May 2013 - Future Fund will review applications, determine who will proceed to the next phase and request presentations when necessary

120 days timeframe approval/declines (pending final approval by Hamilton City Council)

Next Steps: Please complete the questions on page 2 and submit to : Hamilton Future Fund, c/o Andy Grozelle, Legislative Co-ordinator, Clerk's Office, 71 Main Street West, Hamilton, Ontario, L8P 4Y5, by fax at (905) 546-2095, by e-mail at andy.grozelle@hamilton.ca.

Fund Application - Page 2

Hamilton Future Fund Application

Please prepare your application to HFF by providing the following Information. Applications submitted without complete information and required attachments will be an automatic decline.

- 1. Provide detailed information about your community organization including:**
 - contact person, name, address, phone, email, other locations
 - registered charitable or business number
 - other partners included in this project.

- 2. Provide attachments to this application:**
 - current budget and financial statements (prepared by a certified accountant)
 - registered or incorporated business documentation
 - list of Directors and contact information

- 3. Amount of funds requested - include;**
 - total itemized cost of project
 - total operating and capital expenses

- 4. Minimum amount of funding that will allow this project to go forward.
Options in case of reduced funding available**
 - due to the volume of requests for funding only part of this request may be approved.
 - please provide project breakdowns and funds required for each component.
 - conditions and restrictions may be attached to the funding approval.

- 5. Other Funders are contributing to this project – include:**
 - private investors, donors
 - municipal, provincial and federal funding
 - corporate sponsorships/donations**N.B. include contact names and funding amounts**

- 6. Provide an overview of this initiative including:**
 - description of goals and objectives
 - clear business plan for success

- 7. Indicate How will this project be sustainable and provide permanent benefit to Hamiltonians:**
 - explicit, measurable long-term impact
 - a return on investment for the Hamiltonians

- 8. Indicate how the project will improve the prosperity of one or more of the following ways:**
 - enhancing the community's economic prosperity
 - including potential for economic development
 - supporting tax competitiveness with neighbouring municipalities
 - supporting downtown redevelopment
 - supporting the development of key economic clusters
 - supporting job creation
 - enhancing the community's social fabric

- enhancing community life

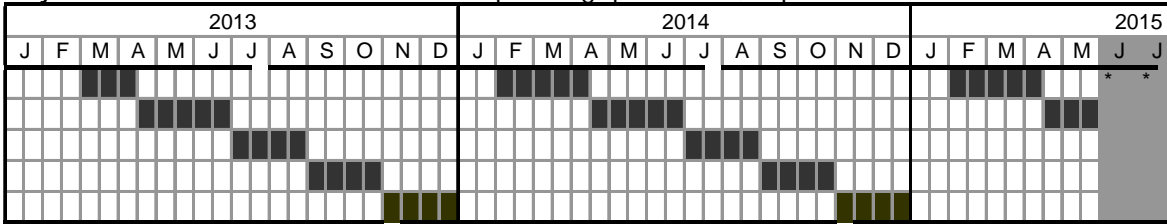
Fund Application - page 3

9. Indicate how funds granted from the HFF to this initiative achieve specific measurable goals.

Describe the process you will use to develop regular evaluation progress reports to be submitted to the HFF Board of Governors starting 6 months into the project. Your process for evaluation will incorporate:

- reporting timeline to match funding request.
- specific performance criteria
- clearly-articulated expected outcomes
- indicators for measuring the achievement of expected outcomes
- regular reporting to the HFF Board on the achievement of outcomes.

10. Project Schedule – start to finish: include planning, production, expected finish



** expected Sunset Clause enactment date

11. Recognition of Funding

The HFF requires recognition of funding with invitations to and participation in any public ceremonies or dedications. Please provide plans for HFF recognition to be incorporated into this project.

12. Next Steps : Presentation to the HFF Board of Governors

Public presentations to the Board will not be automatic however *may* be requested for applications that are selected as priority funding.

13. Internal Applications

Applications from Departments, Agencies or Boards of the City of Hamilton, must be accompanied with an approval from the appropriate Standing Committee of Council authorizing the application to the Future Fund.

On behalf of the Hamilton Future Fund Board of Governors we appreciate you taking the time and effort to prepare this application for funding. A letter will be sent to the contact person listed on this application to confirm receipt of this request and details around timing for review by the Board of Governors.

Yours truly,
 Hamilton Future Fund
 Board of Governors