



City of Hamilton
SPECIAL CITY COUNCIL
MINUTES 17-023
December 18, 2017, 8:53 p.m.

Hamilton Convention Centre, Albion Rooms (A&B)

Present: Mayor F. Eisenberger, Deputy Mayor R. Pasuta (Chair)
Councillors T. Whitehead; T. Jackson; B. Johnson; J. Farr; M. Green;
S. Merulla, C. Collins, D. Skelly, D. Conley, M. Pearson, J. Partridge,
A. Johnson, L. Ferguson.

**Absent with
Regrets:** Councillor A. VanderBeek - Personal

Mayor Eisenberger called the meeting to order.

APPROVAL OF THE AGENDA

The Clerk advised of the following changes to the agenda:

1. MOTIONS – ADDED

- 3.2 Appeals of Ward Boundary By-law 17-030 to the Ontario Municipal Board Update (LS17015(d)) (City Wide)

2. NOTICES OF MOTION

- 4.1 Residential Municipal Relief Assistance Program for Basement Flooding for the Watermain Break Event Within the Andrew Warburton Memorial Park Neighbourhood of December 15, 2017
- 4.2 Appointment of an Associate Medical Officer of Health

3. BY-LAWS - ADDED

- 285 Being a By-law to Permanently Close an Unassumed Portion of an Alleyway abutting 20-22 George Street, Hamilton, Ontario, established by Registered Plan 114, City of Hamilton, designated as Parts 1-5 on Reference Plan 62R-19674, being all of PIN 17143-0132 (LT); City of Hamilton

(Green/Whitehead)

That the agenda for the December 18, 2017 Special meeting of Council be approved, as amended.

CARRIED

DECLARATIONS OF INTEREST

There were no declarations of interest.

MOTIONS

3.1 Good Jobs and Community Benefits Respecting Operations and Maintenance of Hamilton LRT

(Green/Conley)

WHEREAS, at the Special General Issues Committee Light Rail Transit LRT Report 17-016, dated August 9, 2017, the following motion was passed which was subsequently ratified by Hamilton City Council as follows:

“That staff be directed to advise Metrolinx that the forthcoming operating and maintenance agreement between the City of Hamilton and Metrolinx for Light Rail Transit should include the Hamilton Street Railway as the party responsible to operate and maintain the new Light Rail Transit line, and any other future transit expansion, in the city of Hamilton.”

WHEREAS, both the government of the province of Ontario and Metrolinx raised official concerns with the above motion, which in turn led to Hamilton Council directing staff on December 1, 2017, to advise on the potential responsibilities, risks and obligations of a DBFM versus a DBFOM model;

WHEREAS, Staff Report Operation and Maintenance of the Hamilton Light Rail Transit (LRT) System (PED17185/HUR17024) (City Wide) submitted December 1, 2017 by LRT Project Coordination Planning and Economic Development Department Mr. Paul Johnson recommending that the key risks and responsibilities associated with a DBFM model are below.

“On March 28, 2017, staff prepared an information report on the Light Rail Transit (LRT) Procurement Model (PED17030), which sets out some of the key differences between DBFOM and DBFM delivery models. Key differences between the delivery models were summarized in a table appended to that report, and is re-attached hereto with updates to reflect further labour relations analysis, as Appendix “B” to Report PED17185/HUR17024.”

WHEREAS, Council is required to indicate a preference between the DBFM and DBFOM process by January 24, 2018;

WHEREAS, Council has further been advised by way of Metrolinx's procurement policy that HSR is prohibited from bidding for the maintenance work on the new LRT expansion under current provincial regulations;

WHEREAS, ATU 107 have been and remain an integral contributor to the growth and prosperity of our city of Hamilton by providing safe, affordable and efficient Public Transit for almost 120 years and have maintained stable labour relations in the community;

WHEREAS, the City and ATU Local 107 had previously collectively bargained and ratified language in their collective agreement extending Local 107's bargaining rights in the event that, transit in Hamilton was extended or otherwise expanded by the City of Hamilton;

WHEREAS, the agreement specifically referred to a Letter of Understanding between the parties described as Re: Alternative Services Delivery New Services (Appendix A to the Notice of Motion);

WHEREAS, the City further recognizes and acknowledges its existing and subsequent collective bargaining agreements and commitments with the ATU and its Local 107 including, but not limited to the Letter of Understanding referenced above;

WHEREAS, the City has a recognized obligation under such collective agreement for recognition of this obligation for operations and maintenance of the new LRT line as proposed by Metrolinx without any further delay to the RFP process; and

WHEREAS, the following motion was introduced at the Light Rail Transit Sub-Committee January 30, 2017 Report 17-001 at General Issues Committee – February 15, 2017: That staff be directed to report back to the LRT Sub-Committee on a framework for a Community Benefits Agreement focussing on, but not limited to: affordable housing, employment, local procurement and environmental improvement.

THEREFORE BE IT RESOLVED:

- (a) That Report PED17185/HUR17024, respecting the Operation and Maintenance of the Hamilton Light Rail Transit (LRT) System, be received;
- (b) That the City of Hamilton affirm that Metrolinx continue with the DBFOM procurement process;
- (c) That the City of Hamilton ensure in its contract with Metrolinx and/or ProjectCo:

- (i) That ProjectCo shall be required to contractually recognize that they assume operations as a successor employer pursuant to the Labour Relations Act and therefore enter into a legally enforceable written voluntary recognition agreement with Amalgamated Transit Union, Local 107 for bargaining rights for all ProjectCo LRT employees below the rank of Supervisor employed in the operations and maintenance of Hamilton's LRT.
 - (ii) That the Fair Wage Schedule be amended to include the Total Hourly Compensation for all positions set out in Schedule "A" of the collective agreement between the City and Amalgamated Transit Union, Local 107. Totally Hourly Compensation to be determined pursuant to the formula set out in Section 3 of the Fair Wage Policy.
 - (iii) That ProjectCo agree to abide by the amended Fair Wage Policy and the amended Fair Wage Schedule.
 - (iv) That ProjectCo agree to provide LRT employees all benefits at or above those set out in the collective agreement between the City and Amalgamated Transit Union, Local 107.
 - (v) That, pursuant to section 6 of the OMERS Act, ProjectCo enter into an agreement with the City to provide municipal transit services and that ProjectCo seek status as an OMERS Associated Employer, and that ProjectCo LRT employees be enrolled in OMERS. In the event that ProjectCo is denied status as an Associated Employer, that ProjectCo provide to its employee's pension rights equivalent to OMERS membership.
- (d) That Metrolinx confirm that within the Request For Procurement process, that up to 2 representatives from the Hamilton Community Benefits Network be present for the Community Benefits presentations by the qualified bidders for information and to provide community feedback.

CARRIED

3.2 Appeals of Ward Boundary By-law 17-030 to the Ontario Municipal Board Update (LS17015(d)) (City Wide)

(Whitehead/Green)

That Report LS17015(d), respecting Appeals of Ward Boundary By-law 17-030 to the Ontario Municipal Board Update, be released publicly.

CARRIED

3.3 Residential Municipal Relief Assistance Program for Basement Flooding for the Watermain Break Event Within the Andrew Warburton Memorial Park Neighbourhood of December 15, 2017

(Merulla/Collins)

- (a) That for the purpose of invoking the Residential Municipal Relief Assistance Program for Basement Flooding, City Council declare the watermain break event of December 15, 2017, as a “Disaster” for all affected properties within the Andrew Warburton Memorial Park Neighbourhood in the City of Hamilton;
- (b) That payment of claims to a maximum of \$1,000, 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 previously approved in report FCS06007 be applied;
- (d) That the costs associated with these claims be funded from the Storm Sewer Reserve (108010); and
- (e) That staff be authorized, if required, 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 Storm Sewer Reserve (108010).

CARRIED

3.4 Review Compassionate Grants for Residential Properties for Flooding Due to Watermain Breaks

(Pearson/Merulla)

That staff be directed to review compassionate grants for residential properties for flooding due to watermain breaks.

CARRIED

3.5 Appointment of an Associate Medical Officer of Health

(Pasuta/Partridge)

WHEREAS, a full-time position of Associate Medical Officer of Health became vacant when Dr. Jessica Hopkins was appointed Medical Officer of Health for the Region of Peel earlier this year;

WHEREAS, Council, in its role as Board of Health under the *Health Protection & Promotion Act (HPPA)*, must formally appoint Associate Medical Officers of Health and have these appointments approved by the Minister of Health & Long-Term Care;

WHEREAS, Dr. Gayane Hovannisyan fulfills the requirements of the regulations under the HPPA for appointment as an Associate Medical Officer of Health;

WHEREAS, Dr. Hovannisyan has experience as an Associate Medical Officer of Health for Middlesex-London Health Unit providing senior leadership and medical oversight in public health, including in the areas of communicable disease control, surveillance and epidemiology,

THEREFORE BE IT RESOLVED:

- (a) That Dr. Gayane Hovannisyan be appointed as Associate Medical Officer of Health and the necessary documentation forwarded to the Minister of Health & Long Term Care for approval;
- (b) That pending Dr. Hovannisyan's appointment by the Minister of Health & Long Term Care:
 - (i) Dr. Hovannisyan be appointed as an Acting Medical Officer of Health in the event that the Medical Officer of Health and Associate Medical Officer of Health are absent or unable to act; and
- (c) That Dr. Hovannisyan's appointment as an Acting Medical Officer of Health be submitted to the Minister of Health & Long Term Care for approval, if necessary, if the term of the Acting appointment will exceed six months.

CARRIED

3.6 Submitting an Option to Purchase Approximately 500 Acres of Former US Steel Lands from LandCo

(Merulla/Collins)

WHEREAS, the former US Steel lands (Ward 3 and 4), formerly Stelco has emerged from Bankruptcy proceedings;

WHEREAS, the former US Steel lands that are surplus (approximately 400 acres) to the needs of Bedrock Industries are located within the 800 acre site;

WHEREAS, Council approved the Bayfront Industrial Area Strategy (Wards 2, 3 and 4) (General Issues Committee, September 17, 2014, PED14117(a));

WHEREAS, MPAC has recently provided the assessment roll for 2018 that effectively reduces the assessed value of the vacant lands from a value of \$105,000/acre to \$100/acre;

WHEREAS, as a result of MPAC's change in the assessed value of these vacant lands effectively results in minimal property tax benefit for local tax payers;

WHEREAS, these lands would assist in achieving the shovel ready land target outlined in the City of Hamilton's Economic Development Action Plan approved by Council on December 14, 2016, and

WHEREAS, on June 5, 2017 staff provided General Issues Committee with an information update on the US Steel Canada in terms of the future land use and economic opportunity;

THEREFORE BE IT RESOLVED:

- (a) That funding in the amount of \$50,001 (\$100 assessed value/acre multiplied by 500 acres plus \$1) be approved and an Option to Purchase be forwarded to LandCo for their consideration:
- (b) That \$50,001 be funded from the Tax Stabilization Reserve; and
- (c) That the Option to Purchase be submitted by December 31, 2017.

CARRIED

NOTICES OF MOTION

4.1 Residential Municipal Relief Assistance Program for Basement Flooding for the Watermain Break Event Within the Andrew Warburton Memorial Park Neighbourhood of December 15, 2017

Councillor Merulla introduced a Notice of Motion respecting the Residential Municipal Relief Assistance Program for Basement Flooding for the Watermain Break Event Within the Andrew Warburton Memorial Park Neighbourhood of December 15, 2017.

(Merulla/Collins)

That the Rules of Order be waived to allow for the introduction of a Motion respecting the Residential Municipal Relief Assistance Program for Basement Flooding for the Watermain Break Event Within the Andrew Warburton Memorial Park Neighbourhood of December 15, 2017.

CARRIED

For disposition of this matter, please refer to Item 3.3.

4.2 Appointment of an Associate Medical Officer of Health

Councillor Pasuta introduced a Notice of Motion respecting the Appointment of an Associate Medical Officer of Health.

(Pasuta/Partridge)

That the Rules of Order be waived to allow for the introduction of a Motion respecting the Appointment of an Associate Medical Officer of Health.

CARRIED

For disposition of this matter, please refer to Item 3.5.

4.3 Submitting an Option to Purchase Approximately 500 Acres of Former US Steel Lands from LandCo

Councillor Merulla introduced a Notice of Motion respecting Submitting an Option to Purchase Approximately 500 Acres of Former US Steel Lands from LandCo.

(Merulla/Collins)

That the Rules of Order be waived to allow for the introduction of a Motion respecting Submitting an Option to Purchase Approximately 500 Acres of Former US Steel Lands from LandCo.

CARRIED

For disposition of this matter, please refer to Item 3.6.

BY-LAWS AND CONFIRMING BY-LAW

(Pasuta/Skelly)

That Bills No. 17-285 and 17-286 be passed and that the Corporate Seal be affixed thereto, and that the By-laws be numbered and signed by the Mayor and the City Clerk to read as follows:

By-law No.

285 Being a By-law to Permanently Close an Unassumed Portion of an Alleyway abutting 20-22 George Street, Hamilton, Ontario, established by Registered Plan 114, City of Hamilton, designated as Parts 1-5 on Reference Plan 62R-19674, being all of PIN 17143-0132 (LT); City of Hamilton

286 To Confirm the Proceedings of City Council

CARRIED

ADJOURNMENT

(Ferguson/Merulla)

That, there being no further business, Council be adjourned at 9:06 p.m.

CARRIED

Respectfully submitted,

Mayor Eisenberger

Rose Caterini
City Clerk