Committee of the Whole
REPORT 06-018

9:30 a.m.
August 9, 2006
Council Chambers
Hamilton City Hall
71 Main Street West, Hamilton

Present:
Mayor L. Dilanni
Councillors D. Braden, B. Bratina, P. Bruckler,
C. Collins, T. Jackson, M. McCarthy, B. McHattie
S. Merulla, D. Mitchell, B. Morelli, M. Pearson, A. Samson,
T. Whitehead

Absent with regrets:
Councillor M. Ferguson – Illness
Councillor B. Kelly – Vacation

Also Present:
G. Peace, City Manager
J. Rinaldo, General Manager, Finance and Corporate
Services
C. Graham, General Manager, Human Resources
J. Priel, General Manager, Community Services
J. Kay, General Manager/Chief HES
P. Barkwell, City Solicitor
K. Christenson, City Clerk
R. Caterini, Deputy Clerk
M. Gallagher, Coordinator

COMMITTEE OF THE WHOLE PRESENTS REPORT 06-018 AND RESPECTFULLY RECOMMENDS:

1. Hamilton Future Fund June 30, 2006 Quarterly Investment Update
   (FCS06044(a)) (Item 4.1)

   That Report FCS06044(a) respecting Hamilton Future Fund June 30, 2006 Quarterly Investment Update be received.

2. Quarterly Investment Update to June 30, 2006 (FCS06043(a)) (City Wide)
   (Item 4.2)

   That Report FCS06043(a) respecting Quarterly Investment Update to June 30 be received.
3. **Speed Limit School Zones – Full-time 40 km/h (PW06107) (Wards 1, 6, 7, 9 and 12) (Item 4.3)**

   (a) That the speed limit on Anson Avenue between Upper Ottawa Street and Carson Drive be set at 40 km/h.

   (b) That the speed limit on Kitty Murray Lane between 60m north of Steeplechase Drive and 43m south of Thoroughbred Boulevard be set at 40 km/h.

   (c) That the speed limit on Vineberg Drive between Upper Wentworth Street and Jessica Street be set at 40 km/h.

   (d) That the speed limit on Jessica Street between Vineberg Drive and Onyx Drive be set at 40 km/h.

   (e) That the speed limit on Onyx Drive between Jessica Street and Arrowhead Drive be set at 40 km/h.

   (f) That the speed limit on Collegiate Avenue between Cartwright Avenue and 100m east of Donn Avenue be set at 40 km/h.

   (g) That the speed limit on Vickers Road between Upper Wentworth Street and East 16th Street be set at 40 km/h.

   (h) That the speed limit on East 16th Street between the northerly end and Bromely Road be set at 40 km/h.

   (i) That the speed limit on South Bend Road between the Holt Avenue and Seven Oaks Drive be set at 40 km/h.

   (j) That the speed limit on Gatestone Drive between Highbury Drive and 25m north of Summerfield Avenue be set at 40 km/h.

   (k) That the speed limit on Haddon Avenue South between Main Street West and King Street West be set at 40 km/h.

   (l) That the by-law outlined in Report PW06107 as Appendix “A” to amend the City of Hamilton Traffic By-law 01-215 be passed and enacted.

4. **Durand Neighbourhood – Corner Clearances (PW06104) (Ward 2) (Item 4.4)**

   (a) That a “No Stopping” regulation be implemented on the east side of Bay Street South commencing at Aberdeen Avenue and extending to a point 21 m. northerly there from.

   (b) That a “No Stopping” regulation be implemented on the west side of Ravenscliffe Avenue commencing at Aberdeen Avenue and extending to a point 37 m. southerly there from.

   (c) That the By-law outlined Report PW06104 as Appendix “A” to amend the City of Hamilton Parking By-law 01-218 be passed and enacted.
5. **Temporary Road Closure for Mustard Festival – Ferguson Avenue North from King Street East to King William Street (PW06105) (Ward 2) (Item 4.5)**

That the application by the International Village B.I.A. to temporarily close Ferguson Avenue North from King Street East to King William Street from Thursday, August 31, 2006, at 3:00 p.m. to Monday, September 4, 2006, at 12:00 noon for their annual Hamilton Mustard 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 public liability insurance naming the City of Hamilton as an added insured party with a provision for cross liability, and holding the City of Hamilton harmless from all actions, causes of action, interests, claims, demands, costs, damages, expenses and loss.

(c) That all barricading, detour signing and traffic control be subject to the direction and satisfaction of the General Manager of Public Works, or his designate.

(d) That all barricading be supplied by and at the expense of the applicant.

(e) That “Temporary Road Closure” signs 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 sole cost of the applicant.

(f) That the applicant ensure that clean up operations be carried out immediately before the re-opening of the roads, to the satisfaction of the General Manager of Public Works at the expense of the event organizer.

(g) That no property owner or resident within the barricaded area be denied access to their property upon request.

(h) That all property owners and tenants along the closed portion of the route be notified of the event by the applicant prior to the event in a form acceptable to the General Manager of Public Works.

(i) That the Alcohol and Gaming Commission of Ontario (AGCO) be advised that the City of Hamilton is aware of the application by the International Village B.I.A. P.O. Box 91220 to serve alcohol on the road allowance on Ferguson Avenue North on Thursday August 31, 2006, from 4:00 p.m. to 12:00 midnight, and Friday September 1, 2006, to Sunday September 3, 2006, from 12:00 noon to midnight each day, and that the City has no objection to the AGCO issuance of the appropriate liquor licence for this event.
6. Temporary Road Closure for Dundas Cactus Festival and Parade (PW06103) (Ward 13) (Item 4.6)

(a) That the application from the Dundas Cactus Festival Committee to temporarily close the following roads during the dates and events noted be approved:

(i) PARADE: Thursday, August 17, 2006 from 6:00 p.m. until 10:00 p.m.
   (1) Cross Street between the Dundas Driving Park entrance and Park Street.
   (2) Park Street between Cross Street to York Road.
   (3) York Road between Park Street and King Street West.
   (4) King Street West between York Road and Market Street.
   (5) Market Street between King Street West and the entrance to Market Street Arena.

(ii) FESTIVAL: Friday, August 18, 2006 at 5:00 p.m. to Sunday, August 20, 2006 at 6:00 p.m.
   (1) King Street West between York Road and Market Street.
   (2) Ogilvie Street between King Street West and Hatt Street.

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

(iii) That all barricading, detour signing and traffic control be subject to the direction and satisfaction of the General Manager of Public Works, or his designate with all costs to be the responsibility of the applicant.

(iv) That all barricading be supplied by and at the expense of the applicant.

(v) That “Temporary Road Closure” signs 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 sole cost of the applicant.

(vi) That the applicant ensure that clean-up operations be carried out immediately before the re-opening of the roads, to the satisfaction of the General Manager of Public Works at the expense of the event organizer.

(vii) That no property owner or resident within the barricaded area be denied access to their property upon request.
(viii) That all property owners and tenants along the closed portion of the road be notified of the event by the applicant prior to the event in a form acceptable to the General Manager of Public Works.

(ix) That the Alcohol and Gaming Commission of Ontario (AGCO) be advised that the City of Hamilton is aware of the application by the Winchester Arms, 120 King Street West, Mike’s Sports Bar at 100 King Street West, and Thirsty Cactus at 2 King Street East, to serve alcohol on the road allowance of King Street on Friday, August 18, 2006 from 6:00 p.m. to 12:00 midnight, Saturday, August 19, 2006 from 11:00 a.m. to 12:00 midnight and Sunday, August 20, 2006 from 11:00 a.m. until 5:00 p.m. and that the City has no objection to the AGCO insurance of the appropriate liquor license for this event.

7. Temporary Road Closure of King Street West for Westdale Village B.I.A. Street Festival (PW06101) (Ward 1) (Item 4.7)

That the application from the Westdale B.I.A. for the temporary closure of King Street West between Cline Avenue South and North Oval at 12:00 noon on Friday, September 8, 2006 until 10:00 p.m. on Sunday, September 10, 2006 for a street festival, be approved subject to the following conditions:

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

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

(c) That all barricading, detour signing and traffic control be subject to the direction and satisfaction of the General Manager of Public Works, or his designate with all costs to be the responsibility of the applicant.

(d) That all barricading be supplied by and at the expense of the applicant.

(e) That “Temporary Road Closure“ signs 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 sole cost of the applicant.

(f) That the applicant ensure that clean-up operations be carried out immediately before the re-opening of the roads, to the satisfaction of the General Manager of Public Works at the expense of the event organizer.

(g) That no property owner or resident within the barricaded area be denied access to their property upon request.

(h) That all property owners and tenants along the closed portion of the road be notified of the event by the applicant prior to the event in a form acceptable to the General Manager of Public Works.
(i) That the Alcohol and Gaming Commission of Ontario (AGCO) be advised that the City of Hamilton is aware of the application by The Village Diner at 988 King Street W., 1010 Bistro at 1010 King Street W., The Snooty Fox at 1011 King St. W., The Bean Bar at 1012 King Street W., and Bourbon St. Café at 1019 King Street W., to serve alcohol on the road allowance of King Street West on Friday, September 8, 2006 and Saturday, September 9, 2006 11:00 a.m. to 12:00 midnight, and on Sunday, September 10, 2006 from 11:00 a.m. to 6:00 pm, and that the City has no objection to the AGCO issuance of the appropriate liquor licence for this event.

8. Proposed Permanent Closure of a Portion of Olmstead Street, Hamilton (PW06102) (Ward 1) (Item 4.8)

(a) That the application of 690 Main Street West (Hamilton) Limited, to permanently close and purchase a portion of Olmstead Street, be approved, subject to the following conditions:

(i) That the applicant 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 a portion of Olmstead Street, Hamilton.

(ii) That the General Manager, Public Works or his designate sign the appropriate documentation confirming that no public funds have been expended on the portion of road 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 applicant 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.

(v) That the applicant 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 applicant 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 road is granted:

(i) That the Acting City Solicitor be authorized and Corporate Counsel be directed to prepare a 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 300 of the Municipal Act, R.S.O. 1990, of the City's intention to pass the By-law.

(vii) That the applicant provide a 12.0 metre wide easement for the existing 150mm water main and 300mm combined sewer.

9. **Speed Limits – Fifth Road East Between Powerline Road and Ridge Road (PW06100) (Ward 11) (Item 4.9)**

   (a) That the speed limit on Fifth Road East between Powerline Road and 300m north of Powerline Road be set at 50 km/h.

   (b) That the speed limit on Fifth Road East between 300m north of Powerline Road and 300m south of Ridge Road be set at 40 km/h.

   (c) That the speed limit on Fifth Road East between Ridge Road and 300m south of Ridge Road be set at 50 km/h.

   (d) That the by-law outlined in Report PW06100 as Appendix “A” to amend the City of Hamilton Traffic By-law 01-215 be passed and enacted.

10. **Intersection Control List (PW06001(f)) (Item 4.10)**

    That the appropriate By-law be presented to Council to provide traffic control as follows:

<table>
<thead>
<tr>
<th>Intersection</th>
<th>Stop Direction</th>
<th>Location / Comments / Petition</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Street 1</strong></td>
<td><strong>Street 2</strong></td>
<td><strong>Existing</strong></td>
</tr>
<tr>
<td>(a) Avalon Pl.</td>
<td>Burris St.</td>
<td>N/C</td>
</tr>
<tr>
<td>(b) Sweetman Dr.</td>
<td>Gaines Av. / Hodge Ct.</td>
<td>W/B</td>
</tr>
</tbody>
</table>

11. **Redeemer University College – University Transit Pass Agreement Contract Extension (PW06098) (City Wide) (Item 4.11)**

    That Council authorize the Mayor and the City Clerk to execute the University Transit Pass Extension Agreement between Redeemer Student Senate, Redeemer College University, and the City for the period May 1, 2006, to April 30, 2007.
12. Development Charge Reserves Status Report as at December 31, 2005 (FCS06082) (City Wide) (Item 4.12)

That report FCS06082 "Development Charge Reserves Status Report as at December 31, 2005" be received for information.

13. One-Time Federal Public Transit Funding (FCS06081) (City Wide) (Item 4.13)

(a) That the Mayor and General Manager of Finance & Corporate Services (City Treasurer) be authorized and directed to enter into the attached Municipal Funding Agreement between the City of Hamilton and the Association of Municipalities of Ontario, related to the funding commitment made by the Government of Canada to the Municipality under the Federal Public Transit Fund;

(b) That the Mayor and City Clerk be authorized and directed to execute the Municipal Funding Agreement attached as Appendix “A” to Report FCS06081;

(c) That the appropriate by-law, City of Hamilton/Association of Municipalities of Ontario Federal Public Transit Funding Agreement By-Law XX-XXX attached as Appendix “B” be passed and enacted;

(d) That the 2005/06 funding under the Federal Public Transit Fund be allocated to the Transit Fleet Replacement Reserve 110030 for the purpose of the purchase and replacement of transit fleet as per Report PW06092; and

(e) That a certified copy of this by-law, as well as two copies of the Municipal Funding Agreement, be forwarded to the Associations of Municipalities of Ontario upon Council approval.

14. Monthly Status Report of Tenders and Requests for Proposals for June 21, 2006 to July 17, 2006 (FCS06016(e)) (City Wide) (Item 4.14)


15. Quarterly Status Report on the use of Policy #10 – Emergency Purchasing and Policy #11 – Negotiations for the 2nd Quarter 2006 (FCS06041(a)) (City Wide) (Item 4.15)

That Report FCS06041(a) respecting Quarterly Status Report on the use of Policy #10 – Emergency Purchasing and Policy #11 – Negotiations for the 2nd Quarter 2006 be received.
16. Revised Glanbrook Sports Complex Master Plan (PW06094) (Ward 11 with City Wide Implications) (Item 4.16)

That Report PW06094 respecting Revised Glanbrook Sports Complex Master Plan be received.

17. Request to address Committee by Donna Lee Macdonald respecting status of the Future Fund and Hamilton Artist’s Inc. application for funding (Item 5.1)

That the presentation be received.

18. Request to address Committee by Ed Fothergill respecting transfer of a portion of Highway 6 from the Ministry of Transportation to the City of Hamilton (Item 5.2)

That the presentation be received.

19. Request to address Committee by Marvin Caplan respecting upcoming court appearance on August 15, 2006 (Item 5.3)

That the presentation be received.

20. Request by Michel Mychailyshyn respecting Item 8.10 on today’s agenda – Bus Stop Petition: Delaware at St. Clair, Northeast corner (Item 5.4)

That the presentation be received.

21. Ryan Hall, Billy Bob’s Bar respecting letter to the Alcohol and Gaming Commission of Ontario (Item 5.5)

That the presentation be received.

22. Renee Wetselaar respecting Worker’s Arts and Heritage’s Future Fund request

That the presentation be received.

23. Contract to Award the Provision of an Electronic Document Records Management System (FCS06030(a))/PED06201(a) (Item 7.1(a))

That Report (FCS06030(a))/PED06201(a) respecting Contract to Award the Provision of an Electronic Document Records Management System be received.
24. **Contract to Award the Provision of an Electronic Document Records Management System (FCS06030/PED06201) (Item 7.1(b))**

   a) That RFP C12-14-05 for Provision of Professional Services Required to Implement an Electronic Document Records Management System (EDRMS) be awarded to Eidenai Innovations Inc.; and,

   b) That the General Manager of Finance and Corporate Services be authorized to enter into an agreement with Eidenai Innovations Inc. to supply the EDRMS solution as outlined in RFP C12-14-05.

   Yeas: Dilanni, Braden, Bratina, Bruckler, Jackson, McHattie, Mitchell, Merulla, Morelli, Pearson, Samson, Whitehead
   Total: 12
   Nays: Collins
   Total: 1
   Absent: Ferguson, Kelly, McCarthy
   Total: 3

25. **Cleanfield Energy Corporation – Mini Wind Turbine Pilot Program Proposal to the City of Hamilton (PW06093) (City Wide) (Item 7.2)**

   (a) That Council authorize the General Manager of Public Works or his designate to continue to work with Cleanfield on developing the Small Wind Turbine Pilot Program.

   (b) That prior to signing agreements with Cleanfield, staff will bring a future report back to Council with details.

   (c) That Councillors McHattie and Whitehead work with staff to expedite the report coming back to council

   (d) That a letter of intent advising council’s desire to move forward with this initiative be provided to Cleanfield Energy Corporation.

26. **Annual Report - John C. Munro Hamilton International Airport respecting Presentation of Annual Report (Item 7.3)**

    That the Annual Report from John C. Munro Hamilton International Airport be received.

27. **Proposed Residential Municipal Disaster Relief Assistance Program for Basement Flooding (FCS06007) (City Wide) (Item 7.4)**

    a) That a Residential Municipal Disaster Relief Assistance Program be established to provide residents with a compassionate grant in an amount not to exceed $750.00 for Basement Flooding resulting from a severe rain storm;
b) That payment of such claims be based on compassionate grounds only and not to be construed as an admission of liability on the part of the City of Hamilton;

c) That the Eligibility Criteria for the Residential Municipal Disaster Relief Assistance Program as set out in Appendix A to report FCS06007 be approved as amended;

(i) That Appendix A to report FCS06007 respecting the Residential Municipal Disaster Relief Assistance Program for basement Flooding be amended by adding the following section to Page 2:

**Limitations**

Applications for a compassionate grant under the Residential Municipal Disaster Relief Assistance Program must be received by the City and/or its agent no later than 4 months (120 days) from the date that the event was declared a disaster by City Council.

Only one application for each residential property is eligible except where the property is occupied by a tenant in which case the owner may also be eligible

d) That a Residential Municipal Disaster Relief Program Reserve be established at a balance of $1.5 million to be funded equally from the Waterworks, Sanitary Sewer and Storm Reserves;

e) That City Council declare the severe rain storm events of July 26, 2005, August 19, 2005 and July 10, 2006, July 27, 2006 (Waterdown flooding) for all affected properties within the boundaries of the City of Hamilton, as Disasters for the purpose of the Residential Municipal Disaster Relief Assistance Program; and

f) That staff be authorized to retain an independent adjuster for the administration of claims under the Residential Municipal Disaster Relief Assistance Program and that these administrative costs be funded from the reserve.

28. **Hamilton Snow Angel Program (SPH05048(a)) (City Wide) (Item 8.1)**

That Volunteer Hamilton be requested to continue the co-ordination and administration of the Snow Angel Program for 2007.
29. **Capital Projects’ Status and Closing Report as of June 30, 2006 (FCS06079) (City Wide) (Item 8.2)**

   (a) That the June 30, 2006, Capital Projects’ Status and Projects’ Closing Report and the attached Appendices A, B, C, D (as amended with project 4400556953 – University Gardens School and Park referred back to staff for a further report to committee), and E to Report FCS06079 for the tax levy and the rate supported capital projects be received for information;

   (b) That the General Manager of Finance and Corporate Services be directed to close the completed capital projects listed in Appendix B to Report FCS06079 in accordance with the Capital Closing Policy and that the net transfers be dealt with as listed in Appendix A to Report FCS06079 and summarized below:

<table>
<thead>
<tr>
<th>Reserve/Project #</th>
<th>Description</th>
<th>Net Transfers To/(From)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dedicated Reserves</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Various</td>
<td>Development Charge Reserves</td>
<td>(284,452)</td>
</tr>
<tr>
<td>104080</td>
<td>Reserve For Various Museums</td>
<td>725</td>
</tr>
<tr>
<td>Sub-Total</td>
<td></td>
<td>(283,726)</td>
</tr>
<tr>
<td>Unallocated Capital Levy Reserve</td>
<td></td>
<td></td>
</tr>
<tr>
<td>108020</td>
<td>Tax Projects</td>
<td>63,361</td>
</tr>
<tr>
<td>Debenture Borrowing Reduction - Part of the 2006 Rate Capital Budget Financing Strategy</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rate Projects</td>
<td></td>
<td>683,937</td>
</tr>
<tr>
<td>Approved Debenture Financing, but not yet issued</td>
<td></td>
<td>(1,595,658)</td>
</tr>
<tr>
<td>Total Net Transfers</td>
<td></td>
<td>(1,132,086)</td>
</tr>
<tr>
<td>Other Adjustments</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Outstanding Debenture Reduction (Approved for issue but no longer required)</td>
<td></td>
<td>2,589,997</td>
</tr>
</tbody>
</table>

30. **POA Annual Report (FCS06076) (City Wide) (Item 8.3)**

    That Report FCS06076 respecting the POA Annual Report be received.

31. **Windermere Basin Natural Park Land Development (PW06088) (City Wide) (Item 8.4)**

   (a) That the landscape design for Windermere Basin as proposed by the Hamilton Waterfront Trust and illustrated in Appendix H be approved.

   (b) That the design and construction of the Windermere Basin park land shall be subject to final detailed design approval by the City and that the General Manager Public Works be authorized to provide final detailed design approval of the Windermere Basin park land.

Council – August 9, 2006
(c) That the Hamilton Waterfront Trust be directed to obtain all necessary permits and approvals for the construction of the Windermere Basin park land.

(d) That the total budget of $1,140,000 for the Windermere Basin park land design, environmental requirements and construction be funded from the following partners; the Hamilton Waterfront Trust in the amount of $570,000, the Canada-Ontario Infrastructure Program funding in the amount of $314,000 and from the City of Hamilton Reserve number 108035 in the amount of $256,000 and that any cost overruns be brought back to the respect organizations for disposition.

(e) That prior to proceeding with the construction of the Windermere Basin natural park land development, that the approval of the funding as identified in recommendation (d), be endorsed by the Board of the Hamilton Waterfront Trust and be submitted to the General Manager of Public Works.

(f) That any maintenance and operating costs incurred in 2006 and the projected annual maintenance and operation costs of $16,610 be included in the 2007 Operating Budget of the Operations and Maintenance Division, for consideration and approval by Council during the 2007 Budget process.

(g) That the Mayor and City Clerk be authorized and directed to execute all necessary documents to implement recommendation (d) and to execute the service agreement with the Hamilton Waterfront Trust as directed in Report PW03025/FCS02015(a) approved by Council on April 23, 2003, to have content acceptable to the General Manager Public Works and the General Manager of Finance and Corporate Services and to be in a form satisfactory to the City Solicitor and Corporate Counsel.

32. Public Tree By-law Amendment (PW06034b) (City Wide) (Item 8.5)

That the Public Tree By-law 06-151 be amended through the inclusion of the following criteria, further defining tree removal “Necessary for the Public Interest” as outlined in Report PW06034b for the removal of a living tree:

“Item 18 (h) A tree whose removal, in the opinion of the Director, is appropriate to address specific considerations, in achieving best value from the City’s tree infrastructure or urban forest”.

33. Mewburn Sheldon Neighbourhoods Master Servicing Plan Approval to Expropriate Sanitary Sewer Easements for Servicing Upper James to West 5th Street (PW04133b) (Ward 8) (Item 8.6)

(a) That approval be given to the City of Hamilton for the expropriation of a sanitary sewer easement over the lands described as:
Committee of the Whole

Municipal Address  Description
1041 West 5th Street  Part 1 on Plan 62R-15255
City of Hamilton  PIN #16912-0017 (LT)
Roll # 251808095102480

1420 Upper James  Part 3 on Plan 62R-15255
City of Hamilton  PIN #16912-0017 (LT)
Roll # 251808095104730

and authorize entry.

(b) That the Senior Project Manager, Survey/Technical Services, be authorized and directed to prepare a Plan of Expropriation for registration in the Land Registry Office.

(c) That the Mayor and the City Clerk be authorized and directed to sign the Certification of Approval affixed to the Plan of Expropriation and that the City Clerk be authorized and directed to affix the Corporate Seal thereto.

(d) That the City Clerk be authorized and directed to sign, and the City Solicitor be authorized and directed to serve, any Notices required by the Expropriations Act and such Notices of Compensation and possession and any other action, as may be required, to obtain and authorize entry and possession of the expropriated easement at the earliest possible date, and to settle compensation before the Land Compensation Board, if necessary, for the City of Hamilton.

(e) That the Manager of Real Estate, Planning and Economic Development Department, be authorized and directed to obtain an appraisal of the easement expropriated, to form the basis of compensation to be offered by the City of Hamilton, and that the Manager of Real Estate be authorized and directed to negotiate compensation with the owners of the land over which the easement is being expropriated on the basis of the appraisal report.

(f) That the By-law attached to Report PW04133b be introduced to give effect to the foregoing and be enacted by Council.

(g) That the General Manager, Public Works be authorized and directed to register the expropriation plan.

(h) That all costs of the expropriation be charged to Capital Budget Item No. 5160480483 West 5th Street Sanitary Sewer.

34. Open Space Replacement Strategy (PW04051(a)) (City Wide) (Item 8.7)

(a) That staff of Public Works and the Real Estate Division be directed to proceed with negotiations for the purchase of the properties of 109 and 115 Arbour Road.
(b) That the budget for the purchase of the properties listed in Recommendation (a) totalling $575,000 be funded from the City's Unallocated Capital Reserve No. 108020.

(c) That any funds spent on the Open Space Replacement Strategy (estimated total of $4,000,000) be repaid to the City’s Unallocated Capital Reserve from any future capital surplus in the Red Hill Valley Project.

(d) That the Mayor, Clerk and Legal Services be directed to execute all documents related to the purchase of properties identified in Recommendation (a).

(e) That the related maintenance costs for 109 and 115 Arbour Road properties be expensed within the existing 2006 Operations and Maintenance Budget and noted as an unfunded expenditure for 2006 and further that the full year operating expense of $3,700 be included as a operating pressure to the 2007 Operations and Maintenance budget submission.

35. Electricity and Natural Gas Procurement (PW06110) (City Wide) (Item 8.8)
   (a) That the City of Hamilton retains Aegent Energy Limited’s ongoing natural gas agency advisory services on a monthly retainer basis for a period of one-year, with a one-year renewable option, subject to review by the City’s Legal Division.

   (b) That the City Of Hamilton provide formal legal notice to Local Authority Services Ltd. (LAS) that the City of Hamilton is withdrawing from the current Natural Gas Procurement Program (GASAMO).

   (c) That Council authorize the City Manager or his designate to negotiate and execute Master Electricity and Natural Gas supply agreements directly with a minimum 2 to 3 major energy suppliers, subject to review by the City’s Legal Division.

   (d) That the City Manager or his designate be granted the authority to execute all documentation in a form acceptable to the City Solicitor related to recommendations (a) and (c) above.

36. The Road Authority and Products Management (PW06106) (City Wide) (Item 8.9)
   (a) That Council endorse the City of Hamilton’s partnership with the Ontario Good Roads Association (OGRA) to develop and maintain an on-line database and work flow for the City’s Approved Products Listing for road, water main, sewer, lighting and traffic signal related products.
(b) That Council endorse the Standards and Approved Products Committee scope and objectives to undertake the selection; approval and updating of an approved products list as well as the adoption of material standards for Public Works related assets for all road, waterman, sewer, lighting and traffic signal related products.

37. Bus Stop Petition: Delaware at St. Clair, Northeast Corner (PW06097) (Ward 3) (Item 8.10)

(a) That the Transit Division be directed to continue with the trial relocation of the Westbound bus stop on Delaware Avenue at St. Clair Avenue for an additional six months, continue to collect feedback from stakeholders and transit customers, and that City Clerk’s notify the author of the petition dated May 4, 2006.

(b) That Outstanding Business Item GG, as listed on the Public Works, Infrastructure & Environment Committee Agenda, be removed.

38. Single Source Approval for Road Maintenance Equipment Purchase (PW06096) (City Wide) (Item 8.11)

(a) That staff be authorized to make a single source purchase of one Gradall Model XL4100 Hydraulic Telescoping Boom Excavator (Appendix A) from Amaco Equipment Inc. to replace an existing Gradall excavator in the Central Fleet, at an approximate cost of $390,000.00, and

(b) That the funds required for the purchase as per recommendation “(a)” be charged to the Public Works Operations approved 2006 Capital Budget Cost Centre 58550-4940651100.

39. Parking “Lay-by” Stone Church Road (South Side) – Preliminary Report (PW06099/PED06340) (Ward 8) (Item 8.12)

That staff be directed to prepare a comprehensive feasibility report respecting the request to construct a parking lay-by facility to provide “on street” parking capacity on the southern part of Stone Church Road, east of Upper Paradise Road for submission prior to the 2007 Budget Process addressing the following:

(a) Review of Available Solutions and Stakeholder Interests.
(b) Recommendation for a Preferred Solution.
(c) Design Details for Recommended Solution.
(d) Cost Analysis for Recommended Solution.
   (i) Construction.
   (ii) Operating Budget Impacts.

   (1) Roads Maintenance Program.
   (2) Meter Program Revenues.

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(e) Capital Funding Sources.

40. Queen Elizabeth Way Pedestrian Crossing (PW06109) (City Wide) (Item 8.13)

(a) That Public Works staff be directed to work with the City’s Purchasing Section to negotiate (under Policy 11) with the Ministry of Transportation’s existing Red Hill Valley Parkway, and Queen Elizabeth Way improvements contractor (Aecon Construction and Materials Limited) for a favourable price to add to MTO’s existing contract, the construction of a pedestrian bridge over the Queen Highway, connecting the Red Hill Valley Trails to the Lake Ontario waterfront trail.

(b) That staff be directed to further investigate an enhanced design alternative for the pedestrian bridge to have it also function as a signature gateway feature to the East end of Hamilton.

(c) That staff ensure that the investigation of an enhanced design alternative for a pedestrian bridge gateway feature does not delay construction of the pedestrian bridge and coordination of such with Ministry of Transportation works related to the Queen Elizabeth Way improvements, currently underway by Aecon.

(d) That staff be directed to investigate additional funding partners to help support an enhanced pedestrian bridge gateway feature.

(e) That staff report back to Council on any proposed increase to the current approved budget for an enhanced pedestrian bridge gateway feature, and related funding opportunities.

41. Renewal and Harmonization of Union Gas Franchise Agreement within the City of Hamilton (PW06095/LS06011) (City Wide) (Item 8.14)

(a) That Council approve the Model Franchise Agreement (MFA) and the letter of understanding with Union Gas, both of which are attached hereto, and that Council authorize the submission of these to the Ontario Energy Board for approval pursuant to the provisions of Section 9 of The Municipal Franchises Act.

(b) That Council pass and enact the attached by-law upon receipt of an Order from the Ontario Energy Board.

(c) That the General Manager of Public Works be authorized and directed to request the Ontario Energy Board to make an Order declaring and directing that the assent of the municipal electors to the attached by-law and franchise agreement pertaining to the City of Hamilton is not necessary pursuant to the provisions of Section 9(4) of the Municipal Franchises Act.

(d) That the Mayor and City Clerk be authorized and directed to execute the necessary documents, all documents being in a form satisfactory to the City Solicitor.

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42. Emergency Grant to Café Adonai (SSC06024/FCS06083) (Ward 4) (Item 8.15)

(a) That a one-time, emergency, capital grant request by Café Adonai in the amount of $36,895 be approved;

(b) That such payment is made on compassionate grounds only and is not to be construed as an admission of liability on the part of the City of Hamilton;

(c) That should Café Adonai subsequently pursue a claim for damages against the City of Hamilton, that the emergency grant be treated as a credit against any ultimate settlement of such claim;

(d) That the emergency grant be funded from the Tax Stabilization Fund.

43. Transfer of Transition Funds (City Wide) Funds (HUR06012) (Item 8.16)

That $130,000 be transferred from Transition Account 300150 “Performance Management” to Transition Account 300154 “Job Evaluation – Union”.

44. Hamilton Future Fund Report 06-003, July 10, 2006 (Item 9.1)

(a) That the following requests for Hamilton Future Funding in the amounts indicated, be approved:

1. **Hamilton Naturalists Club**
   
   Project: Birds of Hamilton and Surrounding Areas Book Project
   
   Amount approved: $10,000

2. **Hamilton Philharmonic Orchestra**

   Project: Educational Outreach Program

   Amount approved: $100,000

3. **Industry Education Council of Hamilton**

   Project: Marketing plan to promote Hamilton as a leading centre for educational opportunity, research and discovery

   Amount approved: $35,000
4. **City of Hamilton - Cultural Planning Project**

   Project: Development of a cultural policy and a five-year cultural plan.

   Amount approved:
   (a) $100,000 be approved from the Hamilton Future Fund
   (b) City of Hamilton be requested to provide an additional $250,000.

5. **The Robert Land Community Association**

   Project: Purchase and Redevelopment of the Old Robert Land School on Wentworth St. N.

   Amount approved: $200,000

   Note: Approval of this project was subject to an active programming component and other funding partners involved with this project.

6. **Rockton Agricultural Society**

   Project: Relocation and Restructuring of two show rings and construction of a new permanent grandstand

   Amount approved: $230,000 - subject to receipt of a revised business plan which includes how much is raised and included in reserves

   Yeas: Dilanni, Braden, Bratina, Bruckler, Collins, Jackson, McCarthy, McHattie, Mitchell, Merulla, Pearson, Samson
   Total: 12

   Nays: Whitehead
   Total: 1

   Absent: Ferguson, Kelly, Morelli
   Total: 3

7. **Workers Arts & Heritage Centre**

   Project: Build and stabilize on the current infrastructure

   Amount approved as amended: $450,000

8. **Mohawk College**

   Project: Transform Stoney Creek Campus as the Mohawk Skilled Trades and Apprenticeship Research, Resources and Training Institute

   Amount approved as amended: $1.5 million

**Council – August 9, 2006**
9. The Dr. Bob Kemp Hospice

Project: Build a Centre for Hospice Palliative Care and Training Institute

(a) That a loan up to $1.5 million be approved for four years, with repayments to start no later than on the first draw of the monies.

(b) That the organization provide the Board with a repayment schedule.

10. City of Hamilton – Heritage Projects

Project: Restoration and Maintenance

That the following projects be funded 1/3 from the Hamilton Future Fund and that the City of Hamilton be requested to provide the remaining 2/3 of the funding

(I) Battlefield Monument – 350,000 (approved $116,667)
(II) Steam and Technology – 500,000 (approved $166,667 for stairs)
(III) Nash Jackson House 1,000,000 (approved $333,333)

(b) That the following requests for Hamilton Future Funding in the amounts indicated, be received:

1. Woodview Children’s Centre

Project: To support Woodview Worx and Manor Personnel

Amount requested: (Maximum $202,708) (Minimum $108,375)

2. YWCA

Project: Purchase New membership Registration Software Class System

Amount requested: $275,000

3. Immigrant Culture & Arts Association

Project: Hamilton Outdoor Art Market

Amount requested: (Maximum $280,000) (Minimum $150,000)
4. Giant’s Rib Discovery

Project: Expansion of Dundas Valley Trail Centre

Amount requested: $500,000

5. City of Hamilton – Heritage Projects

Project: Restoration and Maintenance

Amounts requested:
(a) Dundurn National Historic Site - $600,000
(b) Whitehern Historic House and Garden - $300,000
(c) St. Mark’s Church - $1,042,035
(d) Rockton Stone Barn - $12,000
(e) Auchmar - $4,000,000

45. Ward 4 - Specific Flooding Communication – July 10, 2006 rainstorm (Item 10.2)

That an amount of $9,550 be utilized from the Legislative Contingency Fund with the exception that the wages and benefits for staff be funded from the Tax Stabilization fund, for the purposes of off-setting Ward 4 specific flood communication costs for the July 10, 2006 rainstorm and the August, 2006 public meeting respecting the rainstorm as shown below:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rental Permit – Use of Board of Education Property at Sir Winston Churchill Auditorium</td>
<td>$350</td>
</tr>
<tr>
<td>Canada Post</td>
<td>$2,800</td>
</tr>
<tr>
<td>Printing</td>
<td>$2,400</td>
</tr>
<tr>
<td>Pegasus Direct Mail House</td>
<td>$1,000</td>
</tr>
<tr>
<td>Wages and Benefits Staff:</td>
<td>$3,000</td>
</tr>
<tr>
<td><strong>TOTAL (excluding GST and PST, where applicable)</strong></td>
<td><strong>$9,550</strong></td>
</tr>
</tbody>
</table>

Yeas: Dilanni, Bratina, Bruckler, Collins, Ferguson, Jackson McCarthy, McHattie, Mitchell, Merulla, Morelli, Pearson, Samson, Whitehead

Total: 13

Nays: Braden

Total: 1

Absent: Ferguson, Kelly

Total: 2

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46. Criminal Abstract Requirement for New and Existing Employees HUR06011 (Item 12.1)

(a) That the General Manager of Human Resources update the list of positions within the City of Hamilton for which criminal reference checks will be obtained for volunteer and employment applicants, due to the nature of the positions (e.g. safety/security related, those caring for vulnerable members of society or where required by legislation)

(b) That the General Manager of Human Resources continue the process of updating the existing City of Hamilton policy and procedure regarding the obtaining of criminal reference checks.

(c) That Report HUR06011 remain a confidential document.

47. Halton Recycling Ltd. Contract Extension Negotiations (PW06064a/FCS06080) (12.2)

(a) That the City of Hamilton (“City”) enter into an amending contract to Contract C11-74-02 with Halton Recycling Limited (“HRL”) until March 29, 2008, for the provision of curbside/roadside and automated recycling cart collection services for the entire City, and as otherwise described in Report PW06064a/FCS06080.

(b) That the one-time payments to HRL in the amount of $825,000 be funded from the Waste Management Recycling Reserve Number 112270.

(c) That the Mayor and Clerk be authorized and directed to execute all necessary documents to implement subsection (a) above, with content acceptable to the General Manager of Public Works and in a form acceptable to the City Solicitor.

(d) That Report PW06064a/FCS06080 be released in its entirety upon the recommendations therein being approved by City Council.

48. Assessment of Properties (PW06108) (Item 12.3)

(a) That the General Manager of Planning and Economic Development be authorized and directed to negotiate the purchase of the properties outlined within Appendix “C” of Report PW06108 to be funded from the Property Purchases reserve account 100035.

(b) That in the event that part or all of the properties are declared surplus and are sold, that the proceeds of the resale of the properties be recouped from the Property Purchase Reserve #100035.

(c) That Report PW06108 remain a private and confidential document with the exception of Appendix C.
49. **Corporate Air Quality and Climate Change Strategic Plan – Phase I (PED06336) (City Wide)**

a) That Council endorse the Corporate Air Quality and Climate Change Strategic Plan, as outlined in the Corporate Air Quality and Climate Change Strategic Plan – Phase I Report, attached as Appendix A to Report PED06336, and support:

i) The creation of an internal Air Quality and Climate Change Working Group of representative Departments to develop the Corporate Air Quality and Climate Change Strategic Plan Phase II that will address the implementation details of the long-term Plan.

b) That the City develops a City-Wide Hamilton Air Quality and Climate Change Plan and works with the community to engage and develop the City-wide Plan through:

i) Hosting a Hamilton Climate Change Roundtable to engage citizens on climate change and activities to reduce greenhouse gases at the community level. The roundtable forum could assist in the development of a Climate Change Advisory Committee for the City.

50. **EnerGuide for Houses Program**

Whereas, the Federal Government has withdrawn the funding for the popular EnerGuide for Houses Program as of May 12, 2006

And Whereas, the program has been discarded by the Federal Government without notice or any other program to take its place

And Whereas, no new residents under this program are eligible for retrofit grants

And Whereas, the homeowners already in the system have a shortened timeline to get their retrofit completed and have the retest done to be eligible for the grants. The final program end date for those who have already had a test done is March 2007; this is eight months less time than the program would normally give people to finish their renovations

And Whereas, the program averages a home owner improvement to their energy efficiencies of 30% this represents an average reduction of two homes of greenhouse gases per house per year

And Whereas, the EnerGuide for houses program had 88% of the budget directly benefiting the homeowners with only 12% going to administration costs

Therefore, be it resolved that The City of Hamilton draft a letter in support of the full reinstatement of the EnerGuide for Houses Program and forward this correspondence to Prime Minister Harper.

_Council – August 9, 2006_
FOR THE INFORMATION OF COUNCIL:

(a) **CHANGES TO THE AGENDA**

The clerk noted the changes to the agenda, and the agenda was approved as amended.

(b) **DECLARATIONS OF INTEREST**

Mayor DiIanni declared an interest in delegation request 5.3 and relinquished the chair to Deputy Mayor Braden

(c) **ADOPTION OF MINUTES**

3.1 August 2, 2006

That the minutes be received.

(d) **ANNOUNCEMENT**

The Mayor announced the passing of Paul Templeton on August 1st at the age of 48 years after a brief battle with cancer. Paul was a bus operator who began working at the HSR in 1985. Paul is survived by his wife Liliane and three children. Our prayers and thoughts are with the family during this difficult time.

(e) **DELEGATION REQUESTS**

The following requests were approved to address Committee today:

5.1 Request to address Committee by Donna Lee Macdonald respecting status of the Future Fund and Hamilton Artist’s Inc. application for funding

5.2 Request to address Committee by Ed Fothergill respecting transfer of a portion of Highway 6 from the Ministry of Transportation to the City of Hamilton

5.3 Request to address Committee by Marvin Caplan respecting upcoming court appearance on August 15, 2006

5.4 Request by Michel Mychailyshyn respecting Item 8.10 on today’s agenda – Bus Stop Petition: Delaware at St. Clair, Northeast corner (Item 5.4)

5.5 Ryan Hall, Billy Bob’s Bar respecting letter to the Alcohol and Gaming Commission of Ontario (Item 5.5)

5.6 Renee Wetselaar respecting Worker’s Arts and Heritage’s Future Fund request
(f) **DELEGATIONS**

(i) **Request to address Committee by Donna Lee Macdonald respecting status of the Future Fund and Hamilton Artist’s Inc. application for funding (Item 5.1)**

The delegation addressed concerns respecting the Future Fund Board and requested council to consider their application.

(ii) **Request to address Committee by Ed Fothergill respecting transfer of a portion of Highway 6 from the Ministry of Transportation to the City of Hamilton (Item 5.2)**

The delegation addressed the discussions held with the province with respect to this matter and the recommendation expected to be considered by Council.

(iii) **Request to address Committee by Marvin Caplan respecting upcoming court appearance on August 15, 2006 (Item 5.3)**

The delegation requested Council to approve costs for his solicitor.

(iv) **Request by Michel Mychailyshyn respecting Item 8.10 on today’s agenda – Bus Stop Petition: Delaware at St. Clair, Northeast corner (Item 5.4)**

The delegation requested Council defeat the motion put forward by staff and put the bus stop to its original location.

(v) **Ryan Hall, Billy Bob’s Bar respecting letter to the Alcohol and Gaming Commission of Ontario (Item 5.5)**

Mr. Hall address concerns with respect to the AGCO and requested council to reconsider its previous position.

(vi) **Renee Wetselaar respecting Worker’s Arts and Heritage’s Future Fund request**

The delegation addressed the revision to the Future Fund recommendation put forward. Should be revised to $480,000

(vii) **Annual Report - John C. Munro Hamilton International Airport respecting Presentation of Annual Report (Item 7.3)**

Richard Koroscil provided a power point presentation on the Annual Report. Highlights included:

- Lease Overview

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- Value Proposition
- Marketing and Airport Investment
- Benefits to Hamilton
- Airport Accountability
- Key Initiatives

(g) The following motions were defeated:

(i) That staff be directed to report back to the Planning and Economic Development Committee with a comparative analysis of lease arrangements by 5 surrounding municipal airports including, financing and dividends arrangements.

(ii) Staff from Public Health Services be directed to bring forward a report to the Board of Health addressing the following:

1. The use of wood burning stoves/fireplaces in urban centres
2. Initiatives of other Provincial Municipalities on the use of wood burning stoves/fireplaces and municipal by-laws controlling their use.

(h) Hamilton Future Fund Report 06-003

(i) City of Hamilton - Wireless Infrastructure

The Wireless Infrastructure project with appended motions were referred to staff with the following instruction:
- Staff to make a presentation to Committee of the Whole on this project in September, 2006
- Staff to report back on alternate funding sources

(a) $100,000 as a grant from Future Fund
(b) Up to $400,000 be approved as a loan for four years, with repayments to start no later than on the first draw of the monies with repayment schedule to be confirmed with the Board.

Amendment:
Revise amount in (a) from $100,000 to $400,000 grant
Revise amount in (b) from $400,000 to $100,000 loan

(ii) Hamilton Artist’s Inc.

The Hamilton Artist’s Inc. funding request was referred to staff together with Councillor B. McHattie to work with Hamilton Artist’s inc. for a further report back to Committee of the Whole.
Project: Purchase 265 James Street North for expansion of exhibition space/permanent home for Hamilton Artist’s Inc.

Amount Requested: $1,500,000

Yeas: Dilanni, Braden, Bruckler, Collins, McCarthy, McHattie, Merulla, Pearson, Samson, Whitehead
Total: 10
Nays: Jackson
Total: 1
Absent: Bratina, Ferguson, Kelly, Mitchell, Morelli
Total: 5

(i) Licensing of Driving Schools

Staff was directed to bring a report back to the Licensing Committee respecting the possible licensing of driving schools

(j) Report by the Advisory Committee for Persons with Disabilities respecting Audible Pedestrian Signals (Item 9.2)

This report was referred to the General Manager of Public Works for a report to the Public Works, Infrastructure and Environment Committee

The meeting adjourned at 4:55 p.m.

Respectfully submitted

Mayor L. Dilanni

M. Gallagher
Co-ordinator