THE PUBLIC WORKS COMMITTEE PRESENTS REPORT 07-006 AND RESPECTFULLY RECOMMENDS:

1. **To Incorporate Certain City Land into Various Streets by By-law (PW07002(b)) (Ward 11) (Item 5.1)**

   (a) That the following City lands be incorporated into the following streets:

   - **Blue Mountain Drive**
     - Block 141
     - Plan 62M-1033
     - Ward 11

   - **McKibbon Avenue**
     - Block 145
     - Plan 62M-1033
     - Ward 11

   Council – April 25, 2007
Simpson Avenue  Block 144  
Plan 62M-1033  Ward 11  

Sophia Drive  Block 143  
Plan 62M-1033  Ward 11  

(b) That the By-Laws to carry out the incorporation of the said land into the foregoing streets be prepared to the satisfaction of the Corporate Counsel and be enacted by Council;

(c) That the General Manager, Public Works, be authorized and directed to register the By-Laws.

2. Temporary Road Closure – King William Street, from James Street to Hughson Street, for a MayDay Spring Festival (PW07052) (Ward 2) (Item 5.2)

That the application from the Skydragon Community Development Co-operative for the temporary closure of King William Street between James and Hughson on Saturday, May 5, 2007 from 7:00 a.m. until 12:00 midnight to hold a street festival, be approved subject to the following conditions:

(a) That the prior approval of the Chief of Police or his designate be received and that such permits or authorizations as may be required by the Chief of Police or his designate be obtained;

(b) That the applicant provide proof of $5,000,000 liability insurance, naming the City of Hamilton as an added insured party with a provision for cross liability and holding the City harmless from all actions, causes of action, interests, claims, demands, costs, damages, expenses and loss;

(c) That all detour signing, and warning boards be installed in advance by the Public Works Department, on the affected roadways, if deemed necessary by the General Manager of Public Works at the expense of the applicant;

(d) That all barricading be by and at the expense of the applicant subject to the approval of the General Manager of Public Works or designate;

(e) That the applicant ensures that clean up operations are carried out immediately before the re-opening of the road, to the satisfaction of the City of Hamilton and at the expense of the applicant;

(f) That no property owner or resident within the closure area be denied access to their property upon request;
(g) That all property owners and tenants within the closure area be notified by the applicant, prior to the closure, in a form acceptable to the General Manager of Public Works;

(h) That the applicant be granted an amendment to the City of Hamilton’s Noise By-law NO. 79-292 to allow music to be played until 11:00 pm on Saturday May 5, 2007, and that a Licensing & Standards Officer monitor the event and be in attendance if necessary, at the expense of the applicant.

3. Temporary Road Closures – Stone Church Road, from Anchor Road to Upper Mount Albion Road and the LINC, and Stone Church Road, from Dartnall Road to Winterberry Drive (PW07055) (City Wide) (Item 5.3)

(a) That the application for the temporary closure on Stone Church Road from Anchor Road to Upper Mount Albion Road be for the following time period:

(i) Saturday November 3, 2007 from 7:00 a.m. to 1:00 p.m., Joy and Hope of Haiti Run and Red Hill Valley Project Open House;

(b) That the application for the temporary closure of the Lincoln Alexander Parkway and Stone Church Road from Dartnall Road to Winterberry Drive be for the following time period:

(i) Sunday November 4, 2007 from 7:00 a.m. to 1:00 p.m., Road2Hope Full and Half Marathons;

(c) That the temporary closures be approved, subject to the following conditions:

(i) That the prior approval of the Chief of Police or his designate be received and that such permits or authorizations as may be required by the Chief of Police or his designate be obtained;

(ii) That the applicant provide proof of $2,000,000 liability insurance, naming the City of Hamilton as an added insured party with a provision for cross liability and holding the City harmless from all actions, causes of action, interests, claims, demands, costs, damages, expenses and loss;

(iii) That all detour signing, and warning boards be installed in advance by the Public Works Department, on the affected roadways, if deemed necessary by the General Manager of Public Works at the expense of the applicant;
(iv) That all barricading be by and at the expense of the applicant subject to the approval of the General Manager of Public Works or designate;

(v) That the applicant ensures that clean up operations are carried out immediately before the re-opening of the road, to the satisfaction of the City of Hamilton and at the expense of the applicant;

(vi) That no property owner or resident within the closure area be denied access to their property upon request;

(vii) That all property owners and tenants within the closure area be notified by the applicant, prior to the closure, in a form acceptable to the General Manager of Public Works.

CARRIED

4. Declaration and Sale of Surplus Lands to the Ministry of Transportation – Red Hill Valley Parkway – 2380 Brampton Street (Part 3 on Plan 62R-15125), Stoney Creek (PW07048/PED07120) (Ward 5) (Item 5.4)

(a) That the City owned vacant lands, identified as Part of Lot 28, Concession 1, in the former Township of Saltfleet, designated as Part 3 on Plan 62R-15125, municipally known as 2380 Brampton Street (attached as Appendix “A” to Report PW07048 / PED07120), comprising an area of .151 ha (.373 ac), more or less, be declared surplus to the requirements of the City of Hamilton in accordance with the City of Hamilton Real Property By-law No. 04-299;

(b) That the Real Estate Section of the Planning and Economic Development Department be authorized and directed to convey the subject property to the Ministry of Transportation (MTO) in accordance with an agreement dated October 22, 1998, between MTO and the former Region of Hamilton-Wentworth providing for the land acquisition, design, construction and completion of the Red Hill Valley Parkway. The subject property forms part of the new Parkway;

(c) That the net proceeds of the sale be directed to the Red Hill Valley Parkway Project Office to recover City funds used to acquire this parcel on behalf of the Ministry of Transportation (MTO);

(d) That the Mayor and 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 47702-4060087001– Red Hill Valley Parkway Project.
5. Declaration and Sale of Surplus Lands to the Ministry of Transportation – Red Hill Valley Parkway – 490 Nash Road North (Part 7 on Plan 62R-15125), Hamilton (PW07049/PED07121) (Ward 5) (Item 5.5)

(a) That the City owned vacant lands, identified as Part of Lot 28, Concession 1, in the former Township of Saltfleet, designated as Part 7 on Plan 62R-15125, municipally known as 490 Nash Road North, (attached as Appendix “A” to Report PW07049 / PED07121), comprising an area of .603 ha (1.49 ac), more or less, be declared surplus to the requirements of the City of Hamilton in accordance with the City of Hamilton Real Property By-law No. 04-299;

(b) That the Real Estate Section of the Planning and Economic Development Department be authorized and directed to convey the subject property to the Ministry of Transportation (MTO) in accordance with an agreement dated October 22, 1998, between MTO and the former Region of Hamilton-Wentworth providing for the land acquisition, design, construction and completion of the Red Hill Valley Parkway. The subject property forms part of the new Parkway;

(c) That the net proceeds of the sale be directed to the Red Hill Valley Parkway Project Office to recover City funds used to acquire this parcel on behalf of the Ministry of Transportation;

(d) That the Mayor and 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 47702-4060087001 – Red Hill Valley Parkway Project.

6. Declaration and Sale of Surplus Lands to the Ministry of Transportation – Red Hill Valley Parkway – 473/477 Nash Road North (Parts 14 and 19 on Plan 62R-15125), Hamilton (PW07050/PED07122) (Ward 5) (Item 5.6)

(a) That the City owned vacant lands, identified as Part of Lot 29, Concession 1, in the former Township of Saltfleet, designated as Parts 14 and 19 on Plan 62R-15125, municipally known as 473/477 Nash Road North, (attached as Appendix “A” to Report PW07050 / PED07122), comprising an area of .358 ha (.885 ac), more or less, be declared surplus to the requirements of the City of Hamilton in accordance with the City of Hamilton Real Property By-law No. 04-299;
(b) That the Real Estate Section of the Planning and Economic Development Department be authorized and directed to convey the subject property to the Ministry of Transportation (MTO) in accordance with an agreement dated October 22, 1998, between MTO and the former Region of Hamilton-Wentworth providing for the land acquisition, design, construction and completion of the Red Hill Valley Parkway. The subject property forms part of the new Parkway;

(c) That the net proceeds of the sale be directed to the Red Hill Valley Parkway Project Office to recover City funds used to acquire this parcel on behalf of the Ministry of Transportation;

(d) That the Mayor and 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 47702-4060087001 – Red Hill Valley Parkway Project.

7. Safety Audit – Concessions 5 and 6 West at Brock Road (PW07054) (Ward 14) (Item 5.7)

(a) That Report PW07054 respecting Safety Audit – Concessions 5 and 6 West at Brock Road, be received;

(b) That the item on the Outstanding Business List of the Public Works Committee relative to this issue, be removed.

8. Letter from MTO respecting Highway 6 North (Winter Maintenance) (PW07053) (City Wide) (Item 5.8)

(a) That Report PW07053 respecting the Letter from the Ministry of Transportation respecting Highway 6 North (Winter Maintenance), be received

(b) That the item on the Outstanding Business List of the Public Works Committee relative to this issue, be removed.

9. Transportation Services Agreement with Recycling Materials Marketing (ReMM) (PW07051) (City Wide) (Item 5.9)

That the General Manager of Public Works be authorized to enter into an agreement with Recyclable Materials Marketing (ReMM) for transportation services for recycling commodities for 2007 and 2008.

Council – April 25, 2007
10. **Proposed Permanent Closure and Sale of a Portion of Road Allowance Abutting 400 Winona Road, from Railway Street to South Service Road, Stoney Creek (PW07041) (Ward 11) (Item 6.1)**

(a) That the application of F. and C. D’Orazio and A. and I. Morelli, to permanently close and purchase a portion of road allowance abutting 400 Winona Road, from Railway Street to South Service Road, in the former City of Stoney Creek, now in the City of Hamilton, be approved, subject to the following conditions:

(i) That the applicants make an application to a District Court Judge, under Section 88 of the Registry Act, R.S.O. 1990, for an order to permanently close and purchase the subject lands;

(ii) That the General Manager, Public Works or his designate sign the appropriate documentation confirming that no public funds have been expended on the lands to be closed;

(iii) That the documentation regarding the application to the District Court Judge be prepared by the applicant, to the satisfaction of the City Solicitor;

(iv) That the applicants register a reference plan under the Registry Act and that said plan be prepared by an Ontario Land Surveyor to the satisfaction of the Senior Project Manager, Survey and Technical Services and that the applicants deposit a reproducible copy of said plan with the Senior Project Manager, Survey and Technical Services;

(b) That provided the Judge’s Order to permanently close the lands is granted:

(i) That the Acting City Solicitor be authorized and Corporate Counsel be directed to prepare the by-law to permanently close for the highway;

(ii) That the appropriate by-law be introduced and enacted by Council;

(iii) That the Development and Real Estate Division, Planning and Economic Development Department be authorized and directed to sell this closed highway in accordance with the Procedural By-law for the Sale of Land, By-law No. 04-299;

(iv) That the City Solicitor be authorized and directed to register a certified copy of the by-law permanently closing the highway in the proper land registry office;
(v) That the by-law permanently closing the highway does not take effect until a certified copy of the by-law is registered in the proper land registry office;

(vi) That the Public Works Department publish a notice pursuant to Section 34 of the Municipal Act 2001, S.O. 2001, c. 25, as amended, of the City’s intention to pass the by-law

11. Hamilton Recreational Trails Master Plan (City Wide) (Item 7.1)

(a) That staff utilize the Recreational Trails Master Plan Design Criteria, Trail Classifications and Phasing Criteria for planning Hamilton’s future trails;

(b) That staff report back with recommendations for trail development as part of the Annual Capital Budget Program.

12. Clean City Strategy (PW07056) (City Wide) (Item 7.2)

(a) That the Clean City Strategy be adopted “in principle” for implementation by staff as a means of reducing litter and graffiti within the City of Hamilton;

(b) That the matter of developing a Graffiti By-law be referred to the Clean City Liaison Committee for consideration and recommended action;

(c) That the item relating to the Graffiti By-law be removed from the Public Works Committee Outstanding Business List;

(d) That Councillors C. Collins and T. Jackson be appointed to sit on the Clean City Liaison Committee.

13. Biosolids Master Plan (PW07047) (City Wide) (Item 7.3)

That Report PW07047 respecting the Biosolids Master Plan, be received.

14. Extension of Red Light Camera Program (PW03150(d)) (City Wide) (Item 8.1)

(a) That the operation of the Red Light Camera (RLC) Program in Hamilton through to the end of the year 2012, be approved;
(b) That the extension of the existing contract or entering into a new contract between the City of Hamilton and the City of Toronto, to undertake centralized municipal processing of RLC offence notices, to the end of the year 2012, with the costs for this activity to be charged to account 55739-461010, be approved;

(c) That the City of Hamilton enter into a new operational agreement with the Ministry of Transportation, Ontario, said agreement to define the responsibilities of the City and the Province under the RLC program and thereby authorizing and permitting the City of Toronto to obtain motor vehicle registration information necessary to lay charges under the RLC program on the behalf of the City of Hamilton, with the costs for this activity to be charged to account 55738-461010;

(d) That Traffipax, Incorporated be awarded the contract for the provision of red light cameras, associated equipment, maintenance services and data transfer services for the period 2007-2012, in accordance with the terms and conditions of the Request For Proposals executed by the City of Toronto on behalf of the City of Hamilton and other participating RLC municipalities, with the costs for the equipment rental and servicing to be charged to account 55916-461010;

(e) That the Mayor and City Clerk be authorized to execute the above contracts, and the General Manager of Public Works be authorized to execute any other documentation required, in the opinion of the City Solicitor, to implement the contracts, at such time as the appropriate enabling provincial regulatory amendments come into force, with said documentation to be of the satisfaction of the General Manager of Public Works and the City Solicitor;

(f) That the initial extension of the RLC program in Hamilton for 2007 include four sites, each with full-time camera operation, to be selected from the sites contained as outlined in Report PW03150d as Appendix “A”.

(g) That the item on the Outstanding Business List of the Public Works Committee relative to this issue, be removed.

15. All-Way Stop Control – Homestead Drive and Strathearne Place, Glanbrook (Item 9.2)

(a) That all-way stop control be implemented at the intersection of Homestead Drive and Strathearne Place;

(b) That an appropriate by-law to amend the City of Hamilton Traffic By-law 01-215 be passed and enacted.
16. **Shaver Road (Ancaster) Wastewater Pumping Station (LS06008(a))**  
(City Wide) (Item 12.1)

(a) That the City of Hamilton accept from the defendant, Memme Excavation Company Ltd. (“Memme”), in full and final settlement of the City’s claim made in Ontario Superior Court of Justice action number 01-5882, the sum of $419,000, all inclusive of damages, prejudgment interest, costs and disbursements;

(b) That monies recovered by the City of Hamilton in action number 01-5882 be deposited to account 1-55916-510270;

(d) That the City Solicitor the authorized to execute and deliver or receive any documentation necessary to implement the settlement of action number 01-5882;

(e) That the matter “Shaver Road (Ancaster) Wastewater Pumping Station (LS06008)” be removed from the Public Works Committee outstanding business list;

(f) That Report LS06008a remain confidential as it contains advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

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**FOR THE INFORMATION OF COUNCIL:**

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

The Clerk advised of the following change:

(i) Request from John Hawker to address the Committee respecting Item 7.2 – Clean City Strategy

On motion, the agenda was approved, as amended.

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

None.

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

On motion, the Minutes of the April 2, 2007 meeting of the Public Works Committee were received and adopted as presented.

*Council – April 25, 2007*
(d) **DELEGATION REQUEST (Item 4)**

(i) Request from Kenneth Alford to appear before the Committee respecting Mount Albion Road Closure

On motion, the request from Kenneth Alford to appear before the Committee respecting Mount Albion Road Closure, was approved.

(ii) Request from John Hawker to address the Committee respecting Item 7.2 – Clean City Strategy

On motion, the rules of order were waived to allow John Hawker to address the Committee respecting the Clean City Strategy.

(e) **PUBLIC HEARINGS/DELEGATIONS (Item 6)**

(i) Proposed Permanent Closure and Sale of a Portion of Road Allowance Abutting 400 Winona Road, from Railway Street to South Service Road, Stoney Creek (PW07041) (Ward 11) (Item 6.1)

Ed Switenky outlined the report.
The Chair requested if there was anyone present wishing to address this issue.

No one from the public came forward to speak to this issue.

(ii) Request from John Hawker to address the Committee respecting Item 7.2 – Clean City Strategy

John Hawker appeared before the Committee to request that the Clean City Strategy report and the recommendations contained therein, be supported. A copy of Mr. Hawker’s comments, which were distributed to the Committee, have been retained in the public record in the Office of the City Clerk.

On motion, the presentation by John Hawker was received.

(f) **STAFF PRESENTATIONS**

(i) **Hamilton Recreational Trails Master Plan (Item 7.1)**

Robert Norman, Manager of Open Space Development, and Steven Barnhart, Landscape Architect, gave an update on finalizing the Trails Master Plan related to the off-road recreational trail systems. Copies of the power point presentation were distributed to the Committee, and retained in the public record in the Office of the City Clerk.
Following the presentation, members of the Committee acknowledged the efforts of staff for the information presented.

On a motion, the following direction was given:

That as part of the comprehensive park development in the Meadowbrook Manors development in Ancaster, staff bring a report back to the Committee which includes detailed information related to the construction of a path/trail system of walking path linkages through the Jerseyville woodlot that would connect the proposed park to the stormwater management pond at the north end of the recent development.

(ii) **Clean City Strategy (PW07056) (City Wide) (Item 7.2)**

Phil Homerski, Public Affairs Co-ordinator, Public Works, provided a power point presentation outlining the Clean City Strategy, which is a co-ordinated strategy that would leverage resources in a collaborative effort toward a community-based, city facilitated program aimed at encouraging behaviours that create a social and aesthetic environment in which graffiti, litter and associated behaviours are repressed.

Copies of the power point presentation were distributed to the Committee, and retained in the public record in the Office of the City Clerk.

Constable Donna Green of the Hamilton Police Service outlined steps which are being taken with respect to the education program to students and the community.

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

(d) That Councillors C. Collins and T. Jackson be appointed to sit on the Clean City Liaison Committee.

(iii) **Biosolids Master Plan (PW07047) (City Wide) (Item 7.3)**

Jim Harnum, Senior Director of Water/Wastewater, introduced members of the Biosolids Master Plan Project Team – Dan Chauvin, Manager of Plant Capital and Planning, and Chris Shrive, Project Manager, Plant Capital and Planning, and acknowledged Joe Stephenson, Project Manager, Hydromantis Consultants, and Mel Weber, Soils and Biosolids Specialist, who are also on the BMP Project Team. The purpose of the presentation was to give the Committee an information update with respect to the Biosolids Master Plan, alternatives and next steps. Copies of the power point presentation were distributed to the Committee, and retained in the public record in the Office of the City Clerk.
(g) EXTENSION OF RED LIGHT CAMERA PROGRAM (PW03150(d)) (City Wide) (Item 8.1)

The Committee requested staff to specifically investigate intersections along Centennial Parkway and on Hamilton mountain when preparing the list of additional red light camera sites for 2008. Staff were requested to provide information with respect to the method used to determine that these locations be considered for the extension of the red Light Camera Program.

(h) SPEED LIMIT ON COOTES DRIVE, FROM JUST SOUTH OF THE OVERPASS AT MCMaster UNIVERSITY TO MAIN STREET (Item 9.1)

The Committee was advised that the subject line of this item should be amended to read “south” instead of “north”.

On motion, the motion respecting “Speed Limit on Cootes Drive, from just south of the Overpass at McMaster University to Main Street”, was deferred to the May 7, 2007 meeting of the Public Works Committee to allow staff to provide updated information on the strategy to implement reduced speed from south of the overpass at McMaster University to Main Street West, such as incremental speed changes, and other steps to deter individuals from crossing Cootes Drive in unsafe areas e.g., fencing, and that costs and sources of funding for such remedial actions be included.

(i) GENERAL INFORMATION/OTHER BUSINESS (Item 11)

(i) Outstanding Business Items

(a) Federal Gas Tax – Committed and Spent
(Due Date: April 16, 2007)
New Due Date: June 18, 2007

On motion, the Outstanding Business List of the Public Works Committee was amended accordingly.

(j) PRIVATE AND CONFIDENTIAL (Item 12)

On motion, the Committee moved in Closed Session on a matter pertaining to litigation and the receiving of advice that is subject to solicitor-client privilege.

On motion, the Committee reconvened in Open Session.

See Item 16 for recommendation resulting from Closed Session.
There being no further business, the Committee adjourned at 11:55 a.m.

Respectfully submitted

Councillor M. McCarthy
Chair
Public Works Committee

Carolyn Biggs
Legislative Assistant
April 16, 2007