



## **Public Works Committee REPORT 09-007**

**9:30 a.m. (as approved by City Council on April 29, 2009)**

**Monday, April 20, 2009  
Hamilton Convention Centre  
One Summer's Lane  
Albion Rooms A and B  
Hamilton, Ontario**

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**Present:** Mayor F. Eisenberger  
Chair B. Bratina  
Vice Chair C. Collins  
Councillors L. Ferguson, T. Jackson, M. McCarthy,  
D. Mitchell, S. Merulla, R. Powers

**Also Present:** G. Davis – A/General Manager, Public Works  
J. Stephen – Temp. Director, Capital Planning and  
Implementation  
G. Moore – Director, Engineering Services  
B. Shynal – Director, Operations and Maintenance  
D. Hull – Director, Transit  
R. D'Angelo – A/Director, Energy, Fleet and Facilities  
B. Goodger – Director, Waste Management  
J. Harnum – Sr. Director, Water/Wastewater  
R. Gonzalez – A/Sr. Director, Water/Wastewater  
C. Biggs – Legislative Assistant, City Clerk's

### **THE PUBLIC WORKS COMMITTEE PRESENTS REPORT 09-008 AND RESPECTFULLY RECOMMENDS:**

- 1. Letter of Resignation from June Noonan from the Provincial Gas Tax Transit Master Plan Steering Committee (Item 5.3)**

That the Letter of Resignation from June Noonan from the Provincial Gas Tax Transit Master Plan Steering Committee, be received and accepted.

**Council – April 29, 2009**

**2. Tree Removal and Compensation Amendment – Mattamy (Southcote) Limited – Kitty Murray Lane, Ancaster (PW09022/PED09121) (Ward 12) (Item 5.4)**

That the request by Mattamy (Southcote) Limited to remove fifty-seven (57) municipal street trees situated on Kitty Murray Lane to facilitate the construction of Draft Plan of Subdivision 25T-200711 be approved subject to the following conditions:

- (a) Payment of tree removal compensation in the adjusted amount of \$63,230 (excluding applicable taxes) based on Mattamy's Arborist Report and a Municipal credit for proposed new trees and;
- (b) Performance of removal works in accordance with the approved removals plan at the applicant's expense;
- (c) That the tree removal be subject to the successful rezoning application which is currently before the Economic Development and Planning Committee.

**3. Removal of Trees to Facilitate Roadside Drainage on Woodhill Road, Flamborough (PW09032) (Ward 14) (Item 5.5)**

That the removal of public trees from the drainage ditch on Woodhill Road adjacent to municipal properties 107 through 135 inclusive be approved in order to facilitate roadside drainage and road improvements as outlined in Report PW09032.

**4. Abandoning Fire Hall Well Servicing Three Residential Properties (PW09035) (Ward 14) (Item 5.6)**

- (a) That the Greensville Fire Hall well servicing three residential properties (676 Crooks Hollow Road, 335 and 339 Old Brock Road) be decommissioned pursuant to the *Ontario Water Resources Act* (O.Reg 903);
- (b) That the three potentially affected residential properties be compensated to an upset limit of \$10,000 per household for the cost of obtaining an alternative water supply (i.e. cistern) provided that such an alternative water supply is compliant with current drinking water standards, the Ontario Building Code and a release is obtained, in a form satisfactory to the City Solicitor, from the owner and any party having a legal interest in each of the properties releasing the City from any further obligations to provide such an alternative water supply, and that the expenses be funded from 3540541537 "*Safe Drinking Water Act*";

- (c) That the Mayor and the City Clerk be authorized and directed to execute any necessary documents, in a form satisfactory to the City Solicitor, and that any Legal Services Section expenses or other administrative expenses be charged to Account Number 52425 (Legal Fees), Department ID 3540541537.
- 5. Cosmetic Pesticide Ban – Impact on Sports Field Marking Activities (PW08143(a)) (City Wide) (Item 8.1)**
- (a) That a one-year moratorium on municipal Sports Field Marking services across the system be approved;
- (b) That endorsement is given to have test trials of alternative Sports Field Lining methods to support the development of new program delivery
- (c) That staff be directed to communicate with all sports organizations/ associations to ensure that they are aware of the sportsfield lining pilot tests proposed during the 2009 season, and to include their feedback on the test outcomes in a follow up report wherein staff will provide recommendations for a sportsfield lining program for 2010 and beyond.
- 6. Rapid Transit Studies Project – Budget Increase for A and B Line Implementation Studies (PW08074(a)) (City Wide) (Item 8.2)**
- (a) That the budget for the Rapid Transit Studies Project - 5300855100 be increased by \$400,000, to be used as follows:
- (i) to undertake an A-Line Implementation Study; and
- (ii) to undertake topographic and legal surveys along the B-Line corridor, Eastgate Square to University Plaza and along the A-Line from Main Street to the Waterfront;
- (b) That the increase be funded from the Rapid Transit Reserve - 108047
- 7. Rapid Transit Corporate Working Team Workshop, Technical Advisory Committee and Corridor Property Owner Meetings (PW09034) (City Wide) (Item 8.3)**

That Report PW09034 respecting Rapid Transit Corporate Working Team Workshop, Technical Advisory Committee and Corridor Property Owner Meetings, be received.

**8. Lease with Royal Botanical Gardens for Churchill Fields Park (Item 9.1)**

That the City Legal Department prepare a new long-term lease with the Royal Botanical Gardens for Churchill Fields Park as soon as possible.

**9. Speed Reduction on Binbrook Road, between Trinity Church Road and Hwy. 56 (Item 9.2)**

- (a) That the speed limit on Binbrook Road West, between Hwy. 56 and Fletcher Road, be set at 50 km/h;
- (b) That the speed limit on Binbrook Road West, between Fletcher Road and Trinity Church Road, be set at 60 km/h;
- (c) That an appropriate by-law to amend the City of Hamilton Traffic By-law 01-215 be passed and enacted.

**10. Resolution from the Municipality of Middlesex Centre respecting Department of Fisheries and Oceans Requirements pertaining to Drainage Works and Bridge Reconstruction (Item 11.2(a))**

- (a) That the resolution from the Municipality of Middlesex Centre respecting Department of Fisheries and Oceans requirements pertaining to Drainage Works and Bridge Reconstruction, be received and endorsed.
- (b) That the Municipality of Middlesex Centre be advised accordingly.

**11. Resolution from the Town of Lakeshore respecting Imposing a Restriction Window on In-Line Municipal Drain Construction from March 15 to June 20 throughout the Province (Item 11.2(b))**

- (a) That the resolution from the Town of Lakeshore respecting imposing a restriction window on in-line municipal drain construction from March 15 to June 20 throughout the Province, be received and endorsed.
- (b) That the Town of Lakeshore be advised accordingly.

**12. Wentworth Lodge Home for the Aged – Civil Litigation Costs (PW09023/LS09004) (Ward 13)**

- (a) That litigation costs of the proceedings described in Report PW09023/LS09004 be funded from account number #6500051001;

- (b) That in the opinion of the Council of the City of Hamilton, it is not in the best interests of the City to enter into any contracts with The Atlas Corporation due to the ongoing litigation between the City and The Atlas Corporation, being the Ontario Superior Court actions listed in Appendix "A" of Report PW09023/ LS09004;
- (c) That staff be directed to reject any future bids, proposals or quotations received from The Atlas Corporation until January 1<sup>st</sup>, 2019, unless a future Resolution of City Council amends or revokes this direction;
- (d) That the contents of Report PW09023/LS09004 remain confidential.

#### **FOR THE INFORMATION OF COUNCIL:**

##### **(a) CHANGES TO THE AGENDA (Item 1)**

The Clerk advised of the following change:

- (I) Added Delegation Request from Cal DiFalco respecting truck traffic on Fruitland Road and the impact of excessive speeding and traffic volumes
- (II) Added Private and Confidential – Verbal Presentation respecting litigation or potential litigation, including matters before administrative tribunals affecting the municipality or local board respecting a proposed settlement of a Human Rights application (No copy)

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

##### **(b) DECLARATIONS OF INTEREST (Item 2)**

None declared.

##### **(c) APPROVAL OF MINUTES (Item 3)**

On a motion, the Minutes of the April 6, 2009 meeting of the Public Works Committee were approved, as presented.

##### **(d) MINUTES OF VARIOUS SUB-COMMITTEES (Item 5.1)**

On a motion, the Minutes of the March 2, 2009 meeting of the City Hall Renovations Steering Committee, were received, as presented:

**(e) MINUTES OF THE LAKE ERIE SOURCE PROTECTION COMMITTEE  
(Item 5.2)**

On a motion, the February 5, 2009 minutes of the Lake Erie Source Protection Committee meeting were received, as presented.

**(f) DELEGATION REQUESTS**

- (i) Request to Appear from Stanley Ma, P.Eng., Project Manager, Morrison Hershfield, on behalf of the Ministry of Transportation, respecting Highway 403 Bridge Rehabilitation

On a motion, the request to appear from Stanley Ma, P.Eng., Project Manager, Morrison Hershfield, on behalf of the Ministry of Transportation, respecting Highway 403 Bridge Rehabilitation, was approved.

- (ii) Request from Cal DiFalco respecting truck traffic on Fruitland Road and the impact of excessive speeding and traffic volumes

On a motion, the request to appear from Cal DiFalco respecting truck traffic on Fruitland Road and the impact of excessive speeding and traffic volumes, was approved.

**(g) TREE REMOVAL AND COMPENSATION AMENDMENT – MATTAMY  
(SOUTHCOTE) LIMITED – KITTY MURRAY LANE, ANCASTER (PW09022/  
PED09121) (Ward 12) (Item 5.4)**

On a motion, the following was added as sub-section (c):

- (c) That the tree removal be subject to the successful rezoning application which is current before the Economic Development and Planning Committee.

The Motion, as amended, carried.

**(h) DAVE BARNETT, RESPECTING CONCERNS OF HARASSMENT, INTIMIDA-  
TION AND THREATENING BEHAVIOUR BY HSR STAFF (Item 6.1)**

Mr. Dave Barnett appeared before the Committee to express his concerns with respect to harassment, intimidation and threatening behaviour toward him by HSR staff, and asked if staff had any updates from the issues he raised at the January 19, 2009 Public Works Committee meeting. He indicated that the issue of intimidation and harassment seems to be a re-occurring problem in the City, and he wants to see something done about this. Mr. Barnett advised the

Committee that despite numerous attempts to address this issue with staff, his issues have not been satisfactorily resolved.

Mr. Barnett cited incidents where HSR drivers are not picking up customers, but deliberately driving by them, and indicated that he is representing the people of Hamilton who ride buses that have a problem not being picked up.

Mr. Barnett stated that there is a problem with the transit system and wants a response as to an effective complaints process.

On a motion, the Committee approved the following:

- (i) That the presentation by Dave Barnett be received;
- (ii) That staff be directed to review the general complaints process and report back to the Public Works Committee with possible improvements;
- (iii) That Mr. Barnett be notified at the time the requested information is presented.

**(i) NIAGARA TO GTA CORRIDOR PLANNING AND ENVIRONMENTAL ASSESSMENT STUDY (Item 6.2)**

John Slobodzian, Project Co-ordinator, Provincial and Environmental Planning Office ,Ministry of Transportation, and Paul Hudspeth, P.Eng., Vice President, and Patrick Puccini, P.Eng., Manager, Transportation Planning and Preliminary Design, URS Canada Inc., provided a power point presentation respecting the Niagara to GTA Corridor, Planning and EA Study, Phase 1. The presentation included:

- Study area
- The Vision
- Growth Plan
- Metrolinx 25-year Plan
- Where We Are and Recent Events
- Transportation Problems: Goods, Commuters, Tourism
- Inter-Regional Transportation System
- Goods Movement Context
- Key Issues: Goods Movement; Commuters (Auto and Transit); Tourism and Recreation
- Transportation Opportunities/Goals
- Consultation and Next Steps
- Summary of Public Information Centre #2.

Councillor Mitchell suggested that staff should be tracking the FTE time spent on this project. He also asked that the agricultural community specifically be consulted/included in the discussions of this project.

The Committee was advised that more detailed information on the project will be available for the public information centres.

The presentation was distributed to the Committee and a copy has been retained in the Office of the City Clerk for the public record.

On a motion, the presentation on the Niagara to GTA Corridor Planning and Environmental Assessment Study, was received.

**(j) BUS BENCH FURNITURE PROGRAM REVIEW AND STREET FURNITURE RFP (PW09033) (CITY WIDE) (Item 7.1)**

Ramona Dechert, Manager of Business Services, provided a power point presentation respecting the Bus Bench Furniture Program Review and Street Furniture RFP. The presentation included:

- Review of Recommendation contained in Report PW09033;
- Background i.e., staff working group, evolution, on-going since June, 2008
- Current state (program scan and walk about)
- Consultation: external stakeholder groups; municipal comparator survey; urban streetscape workshop
- Improvement opportunities
- Issues and challenges.

The presentation also included photos of the current and potential appearances of street furniture items including benches, single stream litter containers, multi-stream litter containers, publication boxes, bike racks, cigarette receptacles, transit shelters, traffic signal controller boxes; benches (park, trail or open space), single stream litter containers (park, trail or open space), multi-stream litter containers (park, trail or open space), electronic billboards, stationary billboards, information and poster boards, and current street banner, telephone booths and mailboxes, as well as a photo of an automatic public washroom structure.

On a motion, the Committee approved the following:

- (i) That the presentation be received;
- (ii) That Report PW09033 respecting Bus Bench Furniture Program Review and Street Furniture RFP be deferred for one month to allow Committee members to receive additional information from staff.

Councillor Merulla requested that staff investigate the feasibility of including advertising by way of naturalized and horticultural plantings along the Lincoln Alexander Parkway (LINC) and the Red Hill Valley Parkway (RHVP) in the RFP. Staff responded that the working group can take this concept into consideration when conducting their assessment.



**(k) COSMETIC PESTICIDE BAN – IMPACT ON SPORTS FIELD MARKING ACTIVITIES (PW08143(a)) (City Wide) (Item 8.1)**

On a motion, the following was added as sub-section (c):

- (c) That staff be directed to communicate with all sports organizations/ associations to ensure that they are aware of the sportsfield lining pilot tests proposed during the 2009 season, and to include their feedback on the test outcomes in a follow up report wherein staff will provide recommendations for a sportsfield lining program for 2010 and beyond.

The Motion, as amended, carried.

Staff advised that a report will be presented to the June 15, 2009 Public Works Committee meeting respecting the cosmetic pesticide ban and the impact on turf management programs delivered by the Operations and Maintenance Division. Councillor Mitchell requested that the Agricultural and Rural Affairs Advisory Committee be advised of the scheduling of this report and invited to attend this meeting, if interested.

Staff noted that current rural roadside maintenance programs would be unaffected by the new legislation as pesticides are not used for vegetation management within the road allowance.

**(l) LEASE WITH ROYAL BOTANICAL GARDENS FOR CHURCHILL FIELDS PARK (Item 9.1)**

The following preamble was included with the above-noted matter:

Whereas the Royal Botanical Gardens owns Churchill Fields Park but the City has historically had a long-term lease allowing a city park use;

And Whereas there is interest by several community groups in fundraising to make improvements in the park;

And Whereas it would appear that the long-term lease cannot be located.

**(m) GENERAL INFORMATION/OTHER BUSINESS**

**(i) Outstanding Business List (Item 11.1)**

- (aa) Correspondence from Refreshments Canada respecting bottled water and support of a broader sustainability program  
Due Date: April 20, 2009

On a motion, the Outstanding Business with respect to correspondence from Refreshments Canada respecting bottled water and support of a broader sustainability program, was referred to the Committee of the Whole.

**(n) PRIVATE AND CONFIDENTIAL (Item 12)**

**Approval of Minutes of Closed Session Meeting held on April 6, 2009 (Item 12.1)**

On a motion, the Minutes of the Closed Session of the Public Works Committee meeting of April 6, 2009 be adopted as presented.

These Minutes will remain confidential and restricted from public disclosure in accordance with exemptions provided in the Municipal Freedom of Information and Protection of Privacy Act.

On a motion, the Committee moved into Closed Session at 12:10 p.m. as the subject matter of Item 12.2 pertained to advice with respect to Wentworth Lodge Home for the Aged that is subject to solicitor-client privilege, including communications necessary for that purpose and necessary communications containing third party information supplied in confidence and protected under the Municipal Freedom of Information and Protection of Privacy Act and the subject matter of Item 12.3 pertained to litigation or potential litigation, including matters before administrative tribunals affecting the municipality or local board respecting a proposed settlement for a Human Rights application.

On a motion, the Committee reconvened in Open Session at 1:05 p.m.

**(i) Wentworth Lodge Home for the Aged – Civil Litigation Costs (Item 12.2)**

See Item 12 for the disposition of Item 12.2.

**(ii) Proposed Settlement – Human Rights Application (Item 12.3)**

Direction given to staff In Camera.

There being no further business, the Committee adjourned at 1:10 p.m.

Respectfully submitted

Councillor B. Bratina, Chair  
Public Works Committee

Carolyn Biggs  
Legislative Assistant  
April 20, 2009