SUBJECT: Eastport Drive Trail - Design Lead (PW07103) - (Ward 5)

RECOMMENDATION:

(a) That the City of Hamilton and the Hamilton Waterfront Trust enter into a Service Agreement for the Hamilton Waterfront Trust to lead and undertake the design and construction of the Eastport Drive Trail, based on the roles and responsibilities outlined in Report PW07103 and as detailed in Appendix B;

   (i) That the Mayor and City Clerk be authorized and directed to execute all necessary documents related to the Service Agreement, said document to have content acceptable to the General Manager of Public Works, the General Manager of Finance and Corporate Services and be in a form satisfactory to the City Solicitor and Corporate Counsel;

(b) That the Hamilton Waterfront Trust provide estimates for the construction of the proposed trail, which shall be reported to Council for budgetary approval as part of the Public Works annual capital budget approval, or for consideration by the appropriate Standing Committee and by City Council, prior to proceeding with detailed design, tender and construction documents;

(c) That the Hamilton Waterfront Trust consult with the interested stakeholders, seeking public input via a Project Advisory Group, in the development of a potential trail design solution including but not limited to, the Hamilton Beach Preservation Committee, the Hamilton Port Authority, the Ministry of Transportation, Federal and Provincial Government agencies, the Hamilton Conservation Authority and City of Hamilton representatives as required;

(d) That the design and construction of the proposed Eastport Drive Trail shall be subject to the final detailed design approval by the City;

   (i) That the City of Hamilton General Manager of Public Works is hereby authorized to provide final detailed design approval of the Eastport Drive Trail.
(e) That the Hamilton Waterfront Trust be directed to obtain all necessary approvals and permits related to the design and construction of the proposed Eastport Drive Trail prior to construction.

(f) That the Hamilton Waterfront Trust designate the subject lands as “Lands” for the purposes of Section 2(a)(iii) of the Deed of Trust dated November 24, 2000.

_______________________
Jim Harnum
Acting General Manager
Public Works

EXECUTIVE SUMMARY:

At the Council meeting of October 11, 2006, staff was directed to prepare a capital budget submission for the 2007 Capital Budget process, to investigate constructing a trail along the Eastport Drive corridor, which would link the Hamilton Harbour to the Lake Ontario beach strip trail.

Staff did submit a 2007 capital budget item for $100,000 to allow design investigation of this potential trail along Eastport Drive. This item was subsequently approved by Council as part of the 2007 Capital Budget.

As the Hamilton Waterfront Trust has specialized in designing and constructing waterfront trails previously for the City of Hamilton and specifically has undertaken two previous projects in this area of Hamilton, staff are recommending that the Hamilton Waterfront Trust be authorized to lead and carry out the design investigations, stakeholders meetings, approvals and construction of the proposed Eastport Drive trail, subject to Council’s future consideration and approval of the related construction budget.

BACKGROUND:

At the Public Works Infrastructure and Environment Committee meeting of October 2, 2006, Mr. Jim Howlett, President of the Hamilton Beach Preservation Committee made a PowerPoint presentation with Mr. Scott Howley on the eastern harbour area. The presentation highlighted photos from approximately fifty years ago, of historic recreational activities in the harbour area. A proposal was outlined which would create a trail that would link the harbour to the beach strip trail with a connection under the Queen Elizabeth Way, (Q.E. W.).

The Council meeting of October 11, 2006, approved the following direction to staff through Public Works, Infrastructure and Environment Committee Report 06-014,

“That staff prepare a capital budget submission for the 2007 Budget process in consultation with all affected stakeholders including but not limited to the Hamilton Beach Preservation Committee, the Hamilton Waterfront Trust, the Hamilton Conservation Authority, the Hamilton Port Authority and the Ministry of Transportation
with respect to the Hamilton Beach Preservation Committee’s proposal to link the Hamilton harbour to the beach strip by building a trail along Eastport Drive.”

In responding to Council’s direction, Public Works staff submitted a capital budget item of $100,000 Project ID 4400756700 in the 2007 Capital Budget, which was approved with Council’s approval of the budget. The funding supported the design of a proposed multi-purpose recreational trail which would connect the Windermere Basin passive park, to the Hamilton Beach Trail along the Eastport Drive corridor.

**ANALYSIS/RATIONALE:**

Council has previously directed that the Hamilton Waterfront Trust lead and undertake the design and construction of three waterfront projects. These projects have included the West Waterfront Trail Extension, the Hamilton Beach Trail and the Windermere Basin passive park.

The proposed Eastport Drive Trail would link two of these projects that is the Windermere Basin Park and the Hamilton Beach Trail together. The combination of the proposed off-road trail on Eastport Drive with the Hamilton Beach Trail and Windermere Basin park trail would create a large trail loop opportunity in this area of the City.

The creation of a loop trail and additional waterfront trail access is concurrent with the goals of the City of Hamilton Recreational Trails Master Plan document. The Trails Master Plan document did indicate the challenges of the current traffic speeds of Eastport Drive at 80 kilometres per hour, the annual number of trucks at 60,000 using Eastport Drive, as well as the debris zone from the Skyway Bridge must be analyzed in any solution for a trail in the vicinity of Eastport Drive.

Although the trail alignment is subject to public process and any required approvals, the Hamilton Waterfront Trust notes that the final alignment of the trail may require a need to approach external land owners such as Federal and Provincial land holdings. It is the intent of staff to report back to Council, if there is a need for agreements with external land owners to accommodate the eventual recommended trail alignment.

The Hamilton Waterfront Trust was established through The Settlement Agreement between the Hamilton Harbour Commissioners and City of Hamilton Settlement on October 26, 2000. Section 4 of this Agreement established the Hamilton Harbour Development Trust, “to improve the lands in and around the East End gateway to the harbour that are shown on the map attached as Schedule 10 hereto, through projects such as the Waterfront Trail. Accordingly, the parties agree to establish the Hamilton Harbour Development Trust (the “Trust”) for the development of these lands…”

Schedule 10 as referred to above, has been attached to this report as Appendix A. Please note Appendix A has undergone minor graphic alterations, strictly to assist with its legibility.

The proposed trail in the road allowance of Eastport Drive is immediately adjacent to The East End Gateway lands as illustrated in Appendix A. The Settlement Agreement through the Interpretation Section, 2 (a)(iii) Lands, indicates,

“… the “Lands” shall also include such other lands in and around Hamilton Harbour as may be designated under the terms of any donation of such assets or by a majority of the Trustees from time to time.”
In this regard, Legal Services has recommended that the Hamilton Waterfront Trust designate the subject lands as “Lands” for the purposes of Section 2(a)(iii) of the Deed of Trust dated November 24, 2000. This recommendation has been identified as Recommendation (f) in this report.

The proposed Eastport Drive trail would connect directly to trails in Windermere Basin and the Hamilton Beach Trail both projects previously led by the Hamilton Waterfront Trust within the described East End Gateway lands.

As the Hamilton Waterfront Trust has expertise in the development of recreational trails on the waterfront and given their experience in two previous projects noted directly connecting with the proposed Eastport Drive Trail, staff is recommending, that the Hamilton Waterfront Trust lead the design and construction of the Eastport Drive Trail.

The Hamilton Waterfront Trust (HWT) has indicated that should Council direct the HWT to lead and undertake the design and construction of this project, that they could commence design investigations for the project, beginning in September 2007.

Should Council approve the recommendations within this report, staff shall be directed to execute a Service Agreement with the Hamilton Waterfront Trust based on the principles and roles and responsibilities outlined in this report, in Appendix B to this report, as per previous agreements between the City and the Hamilton Waterfront Trust.

**ALTERNATIVES FOR CONSIDERATION:**

As an alternative, Public Works staff can lead the design and construction of the proposed Eastport Drive Trail.

Staff note that due to the proposed trail’s proximity to the harbour, Hamilton Port Authority lands and the Ministry of Transportation’s Skyway Bridge, the proposal will require a significant number of approvals, as well as coordination with the identified stakeholder groups.

Currently, the Hamilton Waterfront Trust has completed their final project for the City and could move forward on the project in September 2007. Given the Hamilton Waterfront Trust’s history in Waterfront Trail projects in this area, their availability to start the project, experience in undertaking stakeholder meetings and attaining regulatory approvals, staff are therefore, recommending that the City continue with its partnership with the Hamilton Waterfront Trust to lead and carry out the design and construction of Eastport Drive Trail.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

Funding of $100,000 for the design and investigation works for this project have been included in the Public Works 2007 Capital Budget Project ID 4400756700, as approved by Council as part of the 2007 Budget process.

Once design work has been undertaken, The Hamilton Waterfront Trust will advise Public Works on the related projected construction costs. Public Works will provide the projected construction costs and related maintenance implications for Council’s consideration in a Capital Budget submission.

Corporate Finance has noted that construction of the proposed trail can be funded subject to Council approval, from the Hamilton Beach Park Reserve Account 108037,
The Purchasing section of Corporate Services has indicated that Council approval of the Hamilton Waterfront Trust leading the design and construction of the proposed Eastport Drive Trail is satisfactory to engage the Hamilton Waterfront Trust for this work, as has been executed in the three previous instances.

Policies Affecting Proposal:

The Purchasing section of Corporate Services has indicated that Council approval of the Hamilton Waterfront Trust leading the design and construction of the proposed Eastport Drive Trail is satisfactory to engage the Hamilton Waterfront Trust for this work, as has been executed in the three previous instances.

Relevant Consultation:

Internal Consultation:

- Councillor Collins (Ward 5) regarding the Hamilton Waterfront Trust undertaking design and construction of the proposed Eastport Drive Trail.
- Corporate Finance with respect to potential funding implications.
- Purchasing Section, Financial Services, Corporate Services with respect to hiring the Hamilton Waterfront Trust as a consultant to the City.
- Public Works, Capital Planning and Implementation, with respect to the Hamilton Trails Master Plan and overseeing this project.
- Legal Services, City Manager’s Office, regarding the Settlement Agreement as described in the Analysis section of this report.

External Consultation:

- The Hamilton Waterfront Trust’s Executive Director regarding undertaking this project.

City Strategic Commitment:

By evaluating the “Triple Bottom Line”, (community, environment, economic implications) we can make choices that create value across all three bottom lines, moving us closer to our vision for a sustainable community, and Provincial interests.

Community Well-Being is enhanced. ☑ Yes ☐ No
Participation in community life is accessible to all Hamiltonians. Expansion of the waterfront trail in this location will provide healthy accessible recreational opportunities for Hamiltonians.

Environmental Well-Being is enhanced. ☑ Yes ☐ No
Consumption of energy is reduced; alternative energy and co-generation are supported. Recreational trails provide alternate modes of transportation through walking or cycling.

Economic Well-Being is enhanced. ☑ Yes ☐ No
Hamilton’s high-quality environmental amenities are maintained and enhanced. Open space adjacent to the harbour will be enhanced through the trail proposal.

Does the option you are recommending create value across all three bottom lines? ☑ Yes ☐ No
Yes, a waterfront related trail provides accessible recreational opportunities for the public & alternate modes of transportation and exercise.

Do the options you are recommending make Hamilton a City of choice for high performance public servants? ☑ Yes ☐ No
As a recreational resource to the waterfront, this asset will be an attractive feature for residents and public servants.
## APPENDIX B

### Service Agreement Principles and Roles and Responsibilities

<table>
<thead>
<tr>
<th>Council Role</th>
<th>Staff Role</th>
<th>Hamilton Waterfront Trust (HWT) Role</th>
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<tbody>
<tr>
<td>Final Approval of all design and land disposition issues based on recommendations of staff;</td>
<td>Liaison between Trust and Council via Public Works</td>
<td>Lead in providing design and construction services</td>
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<tr>
<td>• Budget approval</td>
<td>• Part of HWT design team</td>
<td>• Makes recommendations to staff for Council's consideration</td>
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<td>• Approval of real estate, land legal matters including agreements (excluding construction contracts)</td>
<td>• Input in design development and route alignment options</td>
<td>• Accountable for design, construction activities</td>
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<td>• Final Decision body with respect to City owned lands</td>
<td>• Public Works would be the contact department with HWT staff and would co-ordinate City staff activities, including but not limited to: communications between City and HWT staff, request for technical information, liaison with Council, consistency and co-ordination with other municipal projects, official and land use plans initiatives</td>
<td>• Accountable for budget including monitoring expenditures and revenues to remain within approved budget</td>
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<td>• Ensures a process within the Service Agreement for resolving conflicts or disputes, i.e. Dispute resolution clause</td>
<td>• Fixed/guarantee fee and budget for all services and construction costs once design is approved by Public Works</td>
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<td>• Reviews status reports from HWT, including design, construction and financial status and attends all meetings</td>
<td>• Establishes and leads team including stakeholders, chairs team meetings and prepares minutes</td>
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<td>• Provide base information currently available</td>
<td>• Design development to City standards or better and in consultation with staff and team</td>
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<td>• Negotiates detail real estate, land and legal issues</td>
<td>• Community Consultation</td>
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<td>• Reviews designs, tender drawings, estimates and makes recommendations to Council</td>
<td>• Project schedule</td>
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<td>• Makes recommendations for take over/assumption process</td>
<td>• Accounting and progress payments</td>
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<td>• Joint Official opening ceremonies with HWT staff</td>
<td>• Obtains approvals from all agencies having jurisdiction</td>
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<td>• Insurance and indemnification to City for work on City lands</td>
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<td>• Tender call, award and contract administration, per City Purchasing Policies</td>
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<td>• Commissioning and final inspections</td>
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<td>• Provides status reports to staff for review and provides final financial audit statement to Council at completion of project</td>
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<td>• Joint Official opening ceremonies with City staff</td>
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