Committee of the Whole
REPORT 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

COMMITTEE OF THE WHOLE PRESENTS REPORT 10-013 AND
RESPECTFULLY RECOMMENDS:

1. Amendments to Schedule 20 (Residential Care Facilities) of the
Licensing By-law 07-170 (PED10005(a)) – Supplementary Report and
By-law (Item 5.1)

   (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;

(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.

2. Amendments to Schedule 20 (Residential Care Facilities) of the Licensing By-law 07-170 (PED10005)

That Report PED100005 respecting Amendments to Schedule 20 (Residential Care Facilities) of the Licensing By-law 07-170 be received.

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

That the presentation by John Challinor respecting Bottled Water be received.

4. Bottled Water (CS10035/PW10035) (City Wide)

(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.

(c) That staff be directed to report back with timelines associated with implementing actions noted in the report.
5. Advisory Committee for Persons with Disabilities Report 10-002 (Item 6.2)

(a) Barrier Free Design Guidelines

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.

(b) Roundabouts

That the recommendation respecting roundabouts submitted by the Advisory Committee 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.

(c) Signage at City Hall

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.

6. Capital Projects’ Status and Closing Report as of December 31, 2009 (FCS09083(b)) (City Wide) (Item 6.4)

(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) as amended 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)

<table>
<thead>
<tr>
<th>Transfer to/from Reserves</th>
<th></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>Reduce Outstanding Debt-Rates Program</td>
<td>1,000,000</td>
</tr>
</tbody>
</table>
(c) That the following be redirected to infrastructure replacement/upgrades (i.e., sidewalks, roads) totalling $516,455:

(i) Former Municipal Capital Reserves \( (55,153) \)
(ii) Information Technology Capital Reserves; \( 311,788 \)
(iii) Unallocated Capital Levy \( 259,820 \)

and that staff bring a report back to committee on a suggested priority listing for consideration.

7. **Stimulus Infrastructure Project Implementation Update**
   (FCS09052(e)/PW10034/CS10039) (City Wide) (Item 6.5)

That Report (FCS09052(e)/PW10034/CS10039) respecting Stimulus Infrastructure Project Implementation Update be received.

8. **Tax and Rate Operating Budget Variance Report to December 31, 2009 (Unaudited)** (FCS10027) (City Wide)

(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>($789,363)</td>
</tr>
<tr>
<td>Less: Disposition to Self-Supporting Programs &amp; Agencies</td>
<td></td>
<td></td>
</tr>
<tr>
<td>HECFI</td>
<td>$292,409</td>
<td></td>
</tr>
<tr>
<td>Police</td>
<td>($453,489)</td>
<td></td>
</tr>
<tr>
<td>Library</td>
<td>($628,283)</td>
<td></td>
</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></td>
<td>($2,994,694)</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>
9. **Wireless Cellular Services and Device Agreements (FCS10029) (City Wide)**

   (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.

10. **Amendment to the Ice Rates for the 2010/2011 Season (CS10029) (City Wide) (Item 6.8)**

   (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.

11. **Canada Mortgage and Housing Corporation Municipal Infrastructure Lending Program (FCS10022)**

    That the following item be referred to City Council as a motion to reconsider is required.

    “(a) That applications be made to the Canada Mortgage and Housing Corporation for low interest loans under the Municipal Infrastructure Lending Program for the local road rehabilitation projects identified in Table 1 of this report, in an amount not to exceed $25.0 million;

    (b) That the Municipal Infrastructure Lending Program borrowing of $25.0 million be used for project 4030911016 - Local Roads

*Council – April 14, 2010*
Rehabilitation as this project meets the program loan eligibility criteria;

(c) That the approved grant funding from the Investing in Ontario Act for 4030911016 - Local Roads Rehabilitation be reallocated to 3540441442 – Hamilton City Hall Renovations, thereby reducing the budgeted debt financing of the City Hall Renovation project by $25.0 million; and

(d) That the Mayor and Treasurer or any other appropriate staff be authorized and directed to execute all necessary documentation between the City of Hamilton and the Canada Mortgage and Housing Corporation under the Municipal Infrastructure Lending Program, in a form satisfactory to the City Solicitor."

12. Environmental-friendly playground located at 236 King St. W., Dundas

(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.

FOR THE INFORMATION OF COUNCIL:

(a) 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

The agenda was adopted as amended.

(b) DECLARATIONS OF INTEREST

None

(c) ADOPTION OF MINUTES

3.1 March 8, 2010

The Minutes of March 8, 2010 were adopted as presented.

(d) DELEGATION REQUESTS

The following delegation requests be approved.

(i) Request to address Committee by Jack Gibbons, Ontario Clean Air Alliance respecting Coal Phase-out resolution

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

(e) PRESENTATIONS

(i) Amendments to Schedule 20 (Residential Care Facilities) of the Licensing By-law 07-170 (PED10005(a)) – Supplementary Report and By-law

A motion to defer this item pending the assessment of the per diem as well as other costs to the operators that may be affected lost 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

Councillors Jackson, Duvall, Whitehead opposed to main motion.

Council – April 14, 2010
Committee of the Whole 8 Report 10-013

The proposed amending by-law includes the following amendment:

Deletion of Section 47 in its entirety and replaced with the following in lieu thereof:

47. The operator shall ensure that no facility is equipped with a locked unit provided that the Operator of any facility with a locked unit on date of passage shall make the necessary changes such as removing locks as soon as possible to eliminate such locked units.

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

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.

(f) 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.

The Rules were subsequently waived and the motion was approved and is noted as Item 12 in this report.

(g) PRIVATE AND CONFIDENTIAL

Committee moved 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

Council – April 14, 2010
8.1(f) The receiving of advice that is subject to solicitor client privilege including communications necessary for that purpose to address the following matters:

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)

Direction provided in closed session.

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

Quorum was lost at 2:55 p.m.

Respectfully submitted,

Deputy Mayor R. Pasuta

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