Committee of the Whole
REPORT 08-036
AS AMENDED BY CITY COUNCIL DECEMBER 10, 2008
9:30 a.m.
December 8, 2008
Albion Room
Hamilton Convention Centre

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

Absent with Regrets: Councillor R. Pasuta - Illness

Also Present: J. Rinaldo, Acting City Manager
P. Barkwell, Acting General Manager, Finance and Corporate Services
S. Stewart, General Manager, Public Works
J. Kay, General Manager/Chief, Hamilton Emergency Services
J.A. Priel, General Manager, Community Services
T. McCabe, General Manager, Planning and Economic Development
M. Gallagher, Co-ordinator, Council and Committee of the Whole/Budgets

COMMITTEE OF THE WHOLE PRESENTS REPORT 08-036 AND RESPECTFULLY RECOMMENDS:

1. Hamilton Police Services Board – CCTV Camera Program Expansion (PSB02-033(f)) (Item 4.1)

   That Report PSB02-033(f) respecting Hamilton Police Services Board – CCTV Camera Program Expansion be received.
2. **Presentation by Hamilton Port Authority – Strategic Plan**

   (a) That the presentation by Hamilton Port Authority, be received;

   (b) That the Outstanding Business Item B listed on the Economic Development and Planning Committee Agenda be noted as completed and removed from the list.

3. **Multi-Year Economic Development Strategy (PED08311) (Item 6.2)**

   (a) That Report PED08311 regarding the Development of a new Multi-Year Economic Development Strategy be received.

   (b) That staff be authorized and directed to commence an extensive public consultation process including a series of workshops for key community stakeholders as outlined in Report PED08311.

4. **Economic Development Performance Measures and Update on 2008 Initiatives and Budget Enhancements (PED08303) (Item 7.4)**

   (a) That the performance measures, benchmarks and identified targets outlined in Report PED08229 be adopted with the following amendments:

   (i) Under the City of Hamilton Section

   Add to first bullet point of Taxable Assessment Growth:

   (Commercial/Industrial growth rate #’s)

   (b) That the General Manager of Planning and Economic Development report semi-annually, instead of quarterly, on the achievement of these targets as a general indicator of economic performance.

   (c) That staff benchmark from 2007 with the first report to be presented to the Economic Development and Planning Committee by the end of June, 2009.

5. **Roles/Functions of Committees Related to Economic Development in the Planning and Economic Development Department (PED08312) (Item 7.3)**

   (a) That Committee of the Whole and the Economic Development and Planning Committee be the authority for consideration of those economic development and other City-wide impacting matters as identified for each Committee in Report PED08312.
(b) That Item H be removed from the Committee of the Whole’s Outstanding Business List.

6. Report 08-008 of the Advisory Committee for Persons with Disabilities (Item 7.1)

(a) That Item 1 of Report 08-008 of the Advisory Committee for Persons with Disabilities be referred to staff for a report back to Committee;

(b) That Item 2 of Report 08-008 of the Advisory Committee for Persons with Disabilities be received for information.

7. Capital Projects’ Status and Closing Report as of September 30, 2008 (FCS08084(a)) (City Wide) (Item 7.2)

(a) That the September 30th, 2008, Capital Projects’ Status and Projects’ Closing Report and the attached Appendices A, B, C, D, E and F to report FCS08084(a) 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 FCS08084(a) in accordance with the Capital Closing Policy and that the net transfers are dealt with as listed in Appendix A to report FCS08084(a) and summarized in Table 1 of report FCS08084(a).

8. Peak Oil Study Terms of Reference (PED08310) (Item 7.5)

(a) That a volunteer-based Peak Oil Task Force be established, and renamed the Community Energy Collaborative, with the purpose of identifying and recommending response actions to the issues outlined in the City of Hamilton Peak Oil Study Terms of Reference attached as Appendix “A” to Report PED08310;

(b) That staff communicate with neighbouring municipalities to discuss interest in participating in this collaborative and study;

(c) That the $35,000 for this initiative be allocated from the unallocated capital reserve.

(d) That staff continue to investigate outside sources of funding for this initiative (i.e. FCM)

(e) That Item B be removed from the Committee of the Whole’s Outstanding Business List.

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9. **Hamilton Farmers’ Market – Cost and Relocation (Temporary)**
   **(ECS08063)/(PED08299) (Ward 2) (Item 7.6)**

(a) That the City of Hamilton enter into a lease with Yale Properties Limited for the property known as 120 King Street West, Hamilton, subject to the following terms; all as set out in Report ECS08063/PED08299:

   (i) **Term:** Eighteen (18) Months commencing March 1, 2009, subject to renovations and fit ups being completed in a good workmanlike manner, terminating August 1, 2010.

   (ii) **Property:** 120 King Street West, Hamilton, having an area of 44,500 square feet, to be verified and adjusted in accordance with B.O.M.A. 1996 measurement standard.

   (iii) **Rental Rate:** Commencing March 1, 2009 to August 1, 2010, $8.75 per square foot (net) $389,375 per annum, $32,447.92 per month plus G.S.T.;

   (iv) **Operating Costs:** The City of Hamilton is responsible for its share of the actual operating cost at $8.00 per square foot for the term of the lease ($29,666.66 per month), subject to recommendation (v).

   (v) That the Legal Services Division be authorized to prepare a By-law, under Section 110 of the **Municipal Act**, to propose that this leased area become a City Capital Facility, whereby the City would be exempt from paying Realty Taxes at this location.

(b) That all rent and operating costs shall be charged to Account No. 55355.

(c) That the Mayor, General Manager of Finance and Corporate Services and City Clerk be authorized and directed to execute the Lease in a form satisfactory to the City Solicitor.

(d) That the lease and other expenses related to the temporary relocation of the Hamilton Farmers’ Market be funded from Capital Account No. 7100554540.
10. City Road Allowance Lands to Ronald McDonald House for Building Expansion Purposes (Item 9.1)

(a) That the City of Hamilton (via Business Service Section, Public Works) initiate a Road Closure Application for a portion of the Cootes Drive road allowance, being a part of or all of Parts 8, 9 and 10 on Plan 62R-11918 (save and except any lands to be retained for sidewalk or any other municipal requirements), located north of the property at 1510 Main St West owned by Kids Care Oncology Central West Ontario (KCOCWO) – Ronald McDonald House, being those lands necessary for the building expansion at 1510 Main Street West;

(b) That the Road Closure application, processing, advertising, environmental assessment and any other associated fees or costs be waived, to maximum cost of $20,000.

(c) That upon the successful stopping up and closing of the road allowance that the lands be declared surplus to City of Hamilton requirements, subject to any easements for municipal or utilities use;

(d) That the Legal Services Department be directed to transfer title of these lands to KCOCWO for a $1.00 nominal sale price and that the lands merge with the property at 1510 Main Street West.

(e) That as a condition and covenant of the sale by the City of Hamilton to KCOCWO, should the subject lands no longer be used for KCOCWO or a related charitable uses that KCOCWO agree that the ownership of the subject lands revert back, for $1.00, to the City of Hamilton together with any buildings or structure on the subject lands.

(f) That subject to the successful sale and transfer of the subject lands to KCOCWO any municipal Zoning/Official Plan amendment, modification, variance and other associated planning fees or costs, relating to the subject lands, be waived, to a maximum cost of $20,000.

(g) That staff be directed to report back to Council on the final cost figures.

11. Land Acquisition (Item 11.1)

(a) That the City of Hamilton proceed with the purchase of 236 King St West, Dundas for creation of a playground adjacent to the Dundas Lions Memorial Community Centre under the terms and conditions outlined in the report as amended;
(b) That the terms and conditions of this sale as amended, remain confidential.

12. Non Union Management & Professional Exempt Group Compensation (HUR08018) (City Wide) (Item 11.3)

That Report HUR08018 be tabled pending an Economic Summit to be held in 2009.

That Item 13 of Committee of the Whole Report 08-036 respecting Appointment of City Manager be deleted in its entirety and replaced with the following in lieu thereof:

13. City Manager Recruitment (11.2)

That the appointment of a City Manager for the City of Hamilton be referred to City Council for disposition.

13. Appointment of City Manager

(a) That Christopher Murray be appointed to the position of CAO/City Manager effective January 2, 2009;

(b) That the By-Law to Appoint and Prescribe the Duties and Responsibilities of the Chief Administrative Officer attached hereto be approved.

(c) That the work of the CAO Search Committee be deemed completed and the Committee disbanded;

(d) That thanks be extended to Ms. Margaret Campbell of Ray & Berndtson for her assistance in the search process.

FOR THE INFORMATION OF COUNCIL:

(a) ANNOUNCEMENTS

(i) Deputy Mayors for the Month of December, 2008 - Branden Thorburn, Ancaster Senior Public School and Courtney Weavers, Spencer Valley Senior Public School

(ii) By-law Enforcement Officers Swearing In Ceremony

The Mayor introduced and swore in 30 City of Hamilton By-law Enforcement Officers.
(b) **CHANGES TO THE AGENDA**

Added Motion by Councillor Bratina respecting City Hall Accommodations added as Item 8.1

The agenda was adopted as amended.

(c) **DECLARATIONS OF INTEREST**

Mayor Fred Eisenberger declared an Interest in Item 9 Hamilton Farmers’ Market – Cost and Relocation (Temporary) as his sister-in-law operates a market stall. The Mayor vacated the chair to Acting Deputy Mayor Sam Merulla and abstained from discussion or voting on this matter.

(d) **ADOPTION OF MINUTES**

3.1 November 10, 2008

The Minutes of November 10, 2008 was adopted as presented.

(e) **The following Minutes were received for information:**

Minutes of the October 28, 2008 meeting of the Non-Union Compensation Sub-Committee

(f) **Request to address Committee by Madina Wasuge, Hamilton Centre for Civic Inclusion (Item 5.1)**

The delegation request by Madina Wasuge, HCCI was approved.

The delegation will be entertained at the January 23, 2008 COW Budget meeting when Boards and Agencies will be entertained.

(g) **PRESENTATIONS**

(i) **Presentation by Hamilton Port Authority – Strategic Plan**

Mel Hawkriigg and Bruce Wood presented the Strategic Plan.

Highlights of the presentation included:
- Port Overview
- Largest Canadian Great Lakes Port
- Handle approximately 12 million tones per year
- approximately 700 vessel calls per year
- over 80% of our cargo is steel related today
- Economic Impact

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- over $2 billion worth of goods shipped through the port in 2008
- Port community directly employs over 1,500 people
- In past 10 years the HPA and tenants have paid $35 million in taxes to the City Of Hamilton
- makes local businesses globally competitive through cost effective, environmentally friendly marine transport alternatives
- short sea shipping
- Infrastructure
- HPA and port tenants have invested $450 million in infrastructure since 1998
- Over $500 million to be invested in Port by 2020
- HPA investment $156 million
- Port Partner Investment estimated at $350 million
- Social Responsibility
- Commitment to the community including environmental stewardship, beautification, community outreach, safety and security
- Randle Reef
- Port Beautification and Recreation
- West Harbour Development Plan
- Community Outreach
- Safety and Security

(ii) Multi-Year Economic Development Strategy (PED08311) (Item 6.2)

Neil Everson provided a power point presentation and highlighted the following:
- Formation of strategy
- Economic Landscape
- Transforming our economy
- Proposed Strategy Format
- Business Development
- Community Redevelopment
- Labour Force Development
- Infrastructure for Innovation
- Marketing and Outreach
- Quality of Life
- Jobs Prosperity Collaborative
- Alignment with the Jobs Prosperity Collaborative
- Strategy Process
- Consultation Process

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(h) Economic Development Performance Measures and Update on 2008 Initiatives and Budget Enhancements (PED08303) (Item 7.4)

Amendments noted in the staff report recommendation:

Under the City of Hamilton Section
Add to first bullet point of Taxable Assessment Growth:
(Commercial/Industrial growth rate #’s)
Staff to take wording from Corporate Strategic Plan

An amendment to delete bullet points 6 and 7 under the Planning and Economic Development Department was Defeated on a recorded vote:

Yea: Bratina, Clark, Collins, Merulla
Total: 4

Nay: Ferguson, Pearson, Whitehead, McCarthy, Eisenberger, Powers Mitchell
Total: 7

The recommendations were further amended to include the following:
That staff bench mark from 2007 with the first report to be presented to the Economic Development and Planning Committee by the end of June.

(i) Roles/Functions of Committees Related to Economic Development in the Planning and Economic Development Department (PED08312) (Item 7.3)

Councillors Clark, Collins, Ferguson, Bratina opposed.

(j) City Hall Accommodations

Councillor Bratina deferred the following motion to December 9th Committee of the Whole meeting;

(a) That staff meet as soon as possible with the proponent of an unsolicited offer to provide the city’s accommodation requirements at the city Centre and/or other downtown properties

(b) That staff report to council in a timely manner as to whether significant cost savings might accrue to the city as compared with our current City Hall renovations strategy by negotiating with the proponent for required accommodation space

(c) That Options regarding our accommodation needs be presented to council to include suspension of the City Hall Renovation Project
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until such time as the impacts of the current economic crisis on municipal finances is better known.

(k) City Road Allowance Lands to Ronald McDonald House for Building Expansion Purposes (Item 9.1)

The rules were waived to allow the introduction of this motion.

(l) PRIVATE AND CONFIDENTIAL

Committee moved into closed session subject to Sections 8.1 (c) and (d) of the city’s procedural by-law as the matters noted below related to proposed disposition of land and labour relations.

(i) Land Acquisition (Item 11.1)
(ii) City Manager Recruitment Update (Item 11.2)
(iii) Non Union Management & Professional Exempt Group Compensation (HUR08018) (City Wide) (Item 11.3)

Please see report for disposition of these items.

The meeting adjourned at 4:00 p.m.

Respectfully submitted,

Mayor F. Eisenberger

M. Gallagher
Co-ordinator
Committee of the Whole
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