



City of Hamilton
GENERAL ISSUES COMMITTEE REVISED

Meeting #: 18-012
Date: June 6, 2018
Time: 9:30 a.m.
Location: Council Chambers, Hamilton City Hall
71 Main Street West

Stephanie Paparella, Legislative Coordinator (905) 546-2424 ext. 3993

	Pages
1. APPROVAL OF AGENDA	
(Added Items, if applicable, will be noted with *)	
2. DECLARATIONS OF INTEREST	
3. APPROVAL OF MINUTES OF PREVIOUS MEETING	
3.1 May 16, 2018	5
4. DELEGATION REQUESTS	
4.1 Anthony Marco, Hamilton Community Benefits Network (HCBN), respecting the HCBN's Mission and Vision (for the June 20th meeting)	21
5. CONSENT ITEMS	
5.1 Minutes of Various Sub-Committees and Advisory Committees:	
5.1.a Business Improvement Area Advisory Committee, April 10, 2018	22
5.1.b Arts Advisory Commission, March 27, 2018	26
5.2 Westdale Village Business Improvement Area (BIA) Revised Board of Management (PED16015(b)) (Ward 1)	30

5.3	Open Government: Access to Information for City of Hamilton Funded Boards and Agencies (FCS18050) (City Wide) (Outstanding Business List)	32
-----	---	----

6. PUBLIC HEARINGS / DELEGATIONS

6.1	Todd White, Chair, Hamilton-Wentworth District School Board respecting HWDSB Proposal for City of Hamilton Property Acquisition Payments	38
6.2	Lorna Zaremba, Theatre Aquarius, to provide an update respecting Theatre Aquarius	39
6.3	David Carter, Innovation Factory, to provide an update respecting the Innovation Factory Request for Funding Renewal Option - Annual Review (no copy)	
6.4	Shekar Chandrashekar, respecting an opportunity to rebut information contained in Report FCS18030	46

(Referred from the May 17, 2018 AF&ACommittee)

7. STAFF PRESENTATIONS

7.1	City Manager's 2017 Performance Review	82
7.2	** MOVED UP FROM 8.4 - Pier 8 Development Opportunity Request for Proposals Evaluation (PED14002(h)) (Ward 2)	127

Discussion of Appendix "D" and "E" to Report PED14002(h), respecting Pier 8 Development Opportunity Request for Proposals Evaluation, in Closed Session would be pursuant to Section 8.1, Sub-sections (c) and (f) of the City's Procedural By-law 14-300, and Section 239(2), Sub-sections (c), (f), (i) and (k) of the *Ontario Municipal Act*, 2001, as amended, as the subject matters pertain to a proposed or pending acquisition or disposition of land for City purposes; the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose; a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization; and, a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.

8. DISCUSSION ITEMS

- | | | |
|-----|---|-----|
| 8.1 | Affordable Housing Demonstration Project (PED16236(a)) (Ward 4) | 239 |
| 8.2 | Inventory of Brownfield Areas (PED18113) (City Wide) (Outstanding Business List) | 262 |
| 8.3 | Capital Projects Work-in-Progress Review Sub-committee Report 18-003, May 22, 2018 | 266 |
| 8.4 | ** MOVED UP TO ITEM 7.2 - Pier 8 Development Opportunity Request for Proposals Evaluation (PED14002(h)) | |

9. MOTIONS**10. NOTICES OF MOTION****11. GENERAL INFORMATION / OTHER BUSINESS****12. PRIVATE AND CONFIDENTIAL**

- 12.1 Lease Agreement - Car Park #80, 191 King Street West and 22 and 30 Bay Street South (PED18119) (Ward 2) (Distributed under separate cover)
- Pursuant to Section 8.1, Sub-section (c) of the City's Procedural By-law 14-300, and Section 239(2), Sub-section (c) of the *Ontario Municipal Act*, 2001, as amended, as the subject matter pertains to a proposed or pending acquisition or disposition of land for City purposes.
- 12.2 Property Acquisition to Support the Transit Maintenance and Storage Facility (PED18115/PW18045) (Ward 3) (Distributed under separate cover)
- Pursuant to Section 8.1, Sub-section (c) of the City's Procedural By-law 14-300, and Section 239(2), Sub-section (c) of the *Ontario Municipal Act*, 2001, as amended, as the subject matter pertains to a proposed or pending acquisition or disposition of land for City purposes.

*12.3 * City Manager's 2017 Performance Review

Pursuant to Section 8.1, Sub-sections (b) and (d) of the City's Procedural By-law 14-300, and Section 239(2), Sub-sections (b) and (d) of the *Ontario Municipal Act, 2001*, as amended, as the subject matters pertain personal matters about an identifiable individual, including City employees; and, labour relations or employee negotiations.

12.4 * Labour Relations Matter

Pursuant to Section 8.1, Sub-sections (b) and (d) of the City's Procedural By-law 14-300, and Section 239(2), Sub-sections (b) and (d) of the *Ontario Municipal Act, 2001*, as amended, as the subject matters pertain personal matters about an identifiable individual, including City employees; and, labour relations or employee negotiations.

13. ADJOURNMENT



GENERAL ISSUES COMMITTEE MINUTES 18-011

9:30 a.m.

Wednesday, May 16, 2018

Council Chambers

Hamilton City Hall

71 Main Street West

Present: Mayor F. Eisenberger, Deputy Mayor M. Pearson (Chair)
Councillors T. Whitehead, T. Jackson, C. Collins, S. Merulla,
J. Farr, A. Johnson, D. Conley, B. Johnson, A. VanderBeek

**Absent with
Regrets:** Councillor M. Green – Other City Business
Councillor L. Ferguson, J. Partridge, D. Skelly, R. Pasuta – Personal

THE FOLLOWING ITEMS WERE REFERRED TO COUNCIL FOR CONSIDERATION:

- 1. Barton Village Business Improvement Area (BIA) Revised Board of Management (PED16081(d)) (Wards 2 and 3) (Item 5.1)**

(A. Johnson/Merulla)

That the following individual be appointed to the Barton Village Business Improvement Area (BIA) Board of Management:

- (i) Meir Dick

CARRIED

- 2. Transfer of Funds from the Tourism Reserve (PED18106) (City Wide) (Item 8.1)**

(Eisenberger/Jackson)

That \$50,000 be transferred from the Tourism Convention Sports Events Reserve (112231) to Capital Project ID 7201758702 to fund expenses related to the 2018 Canadian Country Music Awards being hosted in Hamilton September 6 to 9, 2018.

CARRIED

3. **Opportunities for the Development of Affordable Housing in the West Harbour Area (HSC18021) (Wards 1 & 2) (Outstanding Business List Item) (Item 8.2)**

(Eisenberger/Farr)

That Report HSC18021, respecting Opportunities for the Development of Affordable Housing in the West Harbour Area, be received.

CARRIED

4. **A & B Line Amenities - Funds Reallocation (PW18042) (City Wide) (Outstanding Business List Item) (Item 8.3)**

(Collins/Farr)

That staff be directed to install an enhanced transit shelter at the A-Line Waterfront terminus, in conjunction with proposed internal road works expected to commence in 2018, to be located in the vicinity of the existing Williams Coffee Pub at an estimated cost of \$50,000 for the shelter structure and associated concrete works, to be funded through the Quick Wins Reserve.

CARRIED

5. **Tourism Advisory Committee (PED15026(b)) (City Wide) (Outstanding Business List) (Item 8.4(a))**

(B. Johnson/Eisenberger)

That Report PED15026(b), respecting the Tourism Advisory Committee, be received.

CARRIED

6. **Tourism Advisory Committee (PED15026(a)) (City Wide) (Outstanding Business List) (Item 8.4(b))**

(Eisenberger/Jackson)

That the Tourism Advisory Committee, an Advisory Committee of Council, be disbanded.

CARRIED

7. **Hamilton Summit Summary (CM18015) (City Wide) (Outstanding Business List Item) (Item 8.5)**

(Eisenberger/Merulla)

That Report CM18015, respecting the Hamilton Summit Summary, be received.

CARRIED

8. Advisory Committee for Persons with Disabilities Report 18-004, April 10, 2018 (Item 8.6)**(B. Johnson/Collins)****Resignation – Advisory Committee for Persons with Disabilities (Added Item 11.4)**

- (a) That the letter of resignation from Sylvia Soto from the Advisory Committee for Persons with Disabilities, be received; and,
- (b) That the membership number of the Advisory Committee for Persons with Disabilities be adjusted accordingly to obtain quorum.

CARRIED**9. Facility Naming Sub-Committee Report 18-001, May 3, 2018 (Item 8.7)****(Jackson/Collins)****(a) Naming of the "Margaret Koropatnicki Softball Complex" at Rosedale Park (PW18035/HSC18022) (Ward 5) (Item 8.1)**

That the request to name the softball diamonds at Rosedale Park the "Margaret Koropatnicki Softball Complex" be approved, as this request meets the guidelines set out in the City of Hamilton Municipal Property and Building Naming Policy.

(b) Municipal Property & Building Naming Application - Mohawk Sports Park Outdoor Track & Field Complex (Item 8.2)

- (i) That staff be directed to work with the Hamilton Olympic Club to consider their request to rename the track area of the Mohawk Sports Park Outdoor Track & Field Complex, as outlined in the application, with a report back to the Facility Naming Sub-Committee; and,
- (ii) That the Municipal Property & Building Naming Application - Mohawk Sports Park Outdoor Track & Field Complex, be received.

CARRIED

10. Airport Sub-Committee Report 18-001, May 3, 2018 (Item 8.8)**(Collins/B. Johnson)**

- (a) 2017 Annual Auditor's Report on the Annual Schedule of Percentage Rent Computation Regarding the John C. Munro Hamilton International Airport (PED18109) (City Wide) (Item 5.1)**

That Report PED18109 respecting the 2017 Annual Auditor's Report on the Annual Schedule of Percentage Rent Computation Regarding the John C. Munro Hamilton International Airport, be received for information.

- (b) 2017 Year in Review Report respecting the John C. Munro Hamilton International Airport (Item 7.1)**

That the 2017 Year in Review Report respecting the John C. Munro Hamilton International Airport, be received for information.

- (c) 2018 - 2019 John C. Munro Hamilton International Airport - City of Hamilton Joint Marketing Initiatives (PED18110) (City Wide) (Item 8.1)**

That the City of Hamilton allocate \$160,000 from the Airport Joint Marketing Reserve Fund No. 112217, as the City's contribution to the 2018-2019 John C. Munro Hamilton International Airport – City of Hamilton Joint Marketing Initiatives.

- (d) 2018 - 2019 Capital Expenditure Request for John C. Munro Hamilton International Airport Update (PED18111) (City Wide) (Item 8.2)**

That the City of Hamilton approve and allocate \$266,000 from the Municipal Capital Expenditures Reserve Fund No. 108043 for the 2018 - 2019 Capital Expenditure Request for John C. Munro Hamilton International Airport.

CARRIED

11. Facility Naming Sub-Committee Report 18-002, May 15, 2018 (Item 8.9)**(Eisenberger/Merulla)****Serafini Family Ice and Splash Pad Naming at Bernie Morelli Recreation Centre, 876 Cannon Street East (PW18038) (Ward 3) (Item 8.1)**

- (a) That the outdoor ice/splash pad located at 876 Cannon Street East (Bernie Morelli Recreation Centre), Hamilton, be named after the Serafini Family for a period of twenty-five (25) years;
- (b) That the City of Hamilton enter into a Contribution Agreement with Mr. Lou Serafini Jr. for Naming Rights of the outdoor ice/splash pad located at 876 Cannon Street East, Hamilton, ON, subject to the following terms:
 - (i) Within thirty (30) days of the Substantial Completion Date, the Contributor shall pay \$300,000 CAD to the City by certified cheque to be deposited to the "Scott Park Precinct Ice & Spray Pad Capital Project" (Account # 7101649602) and that the funds be used as a capital contribution towards the cost of constructing the Ice/splash pad at the Bernie Morelli Recreation Centre and for the associated naming rights of the ice/splash pad including mutually agreed upon signage;
 - (ii) Within twenty-four (24) months of the Substantial Completion Date, the Contributor shall have completed payment of an additional \$700,000.00 CAD to Hamilton Community Foundation (HCF) to be dispersed, over 10 years, as grants by the HCF to the City and/or other charitable community groups to support access to sport and recreational activities as well as community engagement in or about the general area around the Bernie Morelli Recreation Centre. The Contributor shall direct HCF to report to the City at least annually, the recipients of these grants by amounts received;
 - (iii) The City will supply and install, at its cost, a commemorative Sign naming the ice/splash pad in honour of the "Serafini Family" and leave it in place for twenty-five (25) years from the Substantial Completion Date unless this Agreement is terminated beforehand at which time the Sign may be removed by the City; and,
- (c) That the General Manager, Public Works, be authorized and directed to execute all necessary documents relating to the Contribution Agreement with Mr. Lou Serafini Jr. for Naming Rights of the ice/splash pad at 876 Cannon Street East, Hamilton, in a form satisfactory to the City Solicitor.

CARRIED

12. Repair and Resurfacing of the Tennis Courts at the Stoney Creek Tennis Club (Item 9.1)**(Conley/B. Johnson)**

WHEREAS, the Stoney Creek Tennis Club (the "Club") originated in 1964 and is located in Optimist Park over the bridge just down from the Little League Ball Park, and is a vital part of the Stoney Creek community that provides services that are available for all Hamilton residents;

WHEREAS, the wheelchair accessible Club services nearly 600 people including seniors, children and adults as well as local schools and the McMaster University tennis team;

WHEREAS, the Club has an excellent Junior academy, with over 110 registered juniors, an excellent summer day camp program and, has many programs for its adult members, including Men's and Ladies' Leagues, multiple Round Robins, a Singles Ladder, and SCTC Cardio;

WHEREAS, the Club contains 7 lit courts that are between 14 and 20 years old that have deteriorated and are in need of repair and resurfacing to be playable; and, at this point, can be repaired and resurfaced at a cost of \$10,000 for each court;

WHEREAS, failure to repair the courts in the near future would result in further deterioration, resulting in a need to completely replace the courts at a cost of \$25,000 each; and,

WHEREAS, the Club is requesting funding in the amount of \$70,000 to repair and resurface the courts to continue to serve its members and the community;

THEREFORE, BE IT RESOLVED:

That \$70,000 for the Stoney Creek Tennis Club to repair and resurface its 7 tennis courts, to be funded from the Terrapure Reserve account (#117036), be approved.

CARRIED

13. Tree and Shrub Planting and a Pollinator Garden at the Eramosa Karst (Item 9.2)**(Conley/B. Johnson)**

WHEREAS, the Friends of the Eramosa Karst continue to plant trees and shrubs at the north end of the Eramosa Karst; and,

WHEREAS, the Friends of the Eramosa Karst are also creating a pollinator garden in the Karst,

THEREFORE, BE IT RESOLVED:

That \$20,000 for the Friends of the Eramosa Karst for tree and shrub planting as well as the creation of a pollinator garden at the Karst, to be funded from the Terrapure Reserve account (#117036), be approved.

CARRIED

14. Request to Reactivate the “Who Does What” Working Group (Item 9.3)

(Merulla/Eisenberger)

WHEREAS, the City of Hamilton hosted a very successful Hamilton Summit 2018 event on April 13, 2018 in Council Chambers;

WHEREAS, the objective of the Summit was to educate, build awareness, and solicit solutions for four major growing priorities as related to provincial downloading and its impact on the City of Hamilton: local healthcare and the impact on emergency medical services, preserving the existing infrastructure and increasing the supply of social and affordable housing, increased financial support for existing and new infrastructure, and changes to municipal financial tools such as levy restrictions, taxation changes and more support for provincially-shared programs;

WHEREAS, only 52% or \$2,039 of the total average residential tax bill of \$3,928 in 2017 was contributing directly to City controlled services;

WHEREAS, many of the provincially shared services and Boards and Agency costs are increasing well beyond the rate of inflation;

WHEREAS, some of the provincially shared services are in dire service and financial circumstances including Paramedics, where code zero instances continue to occur; and, social housing, where wait lists continue to grow and capital requirements far exceed funding capabilities; and,

WHEREAS, existing Federal and Provincial funding initiatives do not adequately address the aforementioned concerns;

WHEREAS, municipal governments own most public infrastructure and deliver critical services that we all depend on every day, and they do it with the smallest share of tax dollars. Municipal governments own almost two-thirds of all public infrastructure and also have a growing list of responsibilities;

WHEREAS, province-wide, municipal governments collect less than 9% of each household tax dollar, Cities should have a greater local say in how services are delivered and paid for and receive a greater local share of revenue; and,

WHEREAS, the City’s overall ‘ask’ from the Province is a combination of policy changes to municipal financial tools such as levy restrictions, taxation changes

and more support for provincially downloaded and shared programs in the range of \$169 million to \$215 million annually;

THEREFORE, BE IT RESOLVED:

- (a) That the Mayor be directed to send the Hamilton Summit Policy Brochure to all of the newly appointed Provincial Ministers after the June 7, 2018 Provincial Election;
- (b) That the Mayor be directed to send the Hamilton Summit Policy Brochure to all of the newly elected Hamilton Members of Provincial Parliament after the June 7, 2018 Provincial Election;
- (c) That the Mayor meet with all of the newly elected Hamilton Members of Provincial Parliament after the June 7, 2018 Provincial Election; and,
- (d) That the Mayor be directed to forward a request to the Premier and Minister of Municipal Affairs to work with the municipal sector on untangling current provincial-municipal governments' responsibilities, with this work include looking at revenue tools that can better support municipal government functions as well as removing regulatory and other barriers so that municipal governments can better deliver local services going forward.

CARRIED

15. Climate Change Reserve and Adaptation Plan (Item 10.4)

(Collins/Merulla)

WHEREAS, our citizens are dependent on transportation, telecommunication services, energy and water infrastructure; all of which are at risk in the face of more intense extreme weather events driven by a changing climate;

WHEREAS, municipal governments are responsible to implement mitigation and adaptation strategies to protect its citizens, and address significant climate related challenges;

WHEREAS, the City of Hamilton Healthy and Safe Communities, Public Works, and Planning and Economic Development Departments are examining the potential risks of significant climate related challenges on citizens, the environment and City infrastructure and related programs;

WHEREAS, each year the City and its citizens are affected by climate related challenges, including flood, erosion, extreme heat, ice storms, higher lake levels (and storm surges), etc.;

WHEREAS, the National Roundtable on the Environment and the Economy suggested that the economic impact of climate change on Canada could reach \$5 billion per year by 2020 and between \$21 and \$43 billion per year by 2050;

WHEREAS, limited funding is available from senior levels of government to assist municipalities with the effects of Green House Gases (GHG) emissions and the effects of climate change;

WHEREAS, predictable, long-term and stable funding from governments to address climate change impacts and ensure infrastructure resiliency is a priority and could save Canadians billions of dollars through climate change adaptation;

THEREFORE, BE IT RESOLVED;

- (a) That Finance staff be directed to establish a Climate Change Reserve with a stated purpose, through the next Reserve Report;
- (b) That Finance staff be directed to identify a funding strategy for a Climate Change Reserve; and
- (c) That staff be directed to investigate funding opportunities with higher levels of government to address the local impact of climate change events, and report back to the General Issues Committee; and,
- (d) That Hamilton's Senior Leadership Team be directed to work with all City Departments to develop climate change adaptation plans that may be eligible for funding from a Climate Change Reserve and funding from the Provincial and Federal Governments, and report back to the General Issues Committee.

CARRIED

16. Outdoor WiFi Implementation at Waterdown Memorial Park (Item 10.5)

(Eisenberger/Whitehead)

- (a) That staff be directed to implement outdoor WiFi at Waterdown Memorial Park at a capital cost of \$13,741.25, to be funded from the Flamborough Reserve account #108032; and,
- (b) That the licensing and hardware support for the outdoor WiFi at Waterdown Memorial Park, in the approximate amount of \$650 annually, be funded from the Public Works Department operating budget, commencing in 2019.

CARRIED

17. Installation of 3 Conventional Transit Shelters (Item 9.6)**(Whitehead/Jackson)**

That staff be directed to install three conventional transit shelters at the following A-Line stops; Upper James at Twenty Road (NE), Airport Road opposite Canadian Warplane Heritage Museum (south side); and, Upper James at Rymal (NW), at an estimated cost for shelter structures and associated concrete works of approximately \$45,000, to be funded through the Gas Tax Reserve and/or the Quick Wins Reserve.

CARRIED**18. Six Year Event Partnership with Golf Canada (PED18100(a)) (City Wide) (Item 12.2)****(Conley/Eisenberger)**

That Report PED18100(a), as amended, respecting a Six Year Event Partnership with Golf Canada, remain confidential.

CARRIED**FOR INFORMATION:****(a) CHANGES TO THE AGENDA (Item 1)**

The Committee Clerk advised of the following changes to the agenda:

1. DELEGATION REQUESTS (Item 4)

- 4.2 David Carter, Innovation Factory, respecting an Update to the Innovation Factory Request for Funding Report (for a future GIC)

2. NOTICES OF MOTION (Item 10)

- 10.1 Repair and Resurfacing of the Tennis Courts at the Stoney Creek Tennis Club
- 10.2 Tree and Shrub Planting and a Pollinator Garden at the Eramosa Karst
- 10.3 Request to Reactivate the "Who Does What" Working Group
- 10.4 Climate Change Reserve and Adaptation Plan
- 10.5 Outdoor WiFi Implementation at Waterdown Memorial Park

3. PRIVATE & CONFIDENTIAL (Item 12)

12.2 Six Year Event Partnership with Golf Canada (PED18100(a)) (City Wide)

Pursuant to Section 239(2), Sub-sections (i) and (k) of the *Ontario Municipal Act, 2001*, as amended, as the subject matter pertains to a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization; and, a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.

(B. Johnson/VanderBeek)

That the agenda for the May 16, 2018 General Issues Committee meeting be approved, as amended.

CARRIED

(b) DECLARATIONS OF INTEREST (Item 2)

There were no declarations of interest.

(c) APPROVAL OF MINUTES OF THE PREVIOUS MEETING (Item 3)

(i) May 2, 2018 (Item 3.1)

(A. Johnson/Jackson)

That the Minutes of the May 2, 2018 meeting of the General Issues Committee be approved, as presented.

CARRIED

(d) DELEGATION REQUESTS (Item 4)

(i) Lorna Zaremba, Theatre Aquarius, respecting an Update regarding Theatre Aquarius (For a future GIC) (Item 4.1)

(A. Johnson/Farr)

That the delegation request submitted by Lorna Zaremba, Theatre Aquarius, respecting an update regarding Theatre Aquarius, be approved to appear at a future meeting of the General Issues Committee.

CARRIED

- (ii) **David Carter, Innovation Factory, respecting an Update to the Innovation Factory Request for Funding Report (for a future GIC) (Item 4.2)**

(Eisenberger/VanderBeek)

That the delegation request submitted by David Carter, Innovation Factory, respecting an update to the Innovation Factory Request for Funding Report, be approved to appear at a future meeting of the General Issues Committee.

CARRIED

(e) DISCUSSION ITEMS (Item 8)

- (i) **A & B Line Amenities - Funds Reallocation (PW18042) (City Wide) (Outstanding Business List Item) (Item 8.3)**

Mayor Eisenberger and Councillors Conley, B. Johnson, and Whitehead wished to be recorded as OPPOSED to this item.

For disposition of this matter, please refer to Item 4.

(f) NOTICES OF MOTION (Item 10)

- (i) **Repair and Resurfacing of the Tennis Courts at the Stoney Creek Tennis Club (Item 10.1)**

Councillor D. Conley introduced a Notice of Motion respecting the repair and resurfacing of the tennis courts at the Stoney Creek Tennis Club.

(Conley/B. Johnson)

That the Rules of Order be waived to allow for the introduction of a Motion respecting the repair and resurfacing of the tennis courts at the Stoney Creek Tennis Club.

CARRIED

For disposition of this matter, please refer to Item 12.

- (ii) **Tree and Shrub Planting and a Pollinator Garden at the Eramosa Karst (Item 10.2)**

Councillor D. Conley introduced a Notice of Motion respecting tree and shrub planting and a pollinator garden at the Eramosa Karst.

(Conley/B. Johnson)

That the rules of Order be waived to allow for the introduction of a motion respecting tree and shrub planting and a pollinator garden at the Eramosa Karst.

CARRIED

For disposition of this matter, please refer to Item 13.

(iii) Request to Reactivate the “Who Does What” Working Group (Item 10.3)

Councillor S. Merulla introduced a Notice of Motion respecting a request to reactivate the “Who Does What” Working Group.

(Merulla/Collins)

That the Rules of Order be waived to allow for the introduction of a Motion respecting a request to reactivate the “Who Does What” Working Group.

CARRIED

For disposition of this matter, please refer to Item 14.

(iv) Climate Change Reserve and Adaptation Plan (Item 10.4)

Councillor C. Collins introduce a Notice of Motion respecting a climate change reserve and adaptation plan.

(Collins/Merulla)

That Rules of Order be waived to allow for the introduction of a motion respecting a climate change reserve and adaptation plan.

CARRIED

For disposition of this matter, please refer to Item 15.

(v) Outdoor WiFi Implementation at Waterdown Memorial Park (Item 10.5)

Mayor Eisenberger introduced a Notice of Motion respecting Outdoor WiFi Implementation at Waterdown Memorial Park.

(Eisenberger/Whitehead)

That the rules of Order be waived to allow for the introduction of a motion respecting outdoor WiFi implementation at Waterdown Memorial Park.

CARRIED

For disposition of this matter, please refer to Item 16.

(vi) Installation of Three (3) Conventional Transit Shelters (Item 9.6)

Councillor T. Whitehead introduced a Notice of Motion respecting the installation of three (3) conventional transit shelters.

(Whitehead/Jackson)

That the Rules of Order be waived to allow for the introduction of a Motion respecting the installation of three (3) conventional transit shelters.

For disposition of this matter, please see Item 17.

Councillor Collins wished to be recorded as OPPOSED to this item.

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

(i) Amendments to the Outstanding Business List (Item 11.1)

(B. Johnson/VanderBeek)

That the following amendments to the General Issues Committee's Outstanding Business List, be approved:

(a) Proposed New Due Dates:

- (i) Mayor's Blue Ribbon Task Force – Semi Annual Update
Current Due Date: May 16, 2018
Proposed New Due Date: July 9, 2018
- (ii) Update on Request for Information – Downtown Parking Structure
Current Due Date: May 16, 2018
Proposed New Due Date: January 16, 2019
- (iii) Hamilton Urban Fellowship Program
Current Due Date: May 16, 2018
Proposed New Due Date: September 19, 2018
- (iv) Recovery of City of Hamilton Costs for the Implementation of Cannabis Legalization
Current Due Date: May 16, 2018
Proposed New Due Date: June 20, 2018
- (v) Art in Public Places Policy
Current Due Date: June 20, 2018
Proposed New Due Date: March 20, 2019

- (vi) Review of the Downtown and Community Renewal Improvement Program
Current Due Date: July 9, 2018
Proposed New Due Date: February 20, 2019
- (vii) Policy to Govern the Process for the Installation of Signage, Art, Statues and Other Such Public Projects that are Donated to the City by the Private Sector
Current Due Date: June 20, 2018
Proposed New Due Date: March 20, 2019
- (viii) Hamilton Home Energy Retrofit Opportunity (HERO Program)
Current Due Date: May 16, 2018
Proposed New Due Date: September 19, 2018

(b) Items to be removed:

- (i) Provincial Downloading Engagement Strategy (a.k.a. Hamilton Summit)
(Addressed as Item 8.5 on today's agenda – Report CM18015)
- (ii) Hamilton Summit
(Addressed as Item 8.5 on today's agenda – Report CM18015)
- (iii) Potential Housing Options and Alternatives for Housing in the West Harbour Setting Sail Area
(Addressed as Item 8.2 on today's agenda – Report HSC18021)
- (iv) Means of Enhancing the Ridership Experience Along the A-Line, by Utilizing the Quick Wins Funding that is Currently Reserved for Public Art in Bus Shelters
(Addressed as Item 8.3 on today's agenda – Report PW18042)
- (v) Tourism Industry Panel (PED15026(a))
(Addressed as Items 8.4(a) and 8.4(b) on today's agenda – Reports PED15026(a) and PED15026(b))

CARRIED

(h) PRIVATE & CONFIDENTIAL (Item 12)

(i) Closed Session Minutes – May 2, 2018 (Item 12.1)

(Farr/Eisenberger)

- (a) That the Closed Session Minutes of the May 2, 2018 General Issues Committee meeting, be approved, as presented; and,
- (b) That the Closed Session Minutes of the May 2, 2018 General Issues Committee meeting remain confidential.

CARRIED

(Farr/A. Johnson)

That Committee move into Closed Session respecting Item 12.2, pursuant to Section 239(2), Sub-sections (i) and (k) of the *Ontario Municipal Act, 2001*, as amended, as the subject matter pertains to a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization; and, a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.

CARRIED

(ii) Six Year Event Partnership with Golf Canada (PED18100(a)) (City Wide) (Item 12.2)

Staff was provided with direction in Closed Session.

For further disposition of this matter, please refer to Item 18.

(i) ADJOURNMENT (Item 13)

(B. Johnson/VanderBeek)

That, there being no further business, the General Issues Committee be adjourned at 11:08 p.m.

CARRIED

Respectfully submitted,

M. Pearson, Deputy Mayor
Chair, General Issues Committee

Stephanie Paparella
Legislative Coordinator
Office of the City Clerk

Form: Request to Speak to Committee of Council

Submitted on Tuesday, May 29, 2018 – 1:39 pm

==Committee Requested==

Committee: General Issues Committee

==Requestor Information==

Name of Individual: Anthony Marco

Name of Organization: Hamilton Community Benefits Network

Contact Number:

Email Address:

Mailing Address:

Reason(s) for delegation request: To introduce the Council to the board of the HCBN and give a brief synopsis of what our mission and vision is.

Will you be requesting funds from the City? No

Will you be submitting a formal presentation? Yes



Hamilton

BUSINESS IMPROVEMENT AREA ADVISORY COMMITTEE MINUTES 18-004

8:00 a.m.

Tuesday, April 10, 2018

Room 264

Hamilton City Hall

71 Main Street West

Present: Lia Hess – King West BIA (Acting Vice-Chair)
Cristina Geissler – Concession Street BIA
Rachel Braithwaite – Barton Village BIA
Susie Braithwaite – International Village BIA
Kerry Jarvi – Downtown Hamilton BIA
Maggie Burns – Ottawa Street BIA
Susan Pennie – Waterdown BIA
Tracy MacKinnon - Westdale Village BIA and Stoney Creek BIA
Jennifer Mattern – Ancaster BIA

Absent: Tony Greco – Locke Street BIA
Bender Chug – Main West Esplanade BIA
Lisa Anderson – Dundas BIA
Councillor Matthew Green (Chair) – Personal

FOR INFORMATION:

(a) CHANGES TO THE AGENDA (Item 1)

The Committee Clerk advised of the following change to the agenda:

2. DISCUSSION ITEM

8.4 Provincial Funding for Hamilton Business Improvement Areas (no copy)

(R. Braithwaite/S. Braithwaite)

That the agenda for the April 10, 2018 Business Improvement Area Advisory Committee meeting be approved, as amended.

CARRIED

(b) DECLARATIONS OF INTEREST (Item 2)

There were no declarations of interest.

(c) APPROVAL OF MINUTES OF PREVIOUS MEETING (Item 3)

(i) March 13, 2018 (Item 3.1)

(Jarvi/R. Braithwaite)

That the March 13, 2018 Minutes of the Business Improvement Area Advisory Committee be approved, as presented.

CARRIED

(d) DISCUSSION ITEMS (Item 8)

(i) Property Sales Data for Business Improvement Areas (Item 8.1)

The Committee discussed the Property Sales Data for Business Improvement Areas. Kerry Jarvi is going to draft a letter to the Ontario Business Improvement Area Association enquiring about whether other Business Improvement Areas receive this information along with whether other Business Improvement Areas in Ontario are provided mailing information for the owners of property within their Business Improvement Area by their municipality.

(R. Braithwaite/Geissler)

That the information respecting Property Sales Data for Business Improvement Areas, be received.

CARRIED

(ii) Discussion on Open for Business Sub-Committee (Item 8.2)

The Committee discussed the Open for Business Sub-Committee. Staff will provide the Committee with a link to the minutes of the previous Open for Business Sub-Committee meetings.

(S. Braithwaite/MacKinnon)

That the information respecting the Open for Business Sub-Committee, be received.

CARRIED

(iii) Discussion on Commercial Market Assessments (Item 8.3)

Carlo Gorni provided an update on the Commercial Market Assessments and how the consultant currently retained to carry out the assessments was chosen. The Committee discussed the information provided.

(S. Braithwaite/Jarvi)

That the information respecting Commercial Market Assessments, be received.

CARRIED

**(iv) Provincial Funding for Hamilton Business Improvement Areas
(Added Item 8.4)**

The Committee discussed the recent provincial government funding announced for commercial areas in the City of Hamilton including the Business Improvement Areas. Carlo Gorni provided an update on the funding and advised that information on this is available online at the Association of Municipalities of Ontario website.

(Pennie/Jarvi)

That the information respecting the recent provincial funding for Hamilton Business Improvement Areas, be received.

CARRIED

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

(i) Update from Carlo Gorni, BIA Coordinator (Item 11.1)

BIA Awards of Excellence in Property Awards was March 20th and Carlo Gorni advised that the event went well. The plaques were distributed and Carlo Gorni has a link to access the photos that were taken at the event. Carlo Gorni will be providing them to the Committee once he receives approval from the photographer.

(Mattern/Pennie)

That the update from Carlo Gorni, BIA Coordinator, be received.

CARRIED

(ii) Marijuana Dispensaries (Added Item 11.1(a))

A discussion took place regarding the ongoing presence of marijuana dispensaries in Business Improvement Areas and the enforcement surrounding their activities. This also involved the Business Improvement Areas discussing how a number of them relate and interact with any such businesses within their boundaries.

(iii) Police Representative (Added Item 11.1(b))

Committee requested that staff enquire into having a Police representative attend a future Business Improvement Area Advisory Committee Meeting to speak to the proper way to report crime in the Business Improvement Areas. The Committee Clerk will contact the Hamilton Police Services about this matter.

(iv) Statements by Members (Item 11.2)

BIA Members used this opportunity to discuss matters of general interest.

(Mattern/Geissler)

That the updates from Committee Member's, be received.

CARRIED

(f) ADJOURNMENT (Item 13)

(R. Braithwaite/Jarvi)

That there being no further business, the Business Improvement Area Advisory Committee be adjourned at 9:05 a.m.

CARRIED

Respectfully submitted,

Lia Hess, Acting Vice-Chair
Business Improvement Area
Advisory Committee

Angela McRae
Legislative Coordinator
Office of the City Clerk



Hamilton

**MINUTES
ARTS ADVISORY COMMISSION**

March 27, 2018

4:00 p.m. – 6:00 p.m.

Visitor Information Centre

Lister Block, 28 James Street N.

Chair: Kyle Skinner Recorder: Esther Hounsell

Present: Elena Balaska, Christine Braun, Ken Coit, Sara Dickinson, Patricia LeClair, Peter Malysewich

Absent with

Regrets: Monika Ciolek, Ray Rivers, Councillor Donna Skelly

Also Present: Andrea Carvalho

1. CHANGES TO THE AGENDA

- 1.1 Arts Advisory member to be a Juror for the Century St. Parkette & Anne Foster Windows, Pilot Program.

MOVED: Patricia LeClair

SECOND: Sara Dickinson

THAT the changes to the agenda be approved.

CARRIED

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. APPROVAL OF MINUTES OF PREVIOUS MEETING

- 3.1 The following changes to be made to the January 23, 2018 meeting minutes.

- Change year from 2017 to 2018.
- Add the following to Item 5.1: \$250,000.00 in funding from the Trillium Foundation.

MOVED: Elena Balaska

SECOND: Patricia LeClair

THAT these two changes be made to the January 23, 2018 meeting minutes.

CARRIED

4. CONSENT ITEMS

None.

5. PRESENTATIONS

- 5.1 City Enrichment Fund, presented by Andrea Carvalho, Policy Analyst, Grants.

The BIG Picture 2017 Arts Forum community consultation event report provided three recommendations for improvements related to the area of arts funding. Tourism and Culture staff were invited to present an overview of The City Enrichment Fund program to the AAC and discuss the recommendations. The presentation is organized around the three recommendations.

The City Enrichment Fund has six program areas that are funded, including the Arts. The first funding year for the Arts was 2015. The responsibility for the overall program rests with The Strategic Partnerships and Revenue Generation Section. Tourism and Culture staff administer and advise on the Arts funding areas.

- 1. Improve Communications on the City Enrichment Fund to increase understanding of the process and awareness of funding opportunities available.*

Eight funding streams have been approved by council, four are open for submission from artists. The 4 open streams are: Operating, Festivals, Capacity Building (open to Arts Organizations), Creation & Presentation (open to artists). Andrea explained how the Arts Envelope has been allocated.

Four future funding streams are approved by council and are waiting for funding. These streams are not open for submissions. These 4 streams are: Capital Improvement, Business Development, Major Capital and Innovation.

The Arts Commission will discuss ideas in how to prioritize and fund these unopened streams at upcoming Arts Advisory Commission Meetings.

On occasion, one time additional funds can be obtained in the event the other program areas do not spend their allocated dollars. Art always spends its envelope.

The Commission expressed desire to celebrate the City Enrichment Fund successes on an annual basis to show the impacts of the funding. A suggestion was made to create a five minute video montage to show the successes of the City Enrichment Fund Arts Program Area.

2. *Engage arts community in a review of City Enrichment Fund processes, particularly in the areas of application language, adjudication and the 30% cap on individual artist grants.*

The Commission expressed concerns regarding the appropriate language and questions used in the application. Online applications have been available for two years and are being evaluated.

The Arts Advisory Commission suggested the addition of an F A Q portion in the City Enrichment Fund handbooks as well as examples of successful grant application submissions.

A 30% funding cap is a City Enrichment Fund policy. It is in place so that the City is not the sole funder of any program, project, or event. The Commission expressed the challenge the cap has on individual artist projects.

Some applicants find the application process for the City Enrichment Fund long and arduous; there is no sign of change to the timeline. Andrea opens a drop-in to help Artists with budget and preparation of their grant application. Andrea will review submitted applications to address areas of improvement and provide tips for future success.

3. *Study best practices in other arts funders with consideration towards engaging the Hamilton Arts Council as an arms-length adjudicator and recommender removed from the political process.*

The City Enrichment Fund is the result of a recent (2014) extensive review of best practices. While ongoing review is always considered and undertaken annually an extensive review is not planned for the foreseeable future.

Arts applicants are already adjudicated and reviewed by an arms-length Peer review from various regional arts sectors.

MOVED: Elena Balaska

SECOND: Patricia LeClair

THAT the presentation is received and that a subcommittee be formed to further discuss arts funding and to determine possible AAC actions while working with staff to address concerns.

CARRIED**5.2 Arts Awards Update by Kyle Andrew**

The Arts Awards is taking place June 6, The reception will begin at 5:30 and the awards ceremony will begin at 7PM at Theatre Aquarius Dofasco Centre for the Arts. Emcee presiding is Clifford Myers. Arts

Advisory Commission members have are to be invited to sit in on the Jury Meetings as observers to ensure an appropriate adjudication take place, an email will be sent to the members to gage interest.

6. DISCUSSION ITEMS

6.1 The Big Picture 2017 public feedback – Postponed to May 22 meeting.

7. NOTICES OF MOTION

None.

8. MOTIONS

8.1 Presentation Public Art, Big Picture 2017 be presented at the next meeting: May 22, 2018.

Moved: Sara Dickinson

Second: Patricia LeClair

CARRIED**9. OTHER BUSINESS**

None.

10. ADJOURNMENT

Meeting Adjourned at 5:45 p.m.

Moved: Peter Malysewich

Second: Sara Dickinson

THAT the meeting be adjourned.



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Economic Development Division

TO:	Mayor and Members General Issues Committee
COMMITTEE DATE:	June 6, 2018
SUBJECT/REPORT NO:	Westdale Village Business Improvement Area (BIA) Revised Board of Management (PED16015(b)) (Ward 1)
WARD(S) AFFECTED:	Ward 1
PREPARED BY:	Carlo Gorni (905) 546-2424 Ext. 2755
SUBMITTED BY:	Glen Norton Director, Economic Development Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

That the following individuals be appointed to the Westdale Village Business Improvement Area (BIA) Board of Management:

Donna Bacher
Robert Crockford

EXECUTIVE SUMMARY

Appointments to the Westdale Village Business Improvement Area (BIA) Board of Management.

Alternatives for Consideration – N/A

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

Legal: The *Municipal Act 2001*, Sections 204-215 governs BIAs. Section (204) Subsection (3) stipulates, “A Board of Management shall be composed of, (a) one or more Directors appointed directly by the Municipality; and (b) the remaining Directors selected by a vote of the membership of the

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

SUBJECT: Westdale Village Business Improvement Area (BIA) Revised Board of Management (PED16015(b)) (Ward 1) - Page 2 of 2

improvement area and appointed by the Municipality”. Section 204 Subsection (12) stipulates, “...if a vacancy occurs for any cause, the Municipality may appoint a person to fill the vacancy for the unexpired portion of the term and the appointed person is not required to be a member of the improvement area.”

HISTORICAL BACKGROUND

At its meeting held on February 22, 2018, the Board of Management of the Westdale Village BIA elected Donna Bacher and Robert Crockford.

Should Council adopt the recommendation in Report PED16015(b), Ms. Bacher would replace Mr. Trevor Cameron, who resigned from the Board in October 2017 and Mr. Crockford would replace Mr. David Carrothers who resigned from the Board in September 2016.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

N/A

RELEVANT CONSULTATION

N/A

ANALYSIS AND RATIONALE FOR RECOMMENDATION

N/A

ALTERNATIVES FOR CONSIDERATION

N/A

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Economic Prosperity and Growth

Hamilton has a prosperous and diverse local economy where people have opportunities to grow and develop.

APPENDICES AND SCHEDULES ATTACHED

N/A

CG:dt

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.



CITY OF HAMILTON
CORPORATE SERVICES DEPARTMENT
Financial Services

TO:	Mayor and Members General Issues Committee
COMMITTEE DATE:	June 06, 2018
SUBJECT/REPORT NO:	Open Government: Access to Information for City of Hamilton Funded Boards and Agencies (FCS18050) (City Wide) (Outstanding Business List Item)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Bev Neill (905) 546-2424 Ext. 6274
SUBMITTED BY:	Rick Male Director, Financial Services, Taxation and Corporate Controller Finance and Corporate Services Department
SIGNATURE:	

RECOMMENDATION

In accordance with the motion approved at the October 18, 2017, General Issues Committee, the organizations listed in Appendix "A" to Report FCS18050 be requested to post board agendas, minutes and all associated accompanying presentations and documents, inclusive of financial statements.

EXECUTIVE SUMMARY

The following motion was put forward and approved at the October 18, 2017, meeting of the General Issues Committee and was referred to staff for a report back;

Open Government: Access to Information for City of Hamilton Funded Boards;

That all external boards and agencies that receive a substantial funding contribution from the City of Hamilton be requested to develop policies or practices that are similar to the City's, in regard to posting board agendas, minutes and all associated accompanying presentations and documents, inclusive of financial statements.

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

**SUBJECT: Open Government: Access to Information for City of Hamilton
Funded Boards and Agencies (FCS18050) (City Wide) (Outstanding
Business List Item) - Page 2 of 3**

City staff investigated and compiled information for the 33 Boards and Agencies that received funding through the 2017 Council Approved Budget and/or included City of Hamilton Elected Officials or Council appointed members on their boards.

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: None

Staffing: None

Legal: None

HISTORICAL BACKGROUND

The information in the Appendixes to Report FCS18050 (Appendix “A”, Appendix “B” and Appendix “C”), was compiled from a list provided by Clerks of all Boards and Agencies that include Elected Officials and or Council appointed citizens in their membership and the 2017 Boards & Agencies Council Approved Budgets. Staff reviewed the websites for each of the organizations listed in order to verify whether agendas and minutes are made available to the public.

Appendix “A” to Report FCS18050 is a list of Boards and Agencies that receive substantial funding from the City of Hamilton (City) and do not publish their agendas or minutes. The list includes amounts funded by the City and the names of Elected Officials and/or Council appointed members on their boards.

Appendix “B” to Report FCS18050 is a list of Boards and Agencies that have Elected Officials and/or Council appointed members on their Boards and do not publish their agendas or minutes. The list includes the names of Elected Officials and/or Council appointed members on their Boards.

Appendix “C” to Report FCS18050 is a list of Boards and Agencies that currently publish their agendas and minutes. The list includes amounts funded by the City and/or the names of Elected Officials and/or Council appointed members on their boards.

As the organizations listed on Appendix “A” and “B” are being substantially funded by the City or have Council appointed representation on their boards, it is being recommended that these Boards and Agencies be requested to publish their agendas and minutes. This is in keeping with the City of Hamilton’s Corporate Priorities which include having an open, transparent and accessible approach to City government that engages with and empowers all citizens to be involved in their community,

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

**SUBJECT: Open Government: Access to Information for City of Hamilton
Funded Boards and Agencies (FCS18050) (City Wide) (Outstanding
Business List Item) - Page 3 of 3**

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Report FCS18050 meets the requirements of the City of Hamilton's 2016 – 2025 Strategic Plan – Community Engagement & Participation

- That the City of Hamilton has an open, transparent and accessible approach to City government that engages with and empowers all citizens to be involved in their community.

RELEVANT CONSULTATION

City Clerk – Corporate Services

Financial Planning, Administration and Policy – Corporate Services

ANALYSIS AND RATIONAL FOR RECOMMENDATION

Not Applicable

ALTERNATIVES FOR CONSIDERATION

Not Applicable

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement & Participation

Hamilton has an open, transparent and accessible approach to City government that engages with and empowers all citizens to be involved in their community.

Our People and Performance

Hamiltonians have a high level of trust and confidence in their City government.

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” to Report FCS18050 – List of Boards and Agencies That Receive Budget, But Do Not Publish Agendas or Minutes

Appendix “B” to Report FCS18050 – List of Boards and Agencies with Elected Officials/Council Appointed Members That Do Not Publish Agendas or Minutes

Appendix “C” to Report FCS18050 – List of Boards and Agencies That Publish Agendas and Minutes

BN/dw

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

BOARD/AGENCY NAME	2017 BUDGET	PUBLISHED MINUTES & AGENDAS?		COMMENTS	Included in the Annual Remuneration Report	COUNCIL MEMBERS	COUNCIL APPOINTED CITIZENS
		YES	NO				
Art Gallery Hamilton	\$ 1,000,000.00		x		No	Pearson,Skelly	Keith Scott, Jiemin Zheng
Theatre Aquarius Board	\$ 250,000.00		x		No	Conley, Pasuta, VanderBeek	
Royal Botanical Gardens	\$ 616,090.00		x		No	A. Johnson	
Hamilton Beach Rescue Unit	\$ 130,390.00		x		No		
MPAC	\$ 6,417,100.00		x				

BOARD/AGENCY NAME	2017 BUDGET	PUBLISHED MINUTES & AGENDAS?		COUNCIL MEMBERS	COUNCIL APPOINTED CITIZENS
		YES	NO		
Association of Municipalities of Ontario (MFOA)	\$ -		x	Whitehead	
Hamilton Licensing Tribunal	\$ -		x	Whitehead,Collins,Pasuta,Green,Johnson	
International Children's Games Committee	\$ -		x	B. Johnson	
DARTS	\$ -		x	A.Johnson, Whitehead	
Dundas Centre Arts Board	\$ -		x	VanderBeek	
Dundas Community Services	\$ -		x	VanderBeek	
Halton Hamilton Water Source Protection Committee	\$ -		x	Partridge	
Hamilton Arts Council	\$ -		x	Merulla	
Hamilton Centre Civic Inclusion	\$ -		x	Green, Merulla	
Hamilton Future Fund Board	\$ -		x	Eisenberger,Conley,Partridge,Whitehead	RBagdonas,JBrisbin,KBoyer,JBozzo,SMacDonald,TCrugnale,MDdickson,JKirkpatrick,AMacaluso,SManchia,MScime,KWakeman,TWeisz
Hamilton Port Authority	\$ -		x		TBD
Hamilton Renewable Power Inc	\$ -		x	Green, Pearson,Johnson,Ferguson	Staff
Heritage Green Community Trust	\$ -		x	Conley	
Hamilton Utilities Corporation	\$ -		x	Pearson	J.Rinaldo, C Wessel, C. Malo, L.Tugman, D. Wilson
Alectra Utilities	\$ -		x	Eisenberger	P. Benson

BOARD/AGENCY NAME	2017 BUDGET	PUBLISHED MINUTES & AGENDAS?		COUNCIL MEMBERS	COUNCIL APPOINTED CITIZENS
		YES	NO		
Hamilton Farmers Market	\$ 109,450.00	x		Farr, Pasuta	Wilf Arndt, Elly Bowen, Marisa DiCenso, Stu Laurie, Eric Miller
Conservation Halton	\$ 202,030.00	x			Joanne Di Maio, Edward Wells
Grand River Conservation Authority	\$ 263,510.00	x			George Stojanovic
Hamilton-Burlington SPCA	\$ -	x		Johnson, Merulla	
City Housing Hamilton	\$ -	x		Collins,Conley,Farr,Green,Jackson	Patricia Reid,Carmine Filice, Jacqueline Aird,Tony Lemma
Greater Toronto Transportation Authority	\$ -	x		Eisenberger	
Hamilton Conservation Authority	\$ 4,313,970.00	x		Collins,Conley,Ferguson,Johnson,Pasu	DBowman, KBrown,B Gautreau, Santina Moccio, Maria Topalovic-Jones
Hamilton Library Board	\$ 29,338,880.00	x		Patridge,Pearson	JGautrey, MLeach,DBrown,Vcecchetto,SFawcett,GGeczy,JKirkpatrick,LSpence-Smith,CWagner
Hamilton Police Services Board	\$ 156,616,870.00	x		Eisenberger, Ferguson, Whitehead	Walt Juchniewicz
Hamilton Waterfront Trust	\$ -	x		Farr, Jackson	Robert Charters, Ernest Eberhard
Niagara Escarpment Commission	\$ -	x		VanderBeek	
Niagara Peninsula Conservation Authority	\$ 549,060.00	x			James Beattie, James Kaspersetz
Terrepure Community Liaison Committee	\$ -	x		Conley, Pearson	

6.1

HWDSB proposal for City of Hamilton property acquisition payments

Presented to General Issues Committee (GIC) – June 6, 2018

Presented by Todd White, Chair of the Board, Hamilton-Wentworth District School Board

Whereas the City of Hamilton is a valued partner with Hamilton-Wentworth District School Board and;

Whereas, the City of Hamilton is identified as a preferred agent within Ontario Regulation 444/98, in which surplus properties identified by the Board are circulated prior to the property being released to the general public and;

Whereas, the City of Hamilton budgets a fixed dollar amount on an annual basis for the purpose of purchasing HWDSB surplus property.

Hamilton-Wentworth District School Board is presenting an offer to the City of Hamilton to set a maximum payment amount for the acquisition of school-board property, should the City be the successful bidder. This agreement shall be for a period of 5 years and then reviewed.

Recommendation: Be received and referred to the General Manager of Planning and Economic Development and the City Solicitor for review, in consultation with HWDSB staff, and report back to the General Issues Committee.

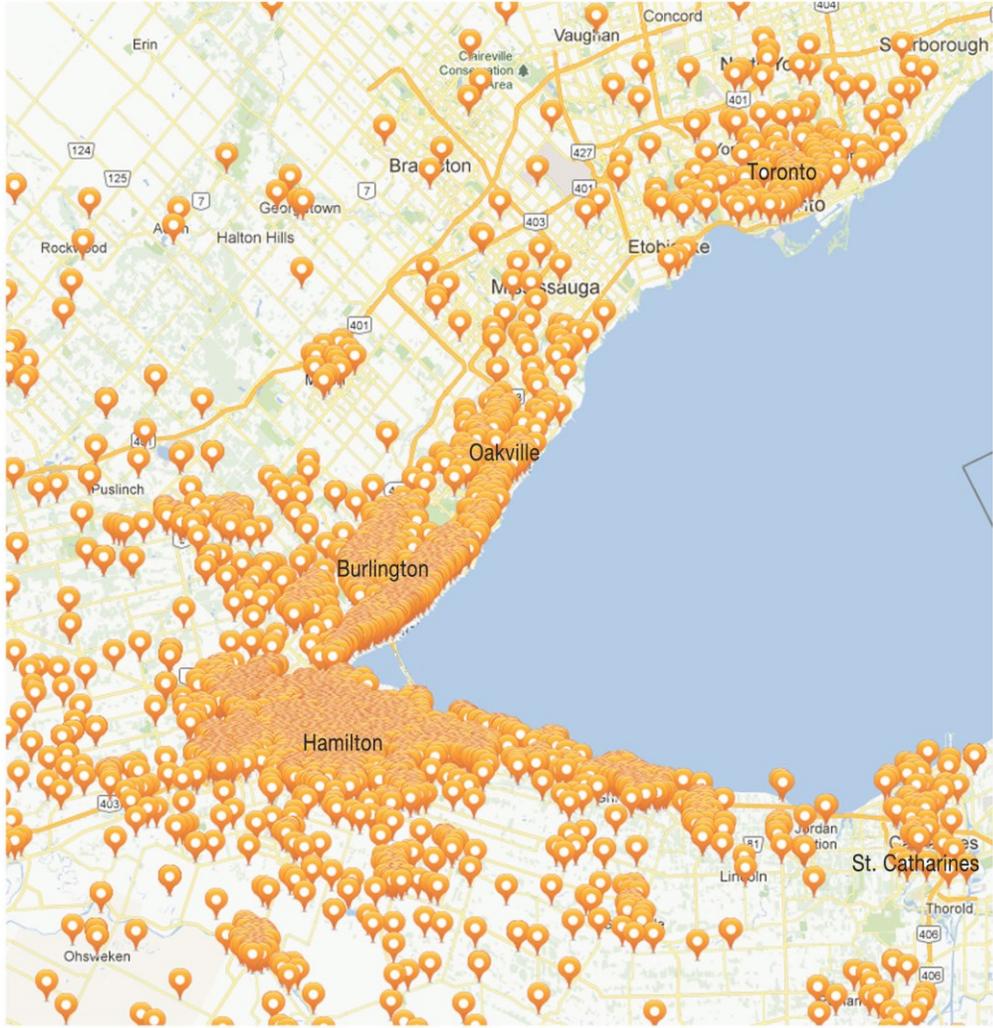
THANK YOU



122 LOCAL ARTISTS & TECHNICIANS



NEW AUDIENCES



120,000+
visitors
annually into
Downtown
Hamilton

Each  represents a unique household that attended Theatre Aquarius in the last year.

ECONOMIC ENGINE

87.4% of patrons dine locally when attending (104,880+ diners avg. \$42 each)
(Source: 2016 Patron Survey) **\$4,405,000**

83.1% of patrons paid for parking when attending (avg. price \$5.07)
(Source: 2016 patron survey) **\$252,000**

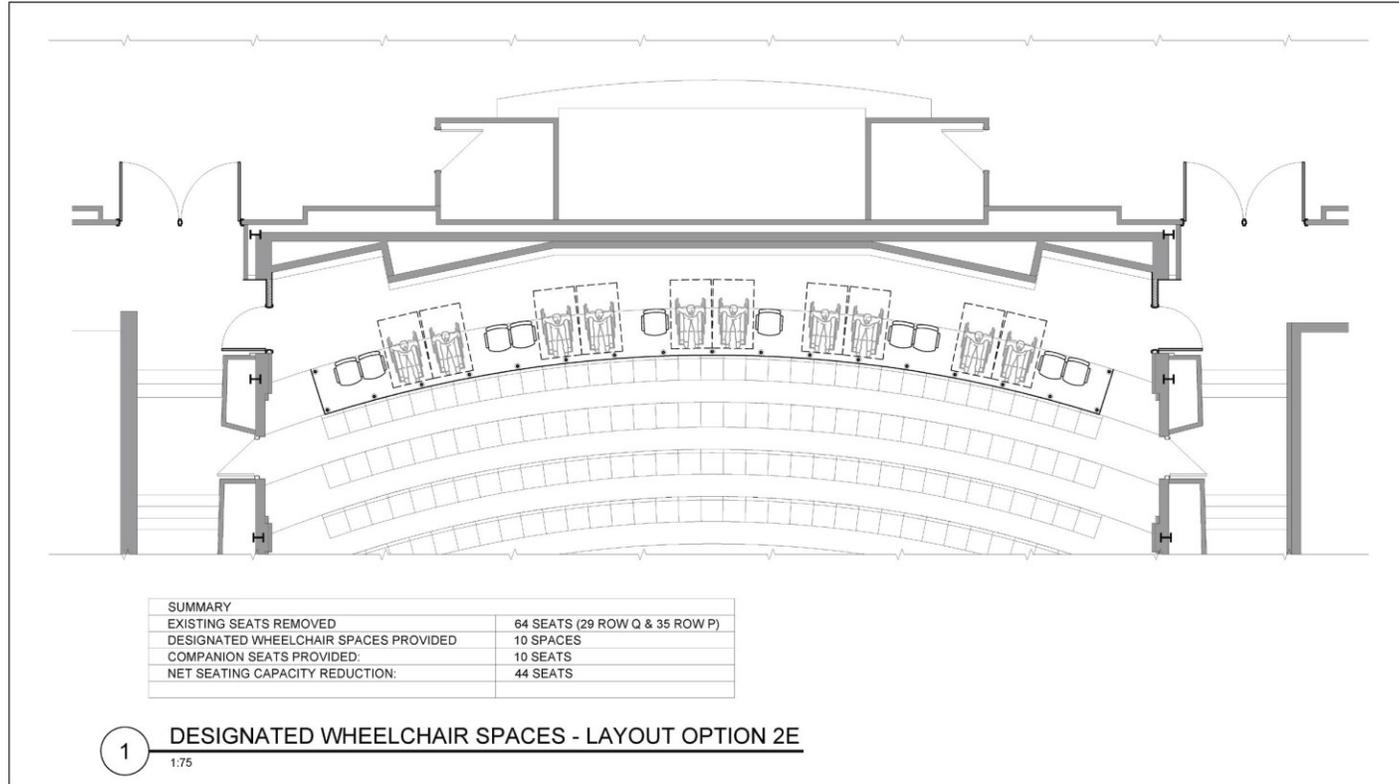
Materials and construction supplies purchased from local vendors annually **\$1,800,000**

Economic activity generated annually (incl. approx. 100 person-years of employment)
(Source: Ontario Arts Council - Assessing the Local Impact of the Arts) **\$6,200,000**

Direct economic benefits to downtown Hamilton **\$12,657,000+**

Theatre Aquarius is an anchor for the revitalization of Downtown Hamilton and a key partner in Urban Renewal

ACCESSIBLE TO ALL





- ✓ Culture as an Economic Engine
- ✓ Downtown Renewal
- ✓ Quality of Life Quality of Place
- ✓ Building Tourism
- ✓ Neighborhood Revitalization
- ✓ Building Community Identity, Pride and Image
- ✓ Encouraging & Welcoming Communities
- ✓ Creativity for All

THANK YOU



Shekar Chandrashekar
39 Haddon Ave. South
Hamilton ON L8S 1X5
Email: shekarfamily@hotmail.com
Tel: (905) 525-3082
Date: June6, 2018

Mr. Mayor and Madam Chair and Members of G.I.C. Committee

Attention: Stephanie Paparella, Legislative Coordinator

Dear Ms. Paparella

Re: To provide documentation in response to FCS 18030 in support of private delegation to G.I.C. Committee and to City Council

I am providing this written submission because it is a more effective tool than a verbal presentation as it gives no room for a distortion of the facts and takes the pressure off the time limitation for a verbal presentation.

In "Information Report 5.3", staff recommended to the A & A Committee that **"No further action is required to address the concerns raised by Mr. Chandrashekar"**.

My response to that is:

From a staff point of view, it may not require further action but from the point of view of this private citizen and that of taxpayers, **it is not the case**. Madam Chair, you are elected to place taxpayers' interests first. A & A Committee based a decision on inaccurate information provided to A & A committee without permitting a rebuttal. A & A Committee response is not conducive to **good leadership**.

Proposal:

- a) Increase delegate presentation time from 5 minutes to 10 minutes. This would conform to other Municipalities and Police Services Boards. This change would keep up current practice in other boards.
- b) The chairperson must review the staff report before it comes before the Committee to ensure that any fundamental rights of private citizens to provide representation have not been bypassed. The justification from staff to any questions from the public is to respond that it was approved by Council. That response is inadequate as the recommendation for approval came from staff therefore the explanation and defense of the approval should come from staff.

I take exception to the report's response under item 15: "This is Mr. Chandrashekar's personal opinion and no question was posed". This should have been reported as follows; **"disagreed and no question was posed."** The author of the report has responded in such a way as to undermine the credibility of a concerned private citizen.

The report does confirm that all accounting records go through City of Hamilton books. This fact has also been agreed by the Hamilton Police Chief. The report also confirms that according to Municipal Act S285, S286 and S287, Police Services accounting is the responsibility of the General Manager of Finance and Corporate Services. It further confirms that the Municipal Act overrides the Police Act in relation to accounting records.

The author of report FCS 18030 has combined my concerns regarding Hamilton Police Services and regarding the City of Hamilton in the same report. I will separate my responses to Hamilton Police Services from those of the City of Hamilton. I will address Hamilton Police Services to HPSB directly as I have in the past. As a result my responses are limited **to City of Hamilton only**. With that, I have highlighted a few items that I have **always** addressed with facts and supporting evidence. They are:

Item 1)

FOI Request for Police accounting records:

Staff response:

The information Privacy has ruled that this information is the property of HPS and should come from HPS, not the City of Hamilton.

Private Citizen Response: The issue was why has the City transferred FOI requests to Hamilton Police Services without advising the FOI requestor? This was not addressed in the staff report. The author of the report does not address my concern that my request was forwarded without informing me.

The report, FCS 18030, should have been forwarded to the HPSB before being presented to the A&A committee. The presentation to the A&A committee included the Police Services portion with the City portion; however, the HPSB had not approved their portion. **Again it is incorrect information.**

Item 2)

There were errors on the City's remuneration and expenses report.

Staff response:

Mr. Chandrashekar submitted a FOI to HPS seeking details of Board member expenses. HPS asked the Manager of Accounts Payable, Accounts Receivable and Business Application Support, for information regarding conference expenses which was then provided to Mr. Chandrashekar. The amounts provided did not include airfares for Madeleine Levy and Ms. Nancy Di Gregorio, as these were paid via credit card and not reimbursed through the submission of the travel expense form and receipts. Instead the airfares were submitted as part of monthly expenses and reimbursed through payroll. These amounts were captured and correctly reported on the Remuneration and expenses report (all expenses including conferences and mileage are combined and shown as expenses on this report)

Private Citizen Response:

First, the remuneration and expenses report **was not approved by HPSB before it went to City Council**. The author of this report does not acknowledge that this was an error. How long did it take to find out that there was millions in **missing cash at the Farmer's Market?** It is incorrectly presented to the A & A at their March 26, 2018 meeting. There were significant differences between what the City reported and what I obtained through FOI from Hamilton Police Services. When I pointed this out, I received **an intimidating memo** in response. **All copies are attached.**

Item 3)

Finance Staff didn't submit claim for \$90,000 of funeral expenses

Staff response: Mr.Chandrashekar did not provide details as to which funeral this was in reference to. Staff was not able to find information pertaining to this assertion. The staff member Mr. Chandrasekhar said made the statement no longer works at the City.

Private Citizen Response: Again the author of this report is misinforming the committee. The information was provided to **City staff on June 12, 2015.**

Questions to ask:

- Why didn't staff take any action to recover Hamilton taxpayers' dollars?
- Why did it take so long to answer private citizen's concern?
- Why is city staff saying that I didn't provide details when I provided it to the Director? He was not a junior clerk.
- It has taken 3 years to provide a report to A & A committee.

All documents are attached.

Item 4)

Chief and Deputies provided with car and car allowances. Mr. Chandrashekar claims the City absorbed these costs.

Staff response: These costs are taxable benefits and were charged through Payroll to HPS salary/ benefits accounts. The City does not absorb these costs.

Private Citizen Response: It is related to Police Services and will be addressing directly to HPSB directly.

Item 5)

The City no longer publishes detailed line budget. Why not?

Staff response: City Council approved revisions to the budget process, moving to service level performance measures and multi-year budgeting.

Private Citizen Response: This does not answer my question because multi-year budgeting started in 2018. I have now received a confirmation from the manager of current budget that **no detail line budget has ever been presented to Council.** The author of the report seems to imply that line budgeting occurred prior to 2018 and implies that line budgets were provided to Council. **The report is favorable to staff in that once Council has approved an issue, staff can disassociate themselves on the basis that Council has given its approval.**

Copy attached

Item 6)

Why does City need 19 communication officers?

Staff response: “Staff from the City Manager’s office has had numerous discussions with Mr. Chandrashekar in person, via phone and e-mail, explaining the duties of the communication officers and the communication officer staffing level at the city and other Municipalities.”

Private Citizen Response: Correction: The information originally given to me was 18 persons. It is actually 22. Since it is 22, it makes it more questionable.

Yes, I have had communications on this matter with Ms. McKinney, Ms. Mercanti and with the City Manager. I had received an incorrect organizational chart from City Staff. During 2018 budgeting deliberation, Councilor Chad Collins was much interested in the number of Media and Communications and Customer services. I provided actual information and detailed reports to Councilor Chad Collins and Councilor Tom Jackson but they took no action. **Why not?** There is a correlation between the number of elected members and the number of staff, in my opinion. The City of Toronto has **25 media** staff and the City of Hamilton **has 22**. The City of Toronto has customer services staff of **120** and the City of Hamilton has **52**. **Why are there so many in Hamilton? Isn't it overburdening taxpayers?** Toronto is a world class city with a population of 2.8 million. The City of Toronto has 40 million tourists annually and the City of Toronto has numerous T.V stations, Radio stations, newspapers and national sports leagues and is a Provincial Capital **and much more**.

Question to ask, what about City of Hamilton?

The City Council should take a leadership role to reduce the Media and Communications plus Customer Services staff proportionately to that of Toronto. Then:

- Doesn't this solve Hamilton's current budget crisis?
- Doesn't this alleviate Hamilton's Taxpayer burden?

Copies are attached.

Items 7 and 8

Staff response: Why did the City hire externally for a manager of Accounting Services and a City Solicitor when there were qualified internal candidates and it was appropriate to go internal?

The reports reply is: ‘This is Mr. Chandrashekar’s **personal opinion**, no response provided’

Private Citizen Response: Again, an appropriate response would have been “**disagree or no comment**”. Furthermore, I disagree with that explanation because one of the applicants was well qualified but that person **did not get an interview**.

Another person was hired from outside and that person was let go because of the **”Ice Dogs flap”**

Copy attached.

Appendix “A” is related to HPSB. I will be addressing them directly.

Conclusion:

Mr. Mayor and Madam Chair and Members of G.I.C. as a private citizen, I appeal to you directly to recognize that since you are elected representatives, your priorities are the taxpayers and their interests.

Part of the budgeting problem is that there is close relationship between Council members and staff. This was confirmed by Andrew Dreschel's comment in an article he wrote: "You have to wonder why the same constraints and courtesies that protect staff aren't extended to the public at large. They are, after all, the very people who pay the salaries of staff and councilors"

I appeal to you to also recognize that reports are **written in such a way that you will agree with staff**. Once you approve such a report, it becomes a final decision. As decision makers you should ask questions as follows:

- Why did it take over 3 years to respond?
- Was there any back up to support concerns from the private citizen?
- Why has the staff report been written in point form without making reference to supporting documents?
- Why were Council members silent?

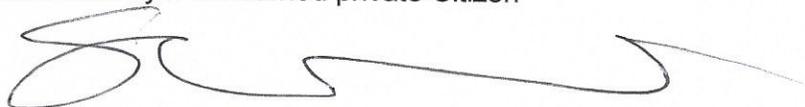
I have provided documents with supporting materials. It is the responsibility of staff to provide **accurate information to facilitate decision makers and to have an opportunity for a discussion in a public forum**. Without such an open discussion there is a material impact on Hamilton taxpayers.

Mr. Mayor and members of G.I.C. committee, the municipal election is approaching. According to the December 31, 2017, salary disclosures, total salary paid to City of Hamilton staff persons who make over \$100,000 is \$187 million dollars. This is a concern.

My mission is Taxpayers

We are no longer living in Dark ages. We are living in Digital world. Velocity of Information travels faster than light.

Respectfully submitted by a concerned private Citizen

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke extending to the right.

From: Shekar Chandrashekar <shekarfamily@hotmail.com>
Sent: March 27, 2018 12:28 PM
To: Rick Male
Cc: mike.zegarac@hamilton.ca; John Randazzo; ted mason; McRae, Angela
Subject: Re: Letter of Intimidation

This is for the record

From: Shekar Chandrashekar <shekarfamily@hotmail.com>
Sent: March 27, 2018 2:23 AM
To: Rick Male
Cc: mike.zegarac@hamilton.ca; John Randazzo; ted mason; McRae, Angela
Subject: Letter of Intimidation

This will be attached for April 9,2018 A & A

From: Shekar Chandrashekar <shekarfamily@hotmail.com>
Sent: June 11, 2014 3:36 PM
To: Rick Male
Subject: Letter of intimidation

Another member of the police Board went to couple of conferences but never reported
This is for your information only

Subject: Letter of Intimidation
Date: Tue, 3 Jun 2014 12:04:39 -0400
From: Rick.Male@hamilton.ca
To: shekarfamily@hotmail.com

You will have to ask Police to explain the differences. They provide us the amounts to report. I'm not getting dragged into the middle of something between you and Police and I won't let you drag my staff into it either.

From: Shekar Chandrashekar [mailto:shekarfamily@hotmail.com]
Sent: June-03-14 10:31 AM
To: Male, Rick
Subject:Letter of Intimidation

I directly appeal to you.

Please, help me with this.From police i have obtained through FOI. Remuneration and expenses reported by the City as required under S 284 of the Municipal Act.FCS14006 City wide prepared by Bev Neill Dated March 24,2014.

	2013 Report	PSB FOI Info	Difference	Description
<u>Nancy DiGregorio</u>				
Police Association of Ontario Labour Conference				
Toronto, Ontario				
March 4-5, 2013	1,185.13	1,185.13		
Ontario Police Sevices Board Conference				
Toronto, Ontario				
May 29-June 1, 2013	743.53	743.53		
Canadian Association of Police Boards				
Saskatoon, SK				
August 14-17, 2013	2,427.28	2,427.28		
International Association of chiefs of Police				
Philadephia, PA				
October 18-23, 2013	2,816.24	2,816.24		
OAPSB Labour Seminar				
Toronto, ON				
November 3-5, 2013	889.83	889.83		
Cell Phone	803.58		803.58	Mileage & Other Expenses form
Meeting/Mileage	1,159.17		1,159.17	Mileage & Other Expenses form
Airfare *	759.17		759.17	Mileage & Other Expenses form
Total	10,783.93	8,062.01	2,721.92	
	2,013.00	PSB FOI	Difference	Description
	Report	Info		

<u>Madeleine Levy</u>				
Canadian Association of Police Boards				
Saskatoon, SK				
August 14-17, 2013	2,454.02	2,454.02		
International Association of chiefs of Police				
Philadephia, PA				
October 18-23, 2013	2,644.62	2,644.62		
OAPSB Labour Seminar				
Toronto, ON				
November 3-5, 2013	1,028.25	1,028.25		
Airfare *	759.17		759.17	Mileage & Other
Total	6,886.06	6,126.89	759.17	Expenses form
* Note: This item was overstated on the report as it had				
been included as a prepaid item on the travel form and reimbursed				
on a Mileage and Other Expenses form				

From: Shekar Chandrashekar <shekarfamily@hotmail.com>

Sent: March 27, 2018 3:19 PM

To: Rick Male

Cc: mike.zegarac@hamilton.ca; chris.murray@hamilton.ca; Charles.Brown@hamilton.ca

Subject: See attached

If the report was presented on timely result would have been different. It took over 3 years

Item 3 and item 7 attachments related to them. I will be addressing all these to A & A After Tony left to library there were internal applicants but no interview was given to at least one qualified person. Also that person left shortly but again new hire externally

PS: I will be addressing HPSB directly related to that.

Minutes of the meeting

Present: Mr. Kirkopoulos
Shekar

Where: Mr. Kirkopoulos' office

When: June 12, 2015

Time: 11:00 AM

Subject: Outstanding Items

Shekar explained in detail and provided the following supporting documents:

- Rulings from Information Privacy commissioner's office with respect to Deep River Police Services Board and City of Greater Sudbury. These rulings are applicable to Boards, Agency and Municipalities. They clearly state Taxpayers' interests.
- Covering Letter, File 15-015, dated March 5, 2015, with respect to FOI request for State funeral costs for Lincoln Alexander (2012) and Nathan Cirillo (2014).
Record Search \$75.00 and copying \$0.20 cents
Actual City Costs: Lincoln Alexander \$6,063.35 and Nathan Cirillo \$85,049.20
- General Accounts Receivable Greater than \$1,000. Refer Appendix "A" to Report FCS 15028. This was initiated by the City not by Police Services but is related to Police Services, I requested this FOI from the City. I have not received any response from the City yet. I paid the fee of \$5.00.
- Email from Amy Bodner advising me that audit findings will not be discussed nor released until presented to A & A, yet it was released a month earlier to City staff to prepare response favorable to Police Board. Why?
My response to A & A expressing my disappointment and indicating that the report was not independent and unbiased.
This is still an outstanding issue with me.
- Always followed protocols

Mr. Kirkopoulos:

Mr. Kirkopoulos said he would take judicial and impartial action on three of Shekar's concerns, specifically:

5 ITEM 3

- The City did not claim Federal Government funding for a state funeral costing over \$85,000 but the City charged over \$75 to a taxpayer to find out this information. (Record searches \$75, copy of 1 page \$0.20). Shekar has no problem paying for copying charge but charging for a search for information that should have been readily available is excessive. Also, does this support an objective of good customer service which is the primary objective of the City Manger?
- General Accounts Receivable Report FCS 15028, initiated by the City not by Police Services.
- Email from Amy Bodner advising me that audit findings will not be discussed nor released until presented to A & A, yet it was released a month earlier to City staff to prepare response favorable to Police Board.

Understanding:

Next meeting is scheduled for July 2, 2015 @ 11:00 AM



Hamilton

Debbie-Ann Rashford
Office of the City Clerk - Freedom of Information section
City Manager's Office
debbie-ann.rashford@hamilton.ca
Phone (905) 546-2424 x4350 Fax # (905) 546-2095

March 5, 2015

Mirle B. Chandrashekar
39 Haddon Avenue South
HAMILTON ON L8S 1X5

Dear Mirle Chandrashekar

Re: Freedom of Information Request #15-015

I am writing to you in regard to the above-noted subject and further to my letter dated February 12, 2015.

City department staff completed record searches and provided our office with responsive information concerning the City expenses for the funeral of former Lt. Governor Lincoln Alexander and Cpl. Nathan Cirillo. No responsive records have been identified by staff with respect to Federal or Provincial reimbursements to the City of Hamilton.

A record has been prepared that contains expense information by City department and will be disclosed to you upon payment of the processing costs assessed to this request.

PROCESSING FEES

Section 45 (1) of the *Municipal Freedom of Information and Protection of Privacy Act* (the *Act*) requires the person who makes a request for access to a record, to pay fees in the amounts prescribed by the *Act's Regulations*. The processing fees for request #15-015 are as detailed below.

• Record Searches – 150 minutes @ \$7.50 per 15 minutes	=	\$75.00
• Copy 1 page @ 20 cents per page	=	\$.20
TOTAL		<u>\$75.20</u>

Please direct your payment to my attention and reference freedom of information file #15-015. Payment to the *City of Hamilton* is due by **March 26, 2015**, otherwise the City will consider the request to be abandoned and the file will be closed.

The *Act* provides that all or part of the fee can be waived if in our opinion it is fair and equitable to do so, if the fee will cause you a financial hardship or if dissemination of the record will benefit public health or safety.

Please contact me if you have any questions regarding this decision. If you have questions about the record contents please direct your inquiry to **Mike Kirkopoulos** – Director of Communications & Intergovernmental Affairs, City Manager's Office, at (905) 546-2424 ext. 2261.

March 5, 2015

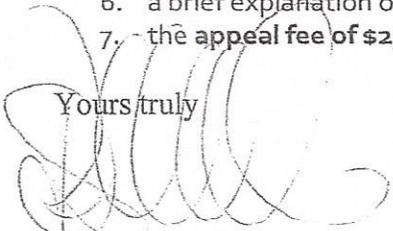
#15-015

Pursuant to section 39 of the *Act*, you may also request a review of the City's access decision within 30 days of the date of the decision by sending a completed *Appeal Form* (available at www.ipc.on.ca) or letter to the IPC Registrar, Information and Privacy Commissioner/Ontario, 2 Bloor Street East, Suite 1400, Toronto, Ontario, M4W 1A8, telephone: 1-800-387-0073.

The appeal should include:

1. your name, address and telephone number;
2. the government organization's name (City of Hamilton);
3. the freedom of information request file number;
4. a copy of the City's decision letter;
5. a copy of your request;
6. a brief explanation of the basis for the appeal; and,
7. the appeal fee of \$25.00, payable to the Minister of Finance

Yours truly



Debbie-Ann Rashford
Access & Privacy Officer

/dcr

15-015 FUNERAL COSTS - L. ALEXANDER, N. CIRILLO

Lincoln Alexander (2012)

City Clerk \$3,875.71 catering, floral arrangements
 Finance \$0.00
 Fire \$0.00
 Public Works \$944.64 horticulture
 HSR \$0.00
 Traffic \$0.00
 other City depts/div \$1,243.00 flowers
 Tourism & Culture \$6,063.35

Nathan Cirillo (2014)

\$29.36 flowers
 \$16,118.40 facility rental, map plots
 \$8,433.10 staffing
 \$54,439.48 parks, cemeteries, horticulture, labour, vehi
 \$5,588.51 bus charters incl drivers, staff
 \$440.35 labour, vehicle
 \$0.00
 \$85,049.20

COPIED

NEWS Feb 24, 2015 by [Bill Dunphy](#) Hamilton Spectator

Policing at Cirillo's funeral cost \$296,000

Lincoln Alexander's funeral cost Hamilton police \$83,000, after province paid half

NEWS Feb 24, 2015 by [Bill Dunphy](#) Hamilton Spectator

Hamilton police say the full cost to the service for assisting in the funeral of Cpl. Nathan Cirillo was \$296,097.41 - Instagram

Cpl Nathan Cirillo's funeral procession in Hamilton. - The Hamilton Spectator file photo

It was, according to local historians, the biggest funeral this city is likely to see in a lifetime — and also likely the costliest.

In response to a Freedom of Information request from a private citizen, Hamilton police say the full cost to the service for assisting in the funeral of Cpl. Nathan Cirillo was a whopping \$296,097.41, slightly under original estimates of about \$310,000.

Cirillo, 24, was a member of the Argyll and Sutherland Highlanders, and was an unarmed honour guard at the National War Memorial in Ottawa on Oct. 22 when he was shot and killed by Michael Zehaf-Bibeau.

Zehaf-Bibeau then rushed into the Parliament buildings, shooting and injuring another guard before he himself was shot and killed. His rampage was described as an act of terrorism by the federal government.

We have not received any funding to offset incurred costs and none is expected.

Catherine Martin

Hamilton police corporate communicator

Cirillo, a city resident and father, received a full military funeral in Hamilton six days later that included thousands of military, police and firefighters, as well as Prime Minister Stephen Harper and the leaders of the opposition parties.

Security was high for the funeral and along the procession route and included road closings, security sweeps, snipers on rooftops and fully equipped emergency response teams on site and on standby.

Many more thousands of Hamiltonians lined the streets for the funeral procession and watched the services from First Ontario Centre.

"I don't think there is any comparison to any funeral that has taken place in the city," local historian Robin McKee told The Spectator.

"It is absolutely the biggest we will see in our lifetime."

Published reports estimate the city's costs at about \$70,000, and both the city and police said they would be seeking reimbursement from senior levels of government.

But on Monday, police corporate communicator Catherine Martin said "we have not received any funding to offset incurred costs and none is expected."

Total costs to the taxpayers of Canada would include many tens of thousands of dollars more for the travel and accommodation costs of the many, many dignitaries, military and emergency services personnel.

The only comparable funeral in the city's recent past was the official state funeral provided for former Lt.-Gov. Lincoln Alexander.

In the same Freedom of Information request response, Hamilton police said they were reimbursed for half of their costs associated with Alexander's funeral — resulting in a net cost to the service of \$82,633.83.

bdunphy@thespec.com

905-526-3262 | @BillAtTheSpec

11

TUESDAY, FEBRUARY 24, 2015

THE HAMILTON SPECTATOR • THE SPEC.COM



Policing at Cirillo's funeral cost \$296,000

Lincoln Alexander's funeral cost Hamilton police \$83,000, after province paid half

L. DUNPHY
Hamilton Spectator

was, according to local historians, the biggest funeral this city is likely to see in a lifetime — and also likely the costliest.

In response to a Freedom of Information request from a private citizen, Hamilton police say the cost to the service for assisting the funeral of Cpl. Nathan Cirillo was a whopping \$296,097.41, about \$310,000.

Cirillo, 24, was a member of the

was shot and killed by Michael Zehaf-Bibeau.

Zehaf-Bibeau then rushed into the Parliament buildings, shooting and injuring another guard before he himself was shot and killed. His rampage was described as an act of terrorism by the federal government.

Cirillo, a city resident and father, received a full military funeral in Hamilton six days later that

included thousands of military police and firefighters, as well as Prime Minister Stephen Harper and the leaders of the opposition parties.

Security was high for the funeral and along the procession route and included road closings, security sweeps, snipers on rooftops and fully equipped emergency response teams on site and on standby.

Many more thousands of Hamiltonians lined the streets for the funeral procession and watched the services from First Ontario Centre.

"I don't think there is any comparison to any funeral that has taken place in the city," local historian Robin McKee told The Spectator.

"It is absolutely the biggest we will see in our lifetime."

Published reports estimate the city's costs at about \$70,000, and both the city and police said they would be seeking reimbursement from senior levels of government.

any funding to offset incurred costs and none is expected.

Total costs to the taxpayers of Canada would include many tens of thousands of dollars more for the travel and accommodation costs of the many, many dignitaries, military and emergency services personnel.

The only comparable funeral in the city's recent past was the official state funeral provided for former Lt.-Gov. Lincoln Alexander.

In the same Freedom of Information request response, Hamilton police said they were reimbursed for half of their costs associated with Alexander's funeral — resulting in a net cost to the service of \$82,633.83.

We have not received any funding to offset

RE: Simple Request

HT

Hewitson, Tom <Tom.Hewitson@hamilton.ca>

Reply
Tue 04-03, 2:15 PM

Zegarac, Mike (Mike.Zegarac@hamilton.ca)

You forwarded this message on 2018-04-03 2:48 PM

No, not since amalgamation. I cannot speak to prior years.

Tom

From: Shekar Chandrashekar [mailto:shekarfamily@hotmail.com]
Sent: April-03-18 9:41 AM
To: Hewitson, Tom
Cc: Zegarac, Mike
Subject: Simple Request

Good Morning Tom
Was there a time City produced detail line budget prior to 2018?
Tom always thankful
shekar

ITEM 5 PAGE 12 A

From: Shekar Chandrashekar <shekarfamily@hotmail.com>

Sent: March 27, 2018 9:33 AM

To: Rick Male

Cc: mike.zegarac@hamilton.ca; tom.jackson@hamilton.ca; Chad Collins;

Charles.Brown@hamilton.ca; McKinney, Andrea; McRae, Angela; Cindy.Mercanti@hamilton.ca

Subject: See Attached

These were given to Councilor Jackson and Councilor Chad Collins during Budgeting deliberations and they are decision makers.

Informations received from Ms.McKinney and Ms.Mercanti

a) Incorrect is 18 not 19 per Ms.McKinney(If it is 19 makes it worse)

b) Incorrect Jane Lee had retired years ago.

These will be attached and I will be addressing to April 9,2018 A & A

ITEM 6

13

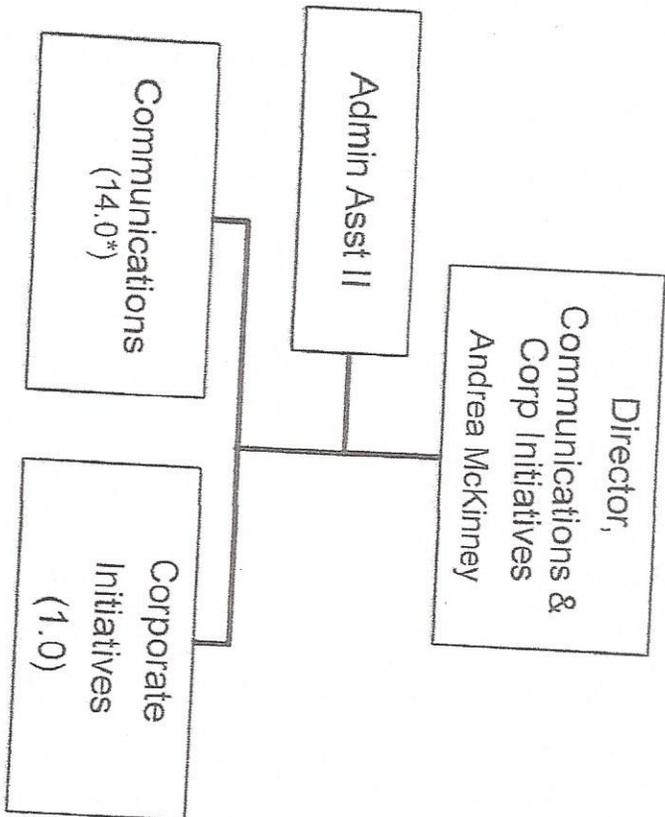
Comparative statements regarding Media and Communication department Between City of Hamilton and City of Toronto		
Description	Hamilton	Toronto
Media and Communications		
Population	537,000	2,800,000
Number Councillors including Mayor	16	45
Annual Tourists	4.5 Million	40Million
Number of Media and Communication including a mangers	22	25
Average Number of Populations per ward	35,800	63,636
Number of Media and Communications per Capita	24,409	112,000
Media per per councilor	1.47	0.57
Customer Services		
Number of Customer Services	52	120
Number of Customer Services per ward	10,327	23,333
Customer Services per Concilor	3.47	2.73
Job Description received from Hamilton		
Communications Planning		
Emergency response communications	Yes	Yes
Media relations	Yes	Yes
Issues management	Yes	Yes
Public awareness campaigns	Yes	Yes
Community engagement	Yes	Yes
In -house media training program*	Yes	Yes
Brand management and oversight	Yes	Yes

Leadership Development Planning	Yes	Yes
Corporate responsibility for internal and external communications	Yes	Yes
Marketing and change management		
Centralized media / advertising buying	Yes	Yes
Video data production/photography	Yes	Yes
Open data program	Yes	Yes
Digital communications	Yes	Yes
Website management, content development and AODA compliance	Yes	Yes
Corporate app development	Yes	Yes
Social media channel delivery	Yes	Yes
SMART City Strategy development and implementation	Yes	Yes
Support Strategic Plan implementation	Yes	Yes
Launched Corporate Performance Excellence Program		
Rolling out corporate performance excellence and continuous improvement model	Yes	Yes
Working with divisions to establish key performance levels and measurements for internal monitoring and public reporting	Yes	Yes
Launched Continuous improvement of practice	Yes	Yes
Redesigned and launched corporate governance model and delivery	Yes	Yes
Additional Job Description received from Toronto		
Event planning as part the Service we provide to other divisions	NO	Yes
Photography,Videography and Viddeo production,the offical City photographer and vidographer are part bof City Clerrk's division is not part of Media and Communication Department.	No	Yes

City Manager's Office

COMMUNICATIONS & CORP INITIATIVES

2017 Budget



Complement (FTE)	Management	Other	Total	# of staff/ Management
2016	2	17*	19*	8.5:1*
2017	2	15*	17*	7.5:1*
Change	0	-2	-2	-1:1*

*6 positions included in the complement, are funded by the operating departments and appear in their budget

Agenda

Meeting with:
Chris Murray
Mike Zegarac, and
shekar

When: April 26, 2017

Where: City Manager's Boardroom

Time: between 10:00AM to 10:30AM FIXED

- a) Council in dark
- b) Staff not following Council approval Examples: Future fund refer to:
 - In 2004 Council **committed** (KEY WORD) to fund the waste Management Master Plan.
 - In 2009 Council approved using \$60million as a grant to fund Pan Am Games Stadium
 - On July 12, 2012 Council approved to the HFF as the Velodrome is no longer being built in Hamilton. A total of \$247,224 had been spent on the Velodrome project which has been funded from Fund "A". Velodrome was cancelled. Yet Reserve Statement continues to shoe \$60 Million.
- c) Central Garage and Transit provision.
 - Each year provision is provided by Current Budget Why Capital.? And Preparation time could be employed where necessary. I am familiar with all these I was in charge of it.Refer to Reserve report:
 - **Central Garage:** from 2003 to 2015 smooth provision in 2016 significantly increased why?
 - **Transit:** from 2003 to 2014 smooth provision in 2015 and 2016 huge increase significantly increased combined huge amount. If Commitment reduced to previous levels HSR budget would have solved. Needs explanation and discloser
 - **Presto card:** No longer automatic transfer. Conductor has to provide paper transfer manually. Costing tax payers' money
 - For simple question Public works provided three different answers
- d) Metrolinx
- f) Questions are:
 - Sustainability
 - Measurement
 - Allocation
 - General revenues and goes on. Those are just words thrown at me when I try to help. WHY?
 - Chart of Accounts

Examples are many but to illustrate one:

 - Fire department each year more than \$1million paid to fire employees but neither actual nor but budget is not provided in Fire department budget. Budget and actual are provided in Corporate.
 - LRT..FOI and response from Mr.Zegarac

**These will be discussed in future date
Savings \$20million without problem**

- c) Media persons from 19 to 17 in 2017. Toronto has 33 and Toronto 6 times bigger than Hamilton and you may be surprised amount of IT work they do
- e) Police Services Forensic Building financing was there a need to issue Debt?
- f) Financial Statements, No Actual for Sick leave, Vacation etc No B.I.A., Library etc.?
- g) City is in charge of Police Accounting Records..Absolute fact
- h) Investment loss
- i) Penalty and Interest
- l) Energy savings why allocation?
- m) Lunches not \$33,000.00If you add other committees, Staff meetings it would be over \$300k
- n) Budget book produced each year is of no good for value for money because of **no details?**
- 2017 Budget problem created by Staff
 - \$20million can be easily reduced in 2017budget without impacting base budget or sustainability
 - Moral of employee's all time low
 - Contractual services:
 - Human resources and
 - Public works
 - Hiring financial Manager from outside without giving an Interview to Internal Candidates?
 - Hiring a Legal Solicitor from out side????
 - G.M. marching in Washington with City Vehicle
 - Another employee works from????
- q) I have lot more. Following it closely sine 2004

Minutes of the meeting

Meeting with Mr. Murray and Mr. Zegarac

Date: June 19, 2016
Time: From 11:00 am to 12:00 pm
Where: City managers' board room

Present:
Mr. Murray
Mr. Zegarac and his staff
Mr. Brown
Shekar Concerned Citizen

Agenda

1) Understanding Future fund "A" accounting

Shekar: Future Fund "A"

At the April 26, 2017, meeting I provided Future Fund "A" and "B" reconciliation for the periods from 2003 to 2016 and projected December 31, 2016, with all back up and council approvals.

At the June 19, 2017, meeting, I provided my explanation of how accounting entries should have been done to conform to City Council direction. Disclosure of the accounting for the fund should be publicly apparent and not limited to disclosure through an internal statement prepared for the governance committee.

Shekar will stand by for independent evaluation and payment. He was adamant that no funds are/were available yet staff continues to approve council requests.

Mr.Zegarac :
Directed questions to budget staff who prepares and controls reserve report.

Mr. Brown:
Directed a couple of questions to Mr. Zegarac.

2) Financing Forensic Building

Shekar:

- Provided all reconciliations of Hamilton Police Services Reserves.
- Insisted that they have enough funds to finance Forensic Building without issuing new debt
- Enclosed is my article
- Pointed out FCS 12023. Why is City's share of financing (\$750,000) towards Forensic Building instead of being fully funded through the Police budget/reserve? (Total \$1.5 million)
- Police have built up funds from Salary Contingency and Pan Am game.
- Are actual amount of expenditures is it City books or Police books?
Waiting for confirmation of this from Mr. Zegarac

Mr. Zegarac:
No response to the above.

3) Fire Department sick leave payment.

Was agreed at the April 26, 2017. This is to reconfirm and finalize it.

Shekar:
Confirmed

Mr. Zegarac:
Adjustment might make it into the 2017 or the 2018 Fire department budget.
Directed to Budget Staff

Shekar:
Will advise Fire Department

4) Schedule of Police Operations complete budget and details provided

Shekar:
Pointed out there is a significant difference between schedules of Operations as presented by KPMG vs the actual levy passed by Council regarding the Municipal Contribution to Police Services budget. They are public documents. They should be the same.

Mr. Zegarac:

Directed to his accountant who is in charge of preparation financial statements.

5) Cost allocation

Shekar:

Sent complete PSB budget

Provided complete set of cost allocations from 2013 to 2017

Pointed out difference in Police Base as approved by the PSB.

This change in base takes place after PSB budget approval but before Actual Levy BY-LAW passed.

Pointed out how City can adjust Police Share of Levy without changing overall levy.

If the Police Services Levy is not adjusted, it gives an unfair advantage to Police Services base budget for the following year and understates the percentage change in their budget.

Mr.Zegarac:

Directed this to his Budget Staff

Shekar:

Has not elaborated further at this time. Will explain further at subsequent meeting.

6) Free City Hall Lunches March 8 and June 19, 2017, on Council's dollar.

Shekar:

Pointed out statement made

Mr. Zegarac:

Intent was based on Employment standard Act.

Shekar: Sorry I am familiar with Employment Act

Mr.Zegarac:

Shekar, do you have any suggestions?

Shekar:

Thank you

Councilors are well paid and they can afford to pay for their own lunches. Also pointed out that councilors receive a 1/3 exemption per Income tax Act.

7) Savings and several other budget materials will be discussed with Mr. Zegarac at a later date

Shekar:

Due to time constraints, I will provide information on more extensive items including \$20 million or more in savings at subsequent meeting. I will show clearly that there is no current operating budget problem.

8) Miscellaneous:

Mr. Murray:

When you worked for the City, how many hours a day you worked?

Shekar:

Approx. 7 and a quarter.

Mr. Murray:

Did you get over time compensation?

Shekar:

Yes, one week of lieu of over time.

Mr. Murray:

Is fair?

Shekar:

Yes.

Conclusion:

Shekar:

I have completed part of the discussions I had planned. That is what I promised A & A and GIC committee.

Mr. Murray:

Of course. You have provided all documents.

PS:

Mr. Zegarac is to provide break down of HST Receivables for 2016 and 2015

City lawyer exits after Ice Dogs flap

By Karena Walter, The Standard
Friday, November 11, 2016 8:32:47 EST PM

A day after the owners of the Niagara IceDogs yanked a \$1 million donation to the city because they couldn't finalize an agreement with staff, St. Catharines and its city solicitor parted ways, The Standard has learned.

Director of Legal and Clerk Services Nicole Auty's abrupt departure came after she attended St. Catharines city council Monday night, where councillors discussed the IceDogs problem in camera.

She was no longer working for the city on Tuesday.

"I can't discuss with you detailed personnel items. I can simply confirm she is no longer working for the city," said St. Catharines corporate communications director Cindy Pfeffer.

A call to city CAO Dan Carnegie was directed to Pfeffer, who confirmed Auty left on Tuesday.

But multiple sources close to the situation said city councillors made the decision Monday to have Auty dismissed because of the Burke donation fallout.

The Standard does not know if the dismissal was with or without cause or if Auty resigned.

Her departure came hours after some councillors learned Bill and Denise Burke were pulling their \$1 million donation to the Meridian Centre fundraising campaign.

23 ITEM 1

The donation was pledged in 2014 in return for naming rights for a street that semi-circles the Meridian Centre.

City council approved a motion in March 2014 that would name the street IceDogs Way "in perpetuity." There was also an option to go with Burke Way if the family wanted to rename the street at some point.

Five months after a press conference at City Hall announcing the donation, city staff sent a draft agreement to the Burkes that contained a 20-year expiry date on the naming rights.

The Burkes responded that the naming agreement approved by council was "in perpetuity."

The city then offered a longer expiry date, but the Burkes held their ground that those terms were not part of the original \$1-million agreement.

On Monday, the Burkes released a statement through a PR firm that said they've struggled for two years with the city to come to a naming rights agreement and have "given up" trying to complete the deal.

"Much to our family's frustration, city staff have continued to obstruct our efforts to try and resolve this situation," they said in the statement, that included a two-page timeline of events. "At one point the city took over a year to respond to our inquiries during the discussions. It is unfathomable to us that we would encounter so much difficulty just trying to make a charitable donation."

City councillors have reacted this week with shock, claiming none of them knew about the donation problems until Monday.

"I think there was a communications gap between council and staff because we weren't aware that this was still ongoing and that it hadn't been finalized," said St. Patrick's Coun. Mark Elliott, who said he first heard there was an issue at the council meeting.

"It's disappointing. I'm hoping that the IceDogs will come back to the table and we've committed to giving them what they wanted from the beginning. Hopefully they come back and we can just get this finalized up and move on."

Merriton Coun. Jennie Stevens said she heard it on the radio on the way to the meeting and couldn't believe councillors hadn't been made aware of the problems.

"Maybe we're all going to learn a lesson with this," she said. "The CAO is going to have to follow up with (every) new (city) council, new mayor and say 'this is what's going on'. Communication. That's all I ask. Don't withhold anything. Give it to us, good or bad news. We have to give our constituents that."

After an hour and half-long in camera session Monday night, city councillors emerged with two motions related to the IceDog donation.

The first directed staff and the mayor to follow up on the matter with the Burkes and "do whatever is necessary" to finalize the agreement.

They also directed the CAO to do an internal review of the breakdown of the Burke donation and report back on any other possible agreements that are still outstanding.

"We identified the situation. We addressed it immediately at council," said St. Andrew's Coun. Matt Harris.

"We think we're in a position to have a meaningful conversation with the Burkes about the million-dollar donation."

Mayor Walter Sendzik said Friday he could not comment on Auty's departure.

He said on Tuesday that it was "surprising" a \$1-million donation made in 2014 wasn't accompanied by a signed agreement prior to the unveiling of the sign. "The fact that that didn't transpire, that's not how you do business. So that's an unacceptable process that needs to be addressed, if there's any outstanding agreements like that."

Sendzik said Friday he's trying to set up a meeting with the Burkes early next week and "get back on track."

The Standard was unable to reach Auty. She is no longer at her city hall line and did not respond to an email to her city address. The Law Society of Upper Canada still lists her contact information at city hall.

Auty was hired in 2011 to replace the city's retiring solicitor. She began in May and came to St. Catharines from a law firm in Toronto.

At the time, the city said she had experience in several areas of municipal law, was also the co-author of a manual on municipal law and a member of the executive committee of the Ontario Bar Association.

The city paid her a salary of \$153,388 in 2015 according to the sunshine list.

Assistant city solicitor Heather Salter has been appointed an interim director.

A job posting for a new solicitor has not been made.

kwalter@postmedia.com

SUNSHINE LIST CASTS MASSIVE SHADOW OVER CITY OF HAMILTON FINANCES



Bay Observer Staff

POSTED ON APRIL 09, 2018, 8:33 AM



The annual release of the sunshine list detailing government employees making in excess of \$100,000 is typically a one-day wonder. Media focus on the top wage earners, and in recent years there is an annual debate about whether the list itself should be indexed for inflation, since in government circles at least, a \$100,000 annual salary is no big deal; although the median wage in Ontario is just over \$52,000.

What is more interesting than what individuals are earning, (although one might ask why the President of an electrical utility is worth almost ten times the highest paid Hospital CEO) is the sheer number of individuals now topping \$100,000 annually.

At the municipal level the city of Hamilton has seen staggering growth in the number of employees now in the 100K club since a decade ago. A few statistics illustrate the growth. Inflation in the ten years between 2007 and 2017 has increased 18 percent. In 2007 the City of Hamilton had 262 employees on the sunshine list. In 2017 it was 1569—an increase of 600%

Looking ahead it appears the majority of city employees not on the sunshine list will soon be joining it. The 2007 city budget showed employee related costs, which includes

pension contributions, vacation pay and health benefits sits at \$776 Million which works out to \$108,000 for every city employee. Even after subtracting the benefits that don't count as part of their salary for the purposes of the Sunshine list; it appears the average city worker is knocking on the door of what once was an elite group, but now apparently will include almost everybody, including, and it is only a matter of time, city councillors who currently receive roughly \$94,000 per year.

Developers question integrity commissioner's oversight Ethics watchdog refuses to monitor councillors' comments during debates, Andrew Dreschel writes

OPINION 06:40 PM by [Andrew Dreschel](#) Hamilton Spectator

The father-and-son team behind Hamilton-based Sonoma Homes have twice asked the city's integrity commissioner to investigate allegations against Coun. Lloyd Ferguson. - Cathie Coward, Hamilton Spectator file photo

The father-and-son team behind Hamilton-based Sonoma Homes are like hounds with a rawhide chew.

They just won't let go of their code of conduct complaint to the city's integrity commissioner about Ancaster Coun. Lloyd Ferguson.

Twice, Carmen Chiaravalle and his son Michael have formally asked George Rust-D'Eye to investigate their allegations that Ferguson made disparaging and slanderous comments about their honesty during a planning debate last year.

Twice, Rust-D'Eye has declined to look into the matter.

In the aftermath of those rejections, the frustrated Chiarvalles are raising questions about the power and effectiveness of the integrity commissioner that go well beyond their beef with Ferguson, questions which, lamentably, Rust-D'Eye shows no willingness to address.

The nub of the issue is Rust-D'Eye says he doesn't have the authority "to monitor or interfere" with the conduct of councillors during debates. The Chiarvalles are, quite rightly, incredulous. What's the point of having an integrity commissioner, they ask, if he won't oversee councillors' behaviour during meetings?

Their complaint dates to an April 2017 meeting at which Sonoma Homes was seeking Official Plan and zoning amendments to build a three-storey, 19-unit condo at 125 Wilson St. in Ancaster. The variances were supported by city staff.

In speaking against the application, Ferguson claimed, among other things, the developers had "betrayed" his trust, weren't playing fair and had been "sneaking" around cutting trees.

The committee and then council turned down the variances. Sonoma denied Ferguson's "false allegations" and appealed to the Ontario Municipal Board, which eventually ruled in its favour.

Rust-D'Eye originally cited four reasons for not investigating, one of them being it was before the OMB. After Sonoma won the appeal, Rust-D'Eye still refused to investigate based on the other three reasons.

- He claimed it's up to the chair and council to govern the conduct of councillors during committee meetings.
- He claimed reviewing the conduct of one councillor during the debate could be seized upon as questioning the decision-making of the whole committee.
- And — most bewilderingly of all — he claimed it was not within his jurisdiction to monitor the conduct of councillors during debates.

Clearly, Rust-D'Eye is interpreting council's code of conduct with a weak knee and a soft pedal.

This isn't about challenging the qualified privilege councillors enjoy to make public policy statements which may be untrue or even defamatory without legal risk.

This is about living up to a code that's meant to ensure public confidence that councillors are operating with integrity, transparency, justice and courtesy. It requires councillors to be conscientious and diligent. It calls upon them to behave with decorum.

Whether Ferguson broke the code would require at least a preliminary investigation, such as watching the video of the meeting. Rust-D'Eye wasn't prepared to do that.

I asked Rust-D'Eye to explain why, despite the above provisions, he doesn't believe he should investigate questionable comments made by councillors during debates. Does that apply in all instances, no matter what a councillor may have said?

Rust-D'Eye confided his response to the Chiaravalle complaint. He emailed he doesn't believe it would be "appropriate" to explain his reasons for his disposition and that his responsibility is to report to council, which he has done.

But obviously this is about much more than the rights or wrongs of a particular complaint against an individual councillor.

It's about an integrity commissioner timidly interpreting the code of conduct and, consequently, a code whose feeble language desperately needs to be strengthened.

Interestingly, language in the code respecting how councillors treat city employees is much stronger and prescriptive. It explicitly prohibits them from "maliciously, falsely, negligently, recklessly or otherwise improperly" injuring staff's professional or ethical reputation.

You have to wonder why the same constraints and courtesies that protect staff aren't extended to the public at large.

They are, after all, the very people who pay the salaries of staff and councillors, not to forget Rust-D'Eye's billings (\$12,000 last year) and his annual \$7,000 retainer as the city's lobbyist registrar.

*Andrew Dreschel's commentary appears Monday, Wednesday and Friday.
adreschel@thespec.com @AndrewDreschel
905-526-3495*

Andrew Dreschel's commentary appears Monday, Wednesday and Friday. adreschel@thespec.com@AndrewDreschel

905-526-3495

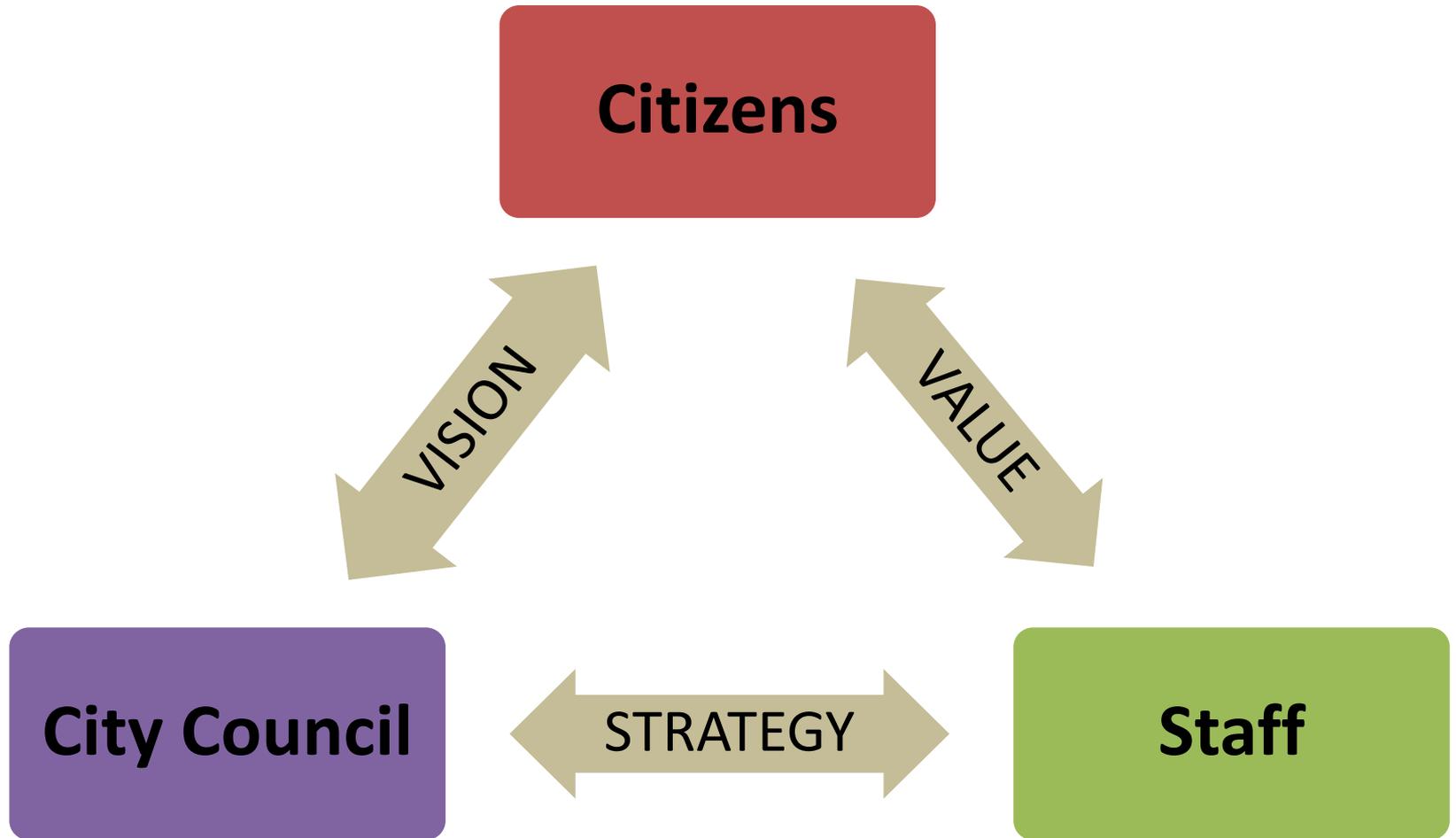


Hamilton

City Manager PAD 2017
General Issues Committee
Chris Murray, City Manager

Wednesday, June 6, 2018

ESTABLISHING TRUST & CONFIDENCE



OUR PEOPLE AND PERFORMANCE PLAN



CITY OF HAMILTON STRATEGIC PLAN 2016-2025



Our Vision

To be the best place to raise a child and age successfully.

Our Mission

To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

Our Culture



Our Priorities

- Community Engagement and Participation
- Economic Prosperity & Growth
- Healthy & Safe Communities
- Clean & Green
- Built Environment & Infrastructure
- Culture Diversity
- Our People & Performance



GOALS/CORE JOB RESPONSIBILITIES

Support Mayor and Council's Strategic Initiatives

Efficient and effective administration of all departments

Efficient and effective delivery of services

2017 ACCOMPLISHMENTS



2017 ACCOMPLISHMENTS

“Support Mayor and Council’s Strategic Initiatives”

- Trust and Confidence Report
- Light Rail Transit
- West Harbour Redevelopment
- Stelco Lands
- Climate change
- Amazon
- First Ontario Centre

2017 ACCOMPLISHMENTS

“Efficient and Effective Administration of all Departments”

- Employee survey
- Maintain skilled Senior Leaders
- Provide clear guidance to staff
- Merged CES and PH
- Succession planning
- Workplace Mental Health Strategy
- Human Rights, Diversity and Inclusion Strategic Plan
- Employee absences
- Communications

2017 ACCOMPLISHMENTS

“Efficient and Effective Delivery of Services”

- Continuous Improvement and Performance Measurement
- Smart City Strategy
- Multi-year budgeting
- External website
- Seven Intelligent Communities
- St. Helen’s community hub

2018 GOALS

Short Term Goals

2018 Short Term Goals

- Implement 2016-2025 Strategic Plan – report on progress during budget.
- Continue focusing City’s energies on non-residential tax growth
 - Gain support from province and federal governments for Stelco Strategy and advancing industrial partners.
 - Review financial incentive programs and look for reinvestment opportunities
 - Continue supporting investments in employment lands (e.g. lands surrounding airport)
 - Continue challenging attempts to reduce non-residential tax base
- Ready LRT project for award by Province (2019)
 - Complete design
 - Assess operating and maintenance cost
 - Ensure sub-surface infrastructure assets are maximized
- Award Pier 8 development opportunity to successful proposal and start negotiations

2018 Short Term Goals

- Consolidate and more effectively deliver corporate services
- Report on Citizen Service Satisfaction Survey
- Follow through on actions resulting from Our People Survey (2017)
- Support Council's \$50M investment in Affordable Housing
- Rollout mental health training to employees and gauge effectiveness
- Implement workplace Diversity and Inclusion Strategy
- Develop and implement SMART City Strategy
 - Establish digital roadways to support better online services and more open government
 - Fully launch web analytics to ensure user needs are met
- Continue with Performance Excellence Program across the corporation

2018 GOALS

Long Term Goals

2018 Long Term Goals

- Ensure the outcomes of the 2016 – 2025 Strategic Plan are achieved
- Promote financial sustainability through the use of multi-year budgeting and related tools
- Help Council grow the non-residential tax base through good planning and strategic investments supporting living wage jobs
- Work to ensure the leadership of this organization possesses the character needed to realize our desired Corporate Culture
- Await the direction of the next term of Council

Success will continue as long as we:

- Establish and maintain great leadership
- Follow through on strategic priorities
- Promote innovation (and accept its consequences)
- Expect transformation
- Build relationships

Questions?



Hamilton

CITY ACCOMPLISHMENTS

2014 - 2018

Wednesday, June 6, 2018

OUR PEOPLE AND PERFORMANCE PLAN



CITY OF HAMILTON

STRATEGIC PLAN

2016-2025

Our Vision

To be the best place to raise a child and age successfully.

Our Mission

To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

Our Culture

Collective Ownership	Steadfast Integrity	Courageous Change	Sensational Service	Engaged Empowered Employees
----------------------	---------------------	-------------------	---------------------	-----------------------------

Our Priorities



Community Engagement & Participation



Economic Prosperity & Growth



Healthy & Safe Communities



Clean & Green



Built Environment & Infrastructure



Culture Diversity



Our People & Performance

Community Engagement & Participation



Hamilton has an open, transparent and accessible approach to City government that engages with and empowers all citizens to be involved in their community.

Community Engagement & Participation

Building Trust & Confidence in City Government

our **Citizen** Survey
Your thoughts. Our Action.
January 15 – February 4, 2018



**HAMILTON
SUMMIT 2018**



Community Partners Engaged for Input on

Our Future Hamilton

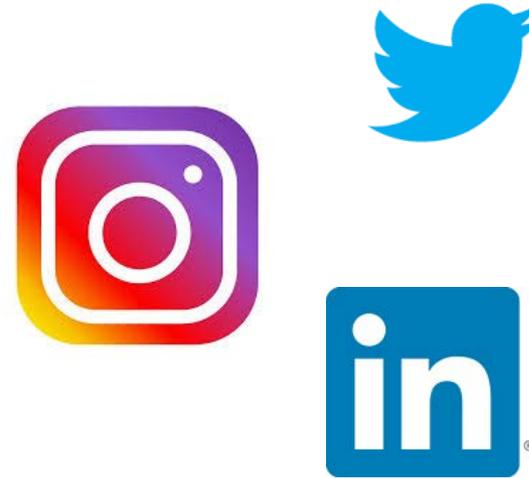
Community Vision

Community Engagement & Participation

Open, Transparent & Accessible Communication

Social Media presence continues to expand

- Twitter: 63.7k Followers
- Instagram: 1700 Followers
- Corporate LinkedIn: 9,952 Followers



Launch of the City of Hamilton App (2018)

- 1,737 downloads (iOS & Android)
- 1,370 monthly users
- 501 weekly users
- 120 daily users

Audio Visual system upgrade at City Hall (2018)



Community Engagement & Participation

The best place to raise a child and age successfully



Youth Strategy



Age Friendly

Community Engagement & Participation

Our Community



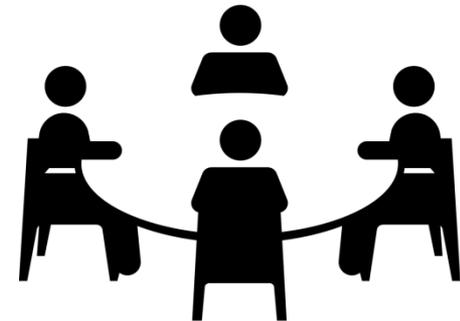
- **First Urban Indigenous Strategy (2017)**
- 41 Indigenous community members and partners attended a **community conversation on reconciliation**
- 100+ community members, students and residents attended **KAIROS Blanket Exercise**
- **Use of Indigenous Medicines Policy & Procedure**

City Enrichment Fund
\$6 million across
300 + programs

Hamilton Anchor Institution Leadership Table (HAIL)
City's major Institutions began to meet 3x per year to discuss how to integrate efforts and maximize opportunities that are important to the City.



A \$1.5M
budget
increase



Economic Prosperity and Growth



Hamilton has a prosperous and diverse local economy where all people have opportunities to grow and develop.

Economic Prosperity and Growth

Open for Business



\$3.5B

Building permits construction value



\$1B

building permits, 6 consecutive years.

More than **25,000** issued

Reviewed nearly **3,500** planning applications

1,477

new residential units in the Urban Growth Center



519 NEW BUSINESSES

Economic Prosperity and Growth

Diversifying the City's Economy

STELCO LANDS STRATEGY



Economic Prosperity and Growth

Supporting Skill Development

Mayor's Blue Ribbon Task Force on Workforce Development

Created to address Hamilton's shortage of skilled trades and an aging workforce with limited succession plans (2015)



Healthy & Safe Communities



Hamilton is a safe and supportive city where people are active, healthy, and have a high quality of life.

Healthy & Safe Communities

A Healthy and Supportive Community



Healthy & Safe Communities

Implement Poverty Reduction Plan, including new affordable housing investment, quality of social housing stock and Indigenous poverty reduction.

- **Affordable Housing Strategies and Investments (\$50M)**
- **Rehabilitating our affordable housing stock/properties**
- **Focus on strategies for the eradication of Poverty and Homelessness**



First ambulance service in Province to complete **Road To Mental Readiness (R2MR)** training for all paramedics



Hamilton Food Strategy created to support a healthy, sustainable and just food system for all



Protocol for **Gender Identity and Gender Expression; Transgender and Gender Non-Conforming Persons**



Realization of the **McQuestan Urban Farm**

Clean and Green



Hamilton is environmentally sustainable with a healthy balance of natural and urban spaces.

Environmental Sustainability



Glanbrook Landfill site to Silver certification
Randle Reef Remediation Project
Cootes to Escarpment Plan
Bay Area Climate Change Office & Model

Emerald Ash Borer (EAB)
Management Plan

15,000

street lights converted to LED from HPS

40

 lights

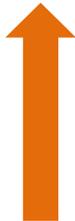
installed completely off the grid on the Mountain Brow

15,424

 trees

removed to date

Greening of HSR Fleet



CNG conversion from 23.5% of fleet to 45%

\$58M



cumulative energy savings and avoided costs

Clean & Green



4465 tonnes of FREE compost
FREE Woodchips to residents

Parks



4,300 acres of municipal park
shared school park and open space at **520**
sites

Horticulture

- 314** floral traffic islands
- 113** perennial medians
- 107** medians/boulevards/laybys
- 72** roundabouts
- 78** civic properties
- 701** hanging baskets



42.4% of all
collected waste
was **RECYCLED**
and diverted from
the landfill

BikeShare Program

20,000
members

130
stations

825
bikes

959,000
trips



Built Environment & Infrastructure



Hamilton is supported by state of the art infrastructure, transportation options, buildings and public spaces that create a dynamic City.

Built Environment & Infrastructure



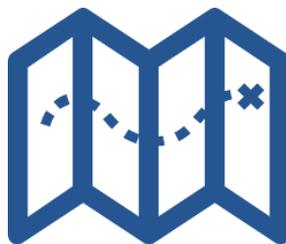
24 pedestrian crossovers

80 lane km of road replacement complete

40 km of new road worth **\$150M**

473 lane km of road rehabilitation as part of the ongoing Asset Preservation

62 km of cycling infrastructure



5 km of new multi-use trails (includes East Mountain Brow Trail)

Built Environment & Infrastructure

New & Improved Sewer & Road Infrastructure



Centennial Sewer Trunk



Wilson Street



Upper Sherman



York Boulevard



Dartnall Road Culvert



Bell Road Culvert Replacement



Sherman Access West



Montgomery Drive

Built Environment & Infrastructure

New Recreation Facilities constructed

Green Acres Pool (W9)
 Waterdown Library and Flamborough Seniors Centre (W15)
 Gage Park Family Skills Pump Track (W3)
 Winona Recreation and Community Centre (W11)
 Birge Pool (W3)
 Waterdown Rotary Memorial Park Outdoor Ice Skating Loop (W15)
 Freelton Outdoor Ice Facility (W14)
 Bernie Morelli Recreation Centre (W3)

Recreation facilities that received major renovations

Dalewood Recreation Centre (W1)
 Sir Wilfrid Laurier Recreation Centre (W4)
 Ancaster Aquatic Centre (W12)
 Huntington Park Recreation Centre (W6)
 J.L. Grightmire Arena (W13)

Energy Efficient Facilities

Converted First Ontario Centre Ice Surface Lighting to LED
 Macassa & Wentworth Lodge lighting
 Arenas LED lighting upgrade
 Parking Garages LED upgrade
 Hamilton City Hall Mezzanine LED upgrade

New Parks & Park Improvements

New Rail Trail Dog Park/Improvements to Borer Dog Park and Cathedral Dog Park (W 1, 2, 13)
 Gore Park redesign (W2)
 Play Structure in Gage Park (W3)
 Lucy Day Park Extreme Makeover/North Central Park Extreme makeover (W3)
 Mini makeover at Pinky Lewis Parkette (W3)
 Gage Park Tropical House, Fall 2018 completion (W3)
 Vincent Massey Park (W6)
 William McCulloch Park (W8)
 William Connell (W8)
 Carpenter Neighbourhood Park Redevelopment (W8)
 Ancaster's Heritage Green Park Upgrades (W12)
 Johnson Tew Park – 150 trees planted for Canada's 150 Birthday (W14)
 DeLottinville Park (W14)

Lodges that received major renovations
 Macassa Lodge major renovation to kitchen and 11 dining rooms (W6)



22

Built Environment & Infrastructure

Transit Improvements



Year **3/10** of
Local Transit
Strategy
implemented

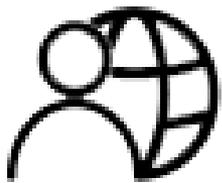
\$72M in Public Transit
Infrastructure Fund projects
(**\$36M** Council investment)



West
Harbour GO
Station

Confederation GO Station
construction begins (operational
2019)

Culture & Diversity



Hamilton is a thriving, vibrant place for arts, culture, and heritage where diversity and inclusivity are embraced and celebrated.

Culture & Diversity

Thriving Vibrant Place for Arts, Culture and Heritage



NORTH AMERICAN
INDIGENOUS
GAMES 2017
TORONTO - ONTARIO



2017 JEUX
AUTOCHTONES
DE L'AMÉRIQUE DU NORD
TORONTO - ONTARIO



Hamilton
Civic
Museums

Owned and operated
by the City of Hamilton



February 3-19, 2018



hamiltonwinterfest.ca
#HWF2018



CITY OF HAMILTON
ARTS AWARDS



AWARDS 2015

27

Our Cultural Community

Downtown core revitalization continues

Public Art Master Plan

Continued implementation of the Cultural Plan

EST. 1837

HAMILTON FARMERS'
MARKET

OPEN YEAR ROUND

Improvement financial performance and reduced levy support from the City

Incubator for young entrepreneurs

New vibrancy and expanded mix of vendors

Our People & Performance



Hamiltonians have a high level of trust and confidence in their City government

Our People & Performance

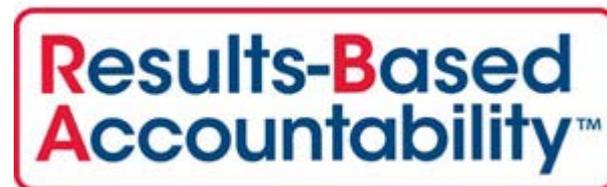
Transparency & Accountability



 HAMILTON FIRE DEPARTMENT	 FOOD SAFETY	 ONTARIO WORKS	 WASTE COLLECTION & DIVERSION PROGRAMS
 WATER SUPPLY & DISTRIBUTION	 CITY FINANCES	 BUILDING - ONTARIO BUILDING CODE ADMINISTRATION & ENFORCEMENT	 HSR TRANSIT
 HOUSING SERVICES	 LOCAL ECONOMY & ECONOMIC DEVELOPMENT		



2018 - 2021 BUSINESS PLANS



Our People & Performance

Our Staff

**OUR PEOPLE AND
PERFORMANCE PLAN**



Regularly meet with Leadership

- Extended Management Team (EMT) Meetings (2x/year – Supervisors & above)
- Corporate Leadership Team (CLT) Meetings (3x/year – Directors & above)
- Senior Leadership Team (SLT) Meetings (bi-weekly)

City Manager Awards

to recognize and celebrate nominated groups and individuals for their outstanding contributions to City-wide programs and exemplary leadership



Our People & Performance

Operational Reviews

Established a Corporate Security Office

Finding Alternate Revenue Sources

Smart City Challenge

Tax Competitiveness

Credit Rating

Reserves

Yearly Average Inflationary Tax Increase (Avg. 2.3%)

Overall Average Tax increase and How We Compare



Hamilton

THANK YOU



CITY OF HAMILTON
City Manager's Office

TO:	Mayor and Members General Issues Committee
COMMITTEE DATE:	June 6, 2018
SUBJECT/REPORT NO:	Pier 8 Development Opportunity Request for Proposals Evaluation (PED14002(h)) (Ward 2)
WARD(S) AFFECTED:	Ward 2
PREPARED BY:	Chris Phillips (905) 546-2424 Ext. 5304 Philbert Kim (905) 546-2424 Ext. 3140 Mike Kyne (905) 546-2424 Ext. 4716 Carla Ippolito (905) 546-2424 Ext. 2448
SUBMITTED BY:	Chris Murray City Manager
SIGNATURE:	

Discussion of the matters outlined in Confidential Appendices “D” and “E” in closed session is permitted subject to the following requirements of the City of Hamilton’s Procedural By-law and the *Ontario Municipal Act, 2001*, as amended:

- a proposed or pending acquisition or disposition of land by the municipality or local board;
- advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
- a trade secret or scientific, technical, commercial, financial or labour relations information supplied in confidence to the municipality or local board which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization; or,
- a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

**SUBJECT: Pier 8 Development Opportunity Request for Proposals Evaluation
(PED14002(h)) (Ward 2) - Page 2 of 26**

RECOMMENDATION

- (a) That the Proponent identified in Confidential Appendices “D” and “E” to Report PED14002(h) be approved as the Preferred Proponent for the Request for Proposal Contract Number C11-66-17 entitled “Pier 8 Development Opportunity for Prequalified Proponents”, and that following a final Council decision on the Proponent, Appendix “D” remain a Confidential document and Appendix “E” be available for release to the public;
- (b) That staff be authorized and directed to negotiate a Development Agreement between the City of Hamilton and the Preferred Proponent (identified in confidential Appendix “B” to Report PED14002(h)) required to give effect to Contract Number C11-66-17 for the Pier 8 Development Opportunity, with content satisfactory to the City Manager and in a form satisfactory to the City Solicitor;
- (c) That the Mayor and the City Clerk be authorized and directed to execute the Development Agreement and any ancillary agreements and documents required to give effect to Contract Number C11-66-17 for the Pier 8 Development Opportunity in a form satisfactory to the City Solicitor and report back for information;
- (d) That the Fairness Monitor’s Report, attached as Appendix “B” to Report PED14002(h), which certifies that RFP C11-66-17 was completed in a fair, open, and transparent manner, be received;
- (e) That the properties owned by the City of Hamilton identified as the “Subject Lands” in RFP C11-66-17, as shown in Appendix “C” attached to Report PED14002(h), be declared surplus to the requirements of the City of Hamilton, in accordance with the “Procedural By-law for the Sale of Land” being By-law No. 14-204, and made available for sale without the requirement for an appraisal.

EXECUTIVE SUMMARY

Over the course of successive terms of Council, the “West Harbour” Waterfront has been identified as a key focus area, resulting in a series of plans and projects that, when implemented, will achieve long-established re-development, recreational, and “city-building” goals that will benefit Hamilton as a whole.

On April 8, 2015, as part of General Issues Committee (GIC) Report 15-008, Council approved staff Report PED14002(b) entitled “West Harbour Waterfront Redevelopment Plan”, which outlined a series of actions required to bring the Pier 5 to 8 lands to “development-ready” by 2018. Since then, Council has approved clear and consistent actions to achieve this ambitious goal.

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

**SUBJECT: Pier 8 Development Opportunity Request for Proposals Evaluation
(PED14002(h)) (Ward 2) - Page 3 of 26**

Report PED14002(h) and its recommendation is the culmination of a process approved by Council and executed by City staff, with the participation from the broader community, that will allow the City to achieve its vision of re-developing the city-owned Pier 8 lands into a vibrant mixed-use community, surrounded by active public-spaces at the water's edge, while also leveraging significant private-sector investment.

On November 9, 2016, Council approved General Issues Committee (GIC) Report 16-028 (Report PED14002(c)) entitled "West Harbour Real Estate Solicitation Process for Pier 8 Lands", which established the framework for the City to bring the Pier 8 lands to market through an open, competitive and public solicitation process. The multi-staged process consisted of an initial Request for Qualifications (RFQ), followed by a Request for Proposals (RFP), and concludes with a negotiation stage, wherein a development agreement and contractual documents will be formalized to complete the final land transactions.

The City formally launched the RFQ process on April 18, 2017. It formally closed on July 10, 2017, and the five development teams proceeding to the RFP stage of the process were announced on October 6, 2017.

Recognizing Pier 8 and the West Harbour's importance to all Hamiltonians, staff designed the RFP with the objective of seeking to provide benefits to as many segments of people as possible. The goal was to ensure that, whether living at, working at, or visiting Pier 8, people of all ages, incomes, lifestyles and abilities could feel a sense of inclusiveness and pride. Similarly, it was also recognized that the re-development of Pier 8 will generate significant financial investment within the West Harbour area, and financially benefit the City through both the proceeds of land sales and future tax assessment growth.

One key objective of the RFP, therefore, was to leverage the competitive process to maximize the breadth and depth of aspirations received from the proposed development schemes, while simultaneously enticing Proponents to maximize their financial bids. In preparation for the RFP stage, staff prepared additional reports for Council's consideration. On July 14, 2017, Council approved GIC Report 17-015, including Report PED14002(e) entitled "Pier 8 Request for Proposal (RFP) Evaluation and Scoring Framework", which outlined and recommended a detailed methodology and evaluation scoring framework to be used in executing the RFP process. The framework broke the RFP scoring into two separate areas; a Technical Proposal (worth 60% of the total score) and a Financial Proposal (worth 40% of the total score).

On November 22, 2017, Council approved GIC Report 17-024, including Report PED14002(f), entitled "Pier 8 Request for Proposal (RFP) Financial Bid Structure", which outlined and recommended a financial structure which would govern both the RFP process and the ultimate real estate transaction. Financially, Proponents were instructed to submit Financial Proposals that feature a series of payments that may

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

**SUBJECT: Pier 8 Development Opportunity Request for Proposals Evaluation
(PED14002(h)) (Ward 2) - Page 4 of 26**

include a guaranteed amount paid upon execution of the initial contract, additional guaranteed minimum purchase amounts paid on the closing dates for each development Block, and additional amounts based on the increase in the value of the land and improvements as the project proceeds.

The RFP was issued on December 15, 2017 and required the Proponents to submit both a Technical Proposal (which formally closed on March 13, 2018) and a separate Financial Proposal (formally closed on April 4, 2018).

Fundamentally, the Pier 8 RFP process was designed, executed, and evaluated in a manner that ensured integrity of both the recommended outcome, and the process itself.

The RFP process was informed by community input, and features elements considered acceptable as industry best-practices. The process was executed professionally by a project team of City staff in a detailed and transparent manner. The Proposals were evaluated by two teams of City staff in accordance to the evaluation criteria, and supported by a series of Subject Matter Experts (SMEs) with a wide range of disciplines, perspectives, and interests represented. Lastly, the entire process was conducted with the support of City legal and procurement staff, was governed and overseen by an internal Steering Committee of senior administrators, as well as independently examined by P1 Consulting, which was retained as a third-party Fairness Monitor. Appendix "A" to Report PED14002(h), entitled "Pier 8 Development Opportunity RFP Process Strategy Review", provides a thorough review and description of the entire RFP process.

The Technical Proposal evaluation process for the RFP was rooted in two primary objectives to:

1. Identify a purchaser and developer of the lands whose capabilities and vision align with the City's desired outcomes for Pier 8; and,
2. Leverage the Pier 8 RFP to generate broad ranging benefits that extend beyond the development of the Subject Lands themselves for the benefit of all citizens.

The broad set of technical evaluation criteria only addressed the technical features of the development itself, but also considered the practicalities of implementation. The technical evaluation criteria were significantly grounded in the guiding principles found in the West Harbour Setting Sail Secondary Plan (Setting Sail), the Pier 7 and 8 Urban Design Study (UDS), and the adopted West Harbour community vision (Vision), with additional criteria assessing alignment with the City's interests.

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

**SUBJECT: Pier 8 Development Opportunity Request for Proposals Evaluation
(PED14002(h)) (Ward 2) - Page 5 of 26**

Technical Evaluations employed a consensus scoring methodology that subjected Proposals to each of the evaluation criteria through a holistic scoring framework. This highly flexible approach recognizes that not only will the recommended development proposal have intrinsic value that is much greater than the sum of its parts, but also that those parts can respond to multiple criteria at the same time. To ensure broad coverage of issues, two classes of criteria were established; one focused on the technical merits of the Proposals, and another related to higher-order, city-building objectives that the City wishes to achieve through the RFP process and eventual completion of the project itself.

The RFP also incorporated a mechanism for the public to be involved in the process. Report PED14002(g) entitled “Pier 8 Request for Proposals (RFP) Public Presentation Process” outlined the program to elicit comments from the public. Although the public did not get an actual vote on their preference, comments received from the on-line forum were then distributed to members of the RFP Technical Evaluation Team for consideration during their final evaluations. Based on available measures, the process garnered significant public engagement.

The Financial Evaluation employed the use of a proprietary computer-based financial model. Led by the RFP Project Team and developed with the assistance of Deloitte’s National Real Estate consulting team, this sophisticated model was designed to assign an objective notional numerical value to each Proposal, reflecting the projected financial value for the City over the duration of the development. Although the model was customized in each case to adjust for the specific variations presented in each of the respective proposed development plans of the four individual Proposals, the valuation model was based on a set of clear and market-based financial benchmarks, which were disclosed to Proponents in advance of the Proposal submission deadline. The model was applied consistently to all four Proposals, resulting in an objective evaluation that upheld the principle of fairness and reflects an acceptable methodology from a real estate and development industry perspective.

To ensure integrity of the evaluation process, the RFP employed a two-envelope, “blind” evaluation process. Technical Evaluation Team members reviewed and evaluated only the Technical Proposals. The members of the Financial Evaluation Team reviewed and evaluated only the Financial Proposals, and the evaluation results were not shared between these Teams.

Upon achieving consensus and establishing an evaluation score for each Proposal, the Technical and Financial Evaluation Teams formally presented the results separately and in confidence to the members of the RFP Steering Committee. Subsequently, the Steering Committee approved the results of the RFP and established the Preferred Proponent. The Fairness Monitor was present, active, and attests to the evaluation results, with the formal report attached as Appendix “B”.

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

**SUBJECT: Pier 8 Development Opportunity Request for Proposals Evaluation
(PED14002(h)) (Ward 2) - Page 6 of 26**

The body of Report PED14002(h) is focused on the RFP process itself, the evaluation methodology, and the evaluation process. Information pertaining to the evaluation results can be found in Confidential Appendices “D” and “E”.

If the recommendations of Report PED14002(h) are approved by Council, City staff will engage in contract negotiations with the Preferred Proponent dealing with issues related to the execution and fulfilment of their Proposal. In anticipation, the RFP included a draft Development Agreement which signalled to the Proponents what the City’s expectations were with respect to implementation, including prospective penalties for specific fulfilment failures. Proponents were asked to submit proposed changes that were not evaluated or scored as part of the RFP, but would serve as a starting place for the negotiation phase.

Finally, recommendation (e) of Report PED14002(h) seeks Council’s formal approval to declare the Pier 8 Subject Lands “surplus” as required by the City’s Sale of Land Policy By-law 14-204 before sale can be permitted. Given the multi-year and multi-block nature of this land disposition, staff also seeks Council’s authority to waive any requirement for an appraisal before sale.

Alternatives for Consideration – See Page 24

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial:

On November 22, 2017, Council approved GIC Report 17-024 including Report PED14002(f) entitled “Pier 8 Request for Proposal (RFP) Financial Bid Structure”. Consistent with the approved approach, the RFP was structured in a manner that required Proponents to submit both a Technical Proposal and a Financial Proposal. Proponents were instructed to submit Financial Proposals that feature a series of payments that may include a guaranteed amount paid upon execution of the initial contract, additional guaranteed minimum purchase amounts paid on the closing dates for each development block, and additional amounts based on the increase in the value of the land and improvements as the project proceeds.

The Financial Proposal evaluation process is detailed in the Analysis section of Report PED14002(h) and a summary of the results can be found in Confidential Appendix “D”.

Staffing:

Neither Report PED14002(h) nor its recommendations have any staffing impact. The negotiation stage will continue to be project managed and implemented through the concerted efforts of existing Planning and Economic Development, Procurement, Legal Services, and Finance staff, as well as with assistance from external consultants.

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

**SUBJECT: Pier 8 Development Opportunity Request for Proposals Evaluation
(PED14002(h)) (Ward 2) - Page 7 of 26**

Legal:

Legal Services has been providing dedicated support to this RFP from its onset and advises that these recommendations are consistent with the City's requirements as outlined in the RFP and its legal obligations.

HISTORICAL BACKGROUND

The following is a list of Council-approved Motions and staff reports that form a chronological history regarding the City's West Harbour Re-Development Plans, specifically for the Piers 5 to 8 lands:

- September 25, 2009 – Staff Report PED09200/CM09011 entitled “Feasibility of Establishing a Waterfront Development Corporation”;
- October 11, 2011 - GIC approved Motion entitled “Hamilton Waterfront Priorities”;
- 2012-2015 Strategic Plan - Item 1.3 stated: “Promote economic opportunities with a focus on Hamilton’s downtown core, all downtown areas and waterfronts”;
- April 18, 2012 - Report PED09200(a) entitled “Waterfront Priorities – Development Corporation”;
- January 29, 2014; Council approved GIC Report 14-001 and staff Report PED14002 entitled "West Harbour Piers 5-8 Servicing Studies and Pro Forma Analysis";
- April 2, 2014 – GIC approved staff Report CM12015(b) entitled “Formal Marina Management Agreement (MMA) with the Hamilton Port Authority (HPA) Regarding Piers 7 and 8”;
- March 30, 2015 – GIC approved Report 15-008 and staff Report PED14002(b) entitled “West Harbour Waterfront Re-Development Plan”;
- November 20, 2015 - Information Update CASP1516 entitled “Status of West Harbour Capital Works”;
- On November 9, 2016, Council approved General Issues Committee (GIC) Report 16-028 (Report PED14002(c)) entitled “West Harbour Real Estate Solicitation Process for Pier 8 Lands”;
- May 24, 2017 – Council approved Planning Committee Report 17-009 and staff Report PED17074 entitled “Applications to Amend City of Hamilton Zoning By-law

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

SUBJECT: Pier 8 Development Opportunity Request for Proposals Evaluation (PED14002(h)) (Ward 2) - Page 8 of 26

No. 05-200, Approval of a Draft Plan of Subdivision and Temporary Use By-law for lands located at Pier 8, 65 Guise Street East”;

- On July 14, 2017, Council approved GIC Report 17-015, including Report PED14002(e) entitled “Pier 8 Request for Proposal (RFP) Evaluation and Scoring Framework” outlining the RFP evaluation and scoring framework; and,
- On November 22, 2017, Council approved GIC Report 17-024 including Report PED14002(f) entitled “Pier 8 Request for Proposal (RFP) Financial Bid Structure”.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

The Setting Sail Secondary Plan (Setting Sail) was approved by Council in March 2005 and subsequently appealed to the Ontario Municipal Board. The final decision on Setting Sail was issued by the Ontario Municipal Board on December 27, 2012. Setting Sail establishes the framework for future development, public improvements and private investment in the West Harbour. Under the current Setting Sail designations for the Piers 7 and 8 lands, a range of uses including retail, residential, open space and institutional are permitted.

From the outset of the solicitation process, including during the RFQ phase, the City has maintained a firm commitment to Setting Sail’s planning policy framework. The RFP accordingly precluded any Proposal elements that would entail an Official Plan Amendment (OPA) to enact. Furthermore, although the Draft Plan of Subdivision and associated Zoning By-law Amendment 17-095 are currently under appeal to the Ontario Municipal Board (OMB), Proponents were directed to assume that those policies would be effective on the Subject Lands as they are reflective of the City’s intent as approved by Council.

The approval of the recommendation in Report PED14002(h) does not either confer or presume any City development approvals for the Proponent or its proposed development and does not in any way fetter the City’s regulatory authorities. Despite having a fairly well-articulated Proposal, the Successful Proponent must still satisfy all necessary regulatory and permit application requirements, including but not limited to the site plan approval, design review, and building permitting processes.

On November 9, 2016, Council approved General Issues Committee (GIC) Report 16-028 (Report PED14002(c)) entitled “West Harbour Real Estate Solicitation Process for Pier 8 Lands” which described the Subject lands, the disposition strategy, and approved the Solicitation Process.

In accordance with By-law 14-204, being the “Procedural By-law for the Sale of Land”, property no longer required for municipal programs is first to be declared “surplus” by Council and disposed of, in accordance with the City’s Portfolio Management Strategy.

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

SUBJECT: Pier 8 Development Opportunity Request for Proposals Evaluation (PED14002(h)) (Ward 2) - Page 9 of 26

That By-law also envisions the completion of a formal property appraisal in certain circumstances before the disposition of surplus land. However, given that this proposed transaction involves the disposition of nine separate Blocks over a number of years and a series of payments, staff has concluded that a traditional property appraisal would provide little additional value and, therefore, recommends that any requirement for an appraisal be waived.

RELEVANT CONSULTATION

The following is a list of relevant documents that have been presented and received by Council in the past to support of the Pier 8 Solicitation Process:

- November 2, 2016 - Appendix “B” to Report PED14002(c) - Pier 8 Solicitation Process, Public Real Estate Disposition Best Practices;
- November 2, 2016 - Appendix “C” to Report PED14002(c) - West Harbour Community Engagement Summary;
- November 2, 2016 - Appendix “D” to Report PED14002(c) - Pier 8 Solicitation Process, Public Consultation Summer Workshop Results;
- November 2, 2016 - Appendix “E” to Report PED14002(c) - Market Sound Report Hamilton West Pier 8 Disposition; and,
- July 10, 2017 - Appendix “A” to Report PED14002(e) – Pier 8 Solicitation Process, Public Consultation Summer Workshop Results (originally published November 2016 and appended to PED14002(c)).

When developing the Pier 8 RFP, City staff incorporated a mechanism for the public to be involved in the process. Report PED14002(g) entitled “Pier 8 Request for Proposals (RFP) Public Presentation Process” outlined the program details to elicit comments from the public. Utilizing the City’s West Harbour webpage, the public had on-line access to the materials related to the received Proposals, including videos, presentation panels, and user stories. In addition, the program also included a series of in-person open-houses convened in several locations throughout the City. Public commenting was open from April 6, 2018 to April 17, 2018.

To be clear, the public did not get an actual vote on their preference, rather the public’s comments only assisted in informing the evaluation process. Comments received from the on-line forum were collated into a briefing document, and disseminated to members of the RFP Technical Evaluation team for consideration in their evaluations.

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

**SUBJECT: Pier 8 Development Opportunity Request for Proposals Evaluation
(PED14002(h)) (Ward 2) - Page 10 of 26**

By all measures, the tracking results for the public participation portion of the process indicated significant engagement. Table 1 contains a summary of the Public Participation as created by our IT staff. The following is a sample of some of the results:

- Over 1,000 individual interactions during the in-person Open Houses;
- Videos were collectively watched over 18,000 times;
- Over 13,000 downloads of Presentation Panels and User Stories PDFs;
- Close to 400 written public comments received;
- 9 Tweets resulting in 62,582 Twitter impressions and 673 clicks;
- 1 Linked-In post generated 13,955 impressions and 591 clicks; and,
- 1 Instagram post generated 109 “likes”.

**Table 1: Summary of Public Participation
(April 6, 2018 - April 18, 2018)**

Proponent	# of Downloads Presentation Panels	# of Downloads User Stories	# of Views Videos	# of Public Comments Submitted
Gulf Dream	3,150	530	5,547	116
Tridel	2,266	447	4,188	70
Urban Core – Core Urban	2,529	293	3,623	79
Waterfront Shores	2,691	447	4,473	107
Total	10,636	1,717	17,831	372

Additional value generated by this public campaign included generating additional public awareness of all activities happening at the Waterfront and creating brand exposure for all Proponents regardless of the end result.

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

**SUBJECT: Pier 8 Development Opportunity Request for Proposals Evaluation
(PED14002(h)) (Ward 2) - Page 11 of 26**

ANALYSIS AND RATIONALE FOR RECOMMENDATION

Staff's recommendation of the Preferred Proponent is the culmination of a process that has followed a strategy and methodology that has received periodic Council endorsement throughout the course of development and execution. This section summarizes the fundamental philosophies and execution methodologies that project staff adhered to in carrying out the RFP. Appendix "A" provides a thorough review and description of the entire RFP process.

1. Strategizing the RFP Process

The Pier 8 RFP is rooted in two primary objectives to:

1. Identify a purchaser and developer of the lands whose capabilities and vision align with the City's desired outcomes for Pier 8; and,
2. Leverage the Pier 8 RFP to generate broad ranging benefits, financial and non-financial, that extend beyond the development of the Subject Lands themselves for the benefit of all citizens.

The first addresses the "on-the-ground" task of getting the Pier 8 lands developed. The second suggests a higher-order set of desired outcomes that considers a much broader scope of influence that this RFP could exert for the benefit of citizens beyond those directly connected to the development itself.

As a starting point, staff identified and directly acknowledged a number of compatibility challenges that would need to be addressed through the RFP process in order to achieve a balance of maximized outcomes:

- develop a fair and consistent evaluation approach that can accommodate high variability between proposals;
- encourage innovation while being practical about implementation;
- give credit for strategic, "big ideas" while tempering them against risk exposure for the City in the event that the concepts do not materialize as propositioned; and,
- acknowledge that focusing solely on the potential financial value of the development may directly conflict with city-building objectives.

1.1 Governance Structure

The Pier 8 RFP process was governed and executed by a select team of City staff and third party consultants who each played a contributory role in not only determining a Preferred Proponent but also in upholding the integrity of the process itself. Since the core goal of the RFP is to produce benefits for a wide

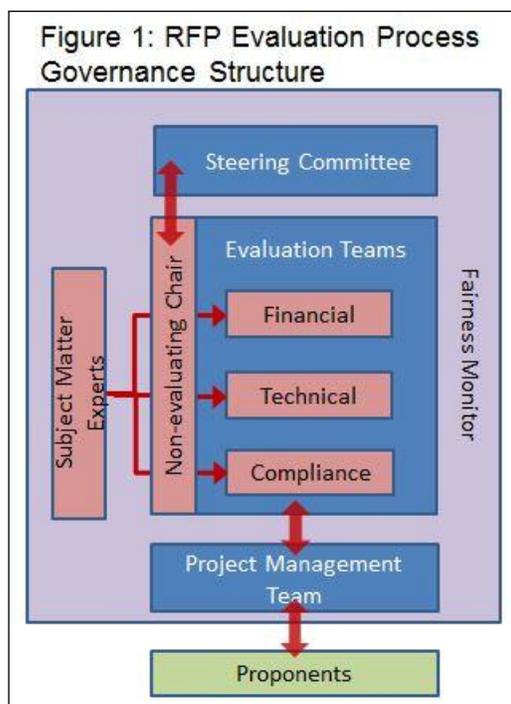
OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

SUBJECT: Pier 8 Development Opportunity Request for Proposals Evaluation (PED14002(h)) (Ward 2) - Page 12 of 26

range of people, it was important that a wide range of disciplines, perspectives, and interests be represented on the team. Figure 1 is an illustration of the governance structure employed. The structure is also detailed in Section 1.2 on Pages 4-6 of Appendix “A”.



Notable characteristics of the governance structure include:

The Steering Committee: Comprised of the City Manager, General Manager of Public Works, and General Manager of Finance and Corporate Services, the Committee’s mandate was to act as a senior-level oversight body to ensure that the City’s interests were upheld throughout the evaluation process.

The Evaluation Teams: Comprised of senior City staff drawn from the Planning and Growth Management Divisions in the Planning and Economic Development Department (PEDD), the General Manager’s Office and the Asset Management Operations Divisions in the Public Works Department (PWD), Finance and Procurement from the Finance and Corporate Services Department (FCSD).

The Fairness Monitor: Retained by the City pursuant to Council’s November 9, 2016 approval of Report PED14002(c), the Fairness Monitor has been active since

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

**SUBJECT: Pier 8 Development Opportunity Request for Proposals Evaluation
(PED14002(h)) (Ward 2) - Page 13 of 26**

the beginning of the entire solicitation process. Its role was to monitor the execution of the RFP and provide an independent evaluation of the City's adherence to fairness and transparency principles as established in the RFP and other related policies of the City (e.g., Procurement Policy By-law).

The Fairness Monitor's oversight included advance review and advice regarding the RFP document and all issued Addenda, vetting of all correspondence with the Proponents, approval of the Evaluation Framework including application of criteria and scoresheets, fairness orientation and training of all participating personnel, and participation in all Commercially Confidential Meetings, evaluator consensus meetings, and the Steering Committee meetings.

A copy of the Fairness Monitor's fairness attestation report is included as Appendix "B".

1.2 Evaluation Process and Scoring Framework

On July 14, 2017, Council approved GIC Report 17-015, including Report PED14002(e) entitled "Pier 8 Request for Proposal (RFP) Evaluation and Scoring Framework" (see Table 2) which outlined the RFP evaluation and scoring framework to be used as follows:

- (a) Technical Proposal (worth 60% of the total score); and,
- (b) Financial Proposal (worth 40% of the total score).

Informing this recommended split was extensive public consultation that suggested a desire to maximize "city-building" and community benefits. The scoring split signalled to Proponents that the RFP would be more than just a financial bidding exercise, without downplaying the City's desire to raise capital revenues through the land sale. Likewise, the framework also established that all Technical Proposals must achieve a score of at least 50% (30 out of the 60 points) to warrant further consideration. This approach further ensured that a Proponent could not simply submit an excessively high financial bid without also submitting a reasonably agreeable Technical Proposal.

A number of technical compliance criteria were also set to ensure a minimum performance outcome of each proposed development plan. These technical specifications were evaluated on a "pass/fail" basis.

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

SUBJECT: Pier 8 Development Opportunity Request for Proposals Evaluation (PED14002(h)) (Ward 2) - Page 14 of 26

Table 2: RFP Evaluation Scorecard

	Score Allocation	Maximum Subsection Score	
A. Technical Proposal	60%		<div style="border: 1px solid red; padding: 5px;"> Total Score = Technical Proposal Score + Financial Proposal Score </div>
A1. Development Plan		30%	
Plan Overview – Technical Specifications		Pass/Fail	
Plan Overview and Design Excellence			
Residential Program			
Place-making			
Environmental Sustainability			
Public Presentation Materials			
A2. Urban Innovation		15%	
A3. Project Implementation Plan		15%	
Ownership and Financing			+ Financial Proposal Score
Project Delivery			
Stewardship & Change Management			
A. Financial Proposal	40%	40%	
Total Proposal Score	100%	100%	

Technical Proposals would be evaluated against the stated Technical Evaluation Criteria, and then allocated a score out of 60 potential points (as further described in Table 2).

The Financial Proposals, however, would be evaluated as a numerical exercise and then the score would be distributed on a relative basis. That is, being a much more objective evaluation exercise, the final indicative dollar values resulting from each Financial Proposal would be ranked, and the top value assigned the full 40 points available, with each successive Proposal receiving a proportion of the 40 points commensurate with its indicative financial value as a proportion of the top-ranking indicative value.

The RFP would also employ a two-envelope, “blind” evaluation process wherein the Technical Evaluation Team reviewed the Technical Proposal and the Financial Evaluation Team reviewed the Financial Proposal separately but concurrently, while being kept blind from the others’ results. Only after the Technical scores are deemed to have passed the minimum benchmark (30 out of 60), would the Technical and Financial scores be combined to reveal the top scoring Proposal presented to the Steering Committee for endorsement.

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

**SUBJECT: Pier 8 Development Opportunity Request for Proposals Evaluation
(PED14002(h)) (Ward 2) - Page 15 of 26**

2. Establishing Evaluation Criteria and Submission Instructions**2.1 Core Principles**

At the outset, staff established the principle of focusing on desired outcomes, not prescribed tactics. This was meant to be a reminder that the Pier 8 RFP is ultimately a land sale process, and not a procurement process. The City is not purchasing a specified technical solution but rather is seeking a purchaser of lands who can demonstrate alignment with the City's Vision. Instead of aiming to just comply with a set of prescribed specification requirements and competing on price, Proponents would need to be motivated to bring their best ideas, capabilities, and experience to the competition.

Extending beyond this core maxim, other key touchstones that helped shape the RFP approach included:

- (i) **Secondary Plan and Urban Design Study** – The two most important policy documents that shaped the RFP were the West Harbour Secondary Plan (Setting Sail) and the Pier 7 and 8 Urban Design Study (UDS). The evaluation criteria related to the physical development plans were effectively derived from the principles set out in these planning and building design frameworks. The RFP was also strict in specifically disallowing any deviation from Setting Sail.
- (ii) **Community Vision** – Through a comprehensive series of public consultations leading up to the proposed solicitation process being approved by Council, staff worked with the community to articulate a vision that reflected the desired outcomes from the public's perspective. In many regards, these desires reflected the core principles of Setting Sail, with expanded values emphasizing inclusivity.
- (iii) **Balanced Risk-Reward Profile** – While maximizing benefits for the City remains the focus of the RFP, the notion of "value" should focus not only on positive outcomes, but must also be tempered by an understanding of associated risk exposures. Decisions should ultimately be made on the basis of a balanced risk-reward profile.
- (iv) **Performance Targets** – In instances where a measurable performance target would be required, the RFP maintained flexibility to leave the setting of targets in the Proponents' control, and instead was clear about how achievement will be enforced (e.g., compliance test, penalties, etc.).
- (v) **Maximizing Both Public and Private Interests** – While the Pier 8 Subject Lands will ultimately emphasize private uses, it is recognized that the resulting development will be expected to significantly further Pier 8's identity as a public

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

**SUBJECT: Pier 8 Development Opportunity Request for Proposals Evaluation
(PED14002(h)) (Ward 2) - Page 16 of 26**

recreation and gathering place for visitors from near and far. To that end, the RFP was carefully crafted to ensure that the general public's interests were as centrally represented as those of prospective private residents.

2.2 Technical Proposal - Holistic Scoring and Evaluation

Reflecting the distinct differences in the Technical and Financial Proposals, the approach to evaluating each was also distinctly different. Evaluation of Financial Proposals, being a much more objective numerical exercise, does not require a wide range of evaluative criteria. By contrast, the Technical Proposal sought alignment with high-level policies such as the core principles of Setting Sail, the UDS, and the community vision, which required each Proponent to identify implementation strategies and tactics.

Technical Proposal evaluations were conducted using a scoring method, wherein team members were required to reach consensus to ascertain a singular evaluation score for each Proposal. This approach is considered a best practice for complex decision-making assignments as it allows for open dialogue and can address varying proposals.

Furthermore, Project Staff opted for a holistic scoring scheme (i.e., there was not a granular point allocation matrix) allowing the evaluation to consider how all elements presented in the Proposal contribute and fit together. This flexible approach recognizes that the recommended Proposal will have intrinsic value that is much greater than the sum of its parts. Evaluating Proposals in this context required a multi-dimensional approach to ensure that the criteria are comprehensive and address both site-specific and higher-order objectives. The following diagram and discussion illustrate the components and thought process behind the RFP's holistic scoring methodology.

Figure 2 illustrates the Pier 8 RFP Holistic Scoring Methodology and is detailed in Section 2.2 on Pages 12-13 of Appendix "A".

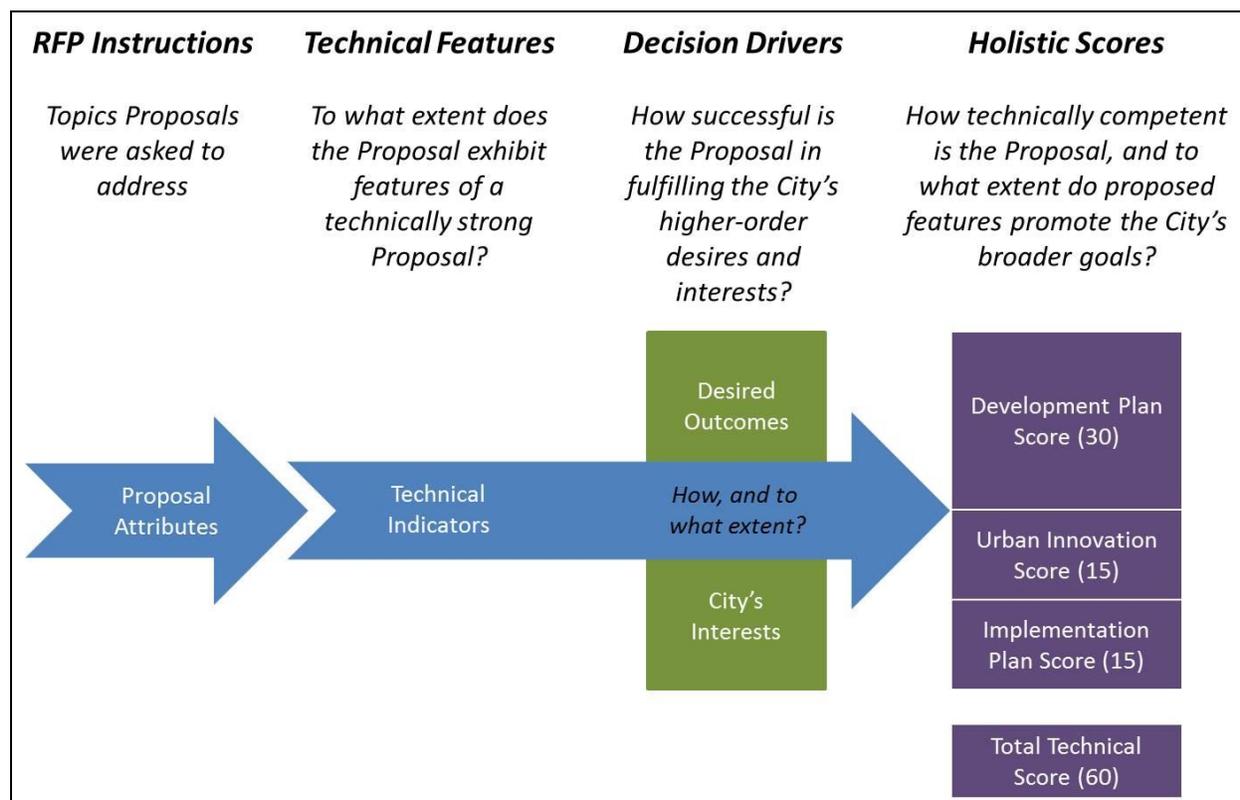
OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

SUBJECT: Pier 8 Development Opportunity Request for Proposals Evaluation (PED14002(h)) (Ward 2) - Page 17 of 26

Figure 2: Pier 8 RFP Holistic Scoring Methodology



2.3 Technical Proposal Submissions

Within the Technical Proposal's framework (i.e., Development Plan, Urban Innovation, Implementation Plan illustrated in Table 2), staff sought to identify features and qualities that would characterize a well-rounded response under each section. Incorporating input from subject matter experts, an extensive list of 100 individual attributes was assembled, that if adequately addressed in a Proposal, would present a comprehensive understanding of a Proposal's intentions. These attributes formed the RFP submission instructions.

2.4 Technical Evaluation Criteria

As noted, the Pier 8 RFP was rooted in two primary objectives – one concerned with the specifics of the Pier 8 development, and one reflecting a higher-order set of desires and interests. A broad set of technical evaluation criteria, that not only addressed the technical features of the development itself but also considered the practicalities of implementation, was established. The Evaluation Criteria – Decision Drivers and Technical Indicators is detailed in Section 2.4 on Pages 14-16 of Appendix "A".

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

**SUBJECT: Pier 8 Development Opportunity Request for Proposals Evaluation
(PED14002(h)) (Ward 2) - Page 18 of 26**

The technical evaluation criteria were significantly grounded in the guiding principles found in Setting Sail, the UDS, and the community Vision, with additional criteria assessing alignment, protecting and promoting the City's interests. From these foundational documents, Project Staff established and communicated the following "desired outcomes" criteria:

- (i) A vibrant, mixed-use community that enhances the area while respecting the existing neighbourhoods;
- (ii) An animated waterfront that offers a comprehensive cultural, recreational and retail experience for residents and visitors alike;
- (iii) Enhanced physical and visual connections to the harbour and increased public access to the water's edge;
- (iv) A community that is planned, designed, and built to support a multi-modal transportation system that integrates with the rest of the City's network;
- (v) A community that is inclusive of a diverse range of incomes, household configurations, and lifestyles; and,
- (vi) A community that stands as a model of excellence in the fields of design, sustainable living, accessibility, and environmental conservation.

While the desired outcomes identified above are fairly high-level, it was important that the Technical Proposals also pass through a rigorous process that assesses the details of the proposed solutions, implementation, and performance expectations. To that end, staff determined a set of key "technical indicators" that would be used to measure the extent to which the Proposals successfully addressed the instructed technical components of their plan. In particular, the depth and breadth to which each Proposal conveyed its attributes was an important contributing factor to the final scores. That is, higher scores were given to Proposals that exhibited well-articulated plan concepts, thoughtful execution tactics, a high degree of commitment with limited conditions, and demonstrated that addressing the City's decision drivers was an underlying priority.

Referring back to Figure 2, the RFP instructions directed each Proponent to address specific attributes within its plan. While the technical indicators were used to evaluate the Proposal's technical features, the decision driver criteria were used to assess how the proposed development could advance the City's higher-order desires and interests. Ultimately, the holistic score for each segment of the evaluation was determined through a critical assessment of both technical competency and alignment with the City's city-building objectives.

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

**SUBJECT: Pier 8 Development Opportunity Request for Proposals Evaluation
(PED14002(h)) (Ward 2) - Page 19 of 26**

3. Technical Proposal Evaluations**3.1 Technical Proposal Compliance Evaluation**

Prior to subjecting Technical Proposals to full evaluations, they were each reviewed for compliance in accordance with specific minimum technical specification requirements mandated by the City. Each of the following compliance requirements was established to entrench certain technical performance objectives into the RFP process, ensuring that at least a minimum outcome would be reflected in all Proposals:

- (i) the Development Plan must not exceed allowable building heights for each Block, consistent with the site-specific Zoning By-law and Setting Sail;
- (ii) the Development Plan must not exceed allowable unit densities for residential properties, consistent with the site-specific Zoning By-law and Setting Sail;
- (iii) the Development Plan must not exceed allowable floor areas for various building use types, consistent with the site-specific Zoning By-law;
- (iv) the Development Plan must not require a Secondary Plan Amendment/ Official Plan Amendment in order to implement;
- (v) the Development Plan must meet the minimum parking requirements in accordance with the site-specific Zoning By-law;
- (vi) the Development Plan must meet the minimum affordability guideline (i.e., 5% of all residential units must meet City's definition of affordability for home-ownership units);
- (vii) a minimum targeted level of LEED (Leadership in Energy and Environmental Design) certification must be stated to ensure the employment of a standard performance framework, the certification for which will be verified by a qualified, third party; and,
- (viii) a low-energy performance target at or exceeding the directed industry benchmark must be stated to ensure low-energy consumption is a priority performance consideration, and can be measured in a standard manner.

Beyond these technical compliance requirements, no other restrictions applied. However, in the case of planning policies, Proponents were given latitude to identify instances where a minor variance or zoning amendment may be required

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

**SUBJECT: Pier 8 Development Opportunity Request for Proposals Evaluation
(PED14002(h)) (Ward 2) - Page 20 of 26**

to implement their plan. Identified items were reviewed by the RFP project's Planning SME to confirm compliance, which was considered on a 'pass/fail' basis.

3.2 Evaluation, Scoring, and Consensus Meeting Protocols

The Technical Evaluation Team followed a three-step approach to measure each Proposal's performance against the technical indicators, make a judgment under the higher-order criteria, and articulate the rationale for the score given for each section (as identified in Table 2 - Development Plan, Urban Innovation, and Implementation Plan):

- (i) **Comprehensiveness Tests:** assessed the Proposal against each listed technical indicator in order to determine the extent to which the Proposal has satisfactorily addressed each issue (e.g., fully, partially, or missing). These tests provided an indication of the Proponent's holistic approach to developing its Technical Proposal;
- (ii) **Criteria Fulfillment:** evaluations rate the Proposal against each of the decision drivers criteria; and,
- (iii) **Summary of Strengths and Areas for Improvement:** provided free-form commentary to identify specific presented attributes that predominantly influenced the score. These comments will also be used to provide debriefs to Proponents.

It is important to note that the RFP Process mandated that the Proposals were evaluated and scored against the actual criteria, and not evaluated relative to each other. The Technical Evaluation Team strictly followed the established evaluation worksheets for each of the three scored sections (Development Plan, Urban Innovation, and Implementation Plan). The Team went through the worksheets line item by line item for each of the technical indicators and decision driver criteria.

The Fairness Monitor was present at all evaluator consensus meetings to ensure that the evaluation team's approach was consistently applied and fair to all Proponents.

A copy of the Technical Evaluation Team Worksheet can be found on Pages 29-38 of Appendix "A" to Report PED14002(h) and the Evaluation, Scoring, and Consensus Meeting Protocols is detailed in Section 3.2 on Pages 17-23 of Appendix "A".

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

**SUBJECT: Pier 8 Development Opportunity Request for Proposals Evaluation
(PED14002(h)) (Ward 2) - Page 21 of 26**

4. Financial Proposal Evaluations

4.1 Structured Payment Process

On November 22, 2017, Council approved GIC Report 17-024 including Report PED14002(f) entitled “Pier 8 Request for Proposal (RFP) Financial Bid Structure”, which outlined and recommended a specified financial structure which would govern both the RFP process and the ultimate real estate transaction.

Consistent with the approved approach, the RFP was structured in a manner that required Financial Proposals to feature a series of payments that may include a guaranteed amount paid upon execution of the initial contract, additional guaranteed minimum purchase amounts paid on the closing dates for each development block, and additional amounts based on the increase in the value of the land and improvements as the project proceeds. Table 3 illustrates the Financial Proposal Submission Instructions, as per the RFP document.

The financial arrangement will be structured such that the City will receive a portion of the payment upfront and additional payments as the development evolves. The financial outcome for the City will be equal to the sum of all payments received over the horizon of the project. This is illustrated by the following calculation referring to Table 3 below:

- (a) the Upfront Payment (i.e., A); plus,
- (b) the sum of all Minimum Purchase Prices (MPP) (i.e., B1 + B2 + B3 + B4 + B5 + B6 + B7 + B8 + B9); plus,
- (c) the proposed Fair Market Value (FMV) Share, expressed as a percentage rate, of any positive difference between each Block’s FMV and MPP (i.e., $\text{FMV Share \%} \times ((C1-B1) + (C2-B2) + (C3-B3) + (C4-B4) + (C5-B5) + (C6-B6) + (C7-B7) + (C8-B8) + (C9-B9))$); and plus,
- (d) the Value Added Share Rate (VAS) applied to each building built (e.g. percentage of revenue or capital value of the building).

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

**SUBJECT: Pier 8 Development Opportunity Request for Proposals Evaluation
(PED14002(h)) (Ward 2) - Page 22 of 26**

Table 3: Financial Proposal Submission Instructions

	(A) Upfront Payment	(B) Minimum Purchase Prices (MPP)		(C) Fair Market Value Share Payment	(D) Value-Add Share (VAS)
Block Number	\$ Amount	\$ Amount	Target Closing Date (dd/mm/yyyy)	% Share of FMV Spread Over MPP	% of Valuation Basis
1	Proposed one-time payment, not less than \$1 Million	Future Value (B1)	(dd/mm/yyyy)	Proposed share of the positive difference between the Fair Market Value and MPP for each Block payable to the City	Percentage of gross sales revenue and/or percentage of an income producing property stabilized value, for each building built
2		Future Value (B2)	(dd/mm/yyyy)		
3		Future Value (B3)	(dd/mm/yyyy)		
4		Future Value (B4)	(dd/mm/yyyy)		
5		Future Value (B5)	(dd/mm/yyyy)		
6		Future Value (B6)	(dd/mm/yyyy)		
7		Future Value (B7)	(dd/mm/yyyy)		
8		Future Value (B8)	(dd/mm/yyyy)		
16		Future Value (B9)	(dd/mm/yyyy)		

Given this payment structure, this total amount will not be definitively known until the project is complete and the final payment received. What we do know today, however, is that each Proponent's guaranteed payment amounts (i.e., columns A and B of Table 3) and their respective anticipated dates, as well as each Proponent's willingness to share variable outcomes with the City.

The last evaluative variable to consider is the impact of the "time value of money", which postulates that a dollar guaranteed today is worth more than a dollar promised for the future. As such, payments proposed in each Proponent's deal structure that are anticipated to be received earlier have greater value than those that are promised at a later date, even though later amounts may have a higher face value.

The Structured Payment Process is detailed in Section 4.1 on Pages 24-26 of Appendix "A".

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

**SUBJECT: Pier 8 Development Opportunity Request for Proposals Evaluation
(PED14002(h)) (Ward 2) - Page 23 of 26**

4.2 Financial Proposal Compliance Evaluation Methodology

The Financial evaluation employed a proprietary, computer-based financial model. Led by the RFP Project Team and developed with the assistance of Deloitte's National Real Estate consulting team, this sophisticated model was designed to assign an objective notional numerical value to each Proposal, illustrating the projected financial value for the City over the duration of the development.

Although the model was customized to reflect the specific development plans of the four individual Proposals, the valuation model was based on a set of clear and market-based financial benchmarks, which were disclosed to Proponents in advance of the Proposal submission deadline.

The model was applied consistently across all four Proposals, resulting in an objective evaluation that upheld the principle of fairness and reflects an acceptable methodology from a real estate and development industry perspective. The end-result was a single financial value that could be compared on a standardized basis across all proposals.

To ensure fairness and transparency, the City disclosed by way of written addendum, a detailed description of the evaluation model's underlying mechanics, as well as a significant portion of the underlying standard benchmark assumptions, including valuation metrics. These disclosures not only ensured that Proponents understood the influence of each assumed variable, but they could also make any necessary adjustments to their own proposed inputs in cases where their own assessment of property values might materially deviate from the assumptions applied during the City's evaluation.

The Compliance Checks and Evaluation Methodology is detailed in Section 4.2 on Pages 26-27 of Appendix "A". Pages 39-41 of Appendix "A" contain the Bid Form templates used for the RFP.

5. Next Steps – Development Agreement, Contractual Negotiation and Execution

Assuming that the recommendations of Report PED14002(h) are approved, under the direction of the City Manager, staff will formally notify the Preferred Proponent of Council's decision and will immediately commence to negotiate a formal Development Agreement related to the execution of the Proposal.

As part of the RFP, Proponents were provided with, and asked to comment on, a draft Development Agreement that incorporates all essential requirements to implement the Preferred Proponent's Proposal in a manner consistent with the City's objectives as outlined in the RFP. The draft Development Agreement is based on a precedent

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

**SUBJECT: Pier 8 Development Opportunity Request for Proposals Evaluation
(PED14002(h)) (Ward 2) - Page 24 of 26**

agreement provided by Waterfront Toronto that underpinned its successful “Bayside” development. The draft Agreement outlines, among other things, the dates each Block of land is to be transferred and developed, the type of development on each Block, the schedule for payments, affordable housing requirements, environmental responsibilities, LEED standards, indemnities and insurance obligations, the City’s responsibilities with respect to land delivery and infrastructure preparation as well as provisions dealing with contract performance and contingencies such as delays and major market disruptions that are beyond the control of either the City or the Preferred Proponent.

Staff has reviewed the comments provided by all Proponents and has concluded that, if and when any of these suggestions are incorporated into the final version of the Development Agreement, they would not constitute a marked departure from the draft Development Agreement or the principles outlined in the RFP.

On that basis, staff is confident that they can conclude a Development Agreement with the Preferred Proponent that will provide the contractual foundation for the Pier 8 Development and will incorporate all necessary provisions, sub-agreements and related documents including the Preferred Proponent’s Proposal, the Subdivision Agreement and the Agreements of Purchase and Sale for each Block.

On this basis, staff seeks Council’s authority to negotiate on behalf of the City the Development Agreement and all related agreements and documents, and have executed by the Mayor and City Clerk, in a form satisfactory to the City Solicitor. In addition, it should be recognized that the basic intent of the Development Agreement is to contractually obligate the Preferred Proponent to the material elements outlined in its Proposal. Based on the details contained with the Preferred Proponent’s Proposal, City staff expects an agreement could be negotiated and executed by the beginning of Q4 2018. The timely execution of the Development Agreement is important for both parties as the City receives its upfront payment upon execution of the Development Agreement and each Proponent anticipates starting its proposed developments no later than mid-2019.

ALTERNATIVES FOR CONSIDERATION

The primary alternatives available to Council include the following:

- (a) Council can approve the Recommendations in which case staff will proceed to negotiate and execute the Development Agreement with the Preferred Proponent as outlined above. This course of action is strongly supported by staff as being consistent with the RFP and Council’s previous instructions regarding the development of Pier 8. Should staff not be able to conclude a satisfactory Development Agreement with the Preferred Proponent, the City has reserved the right under the RFP to, in its sole discretion, select another Proponent as the Preferred Proponent and enter into negotiations to finalize

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

**SUBJECT: Pier 8 Development Opportunity Request for Proposals Evaluation
(PED14002(h)) (Ward 2) - Page 25 of 26**

and execute a Development Agreement with that other Proponent, or reject all Proposals, revise and reissue the RFP or cancel this RFP. In such a case, staff would anticipate returning to Council for further direction;

- (b) Council can reject the Recommendation. However, in view of the time and resources expended by both the City and each Proponent during this competitive process, the thorough and thoughtful Proposals of all Proponents and the objectively positive result, staff would not support this alternative as it would likely entail the initiation of another complicated competitive process that may not attract the same quality of respondent(s) and with no assurance of an equal or better result; and,
- (c) Council could, conceivably, instruct staff to commence negotiations with a Proponent other than the recommended Preferred Proponent. However, staff would strongly encourage Council not to pursue this approach as it would undermine the principles and commitments outlined in the RFP, adversely impact the City's reputation in the development community and elsewhere and could expose the City to litigation and potential damage awards.

Staff will be available to expand on any or all of these alternatives at Committee and Council in both public and closed session as circumstances warrant.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Strategic Priority #1

A Prosperous and Healthy Community

WE enhance our image, economy and well-being by demonstrating that Hamilton is a great place to live, work, play and learn.

Strategic Objective

- 1.1 Continue to grow the non-residential tax base.
- 1.3 Promote economic opportunities with a focus on Hamilton's downtown core, all downtown areas and waterfronts.
- 1.5 Support the development and implementation of neighbourhood and City wide strategies that will improve the health and well-being of residents.
- 1.6 Enhance Overall Sustainability (financial, economic, social and environmental).

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

**SUBJECT: Pier 8 Development Opportunity Request for Proposals Evaluation
(PED14002(h)) (Ward 2) - Page 26 of 26**

Strategic Priority #3

Leadership and Governance

WE work together to ensure we are a government that is respectful towards each other and that the community has confidence and trust in.

Strategic Objective

3.2 Build organizational capacity to ensure the City has a skilled workforce that is capable and enabled to deliver its business objectives.

APPENDICES AND SCHEDULES ATTACHED

Appendix "A": Pier 8 Development Opportunity RFP Process Strategy Review

Appendix "B": Fairness Monitor's Report - Request for Proposal Contract Number C11-66-17 entitled "Pier 8 Development Opportunity for Prequalified Proponents"

Appendix "C": Map and Description of Pier 8 Subject Lands

Confidential Appendix "D": Summary of Evaluation Results - Request for Proposal Contract Number C11-66-17 entitled "Pier 8 Development Opportunity for Prequalified Proponents"

Confidential Appendix "E": Fairness Monitor's Report – Appendix 1

PIER 8 DEVELOPMENT OPPORTUNITY RFP C11-66-17

PROCESS STRATEGY REVIEW

A compendium to Staff Report PED14002(h)

Table of Contents

1	RFP Strategy Considerations.....	2
1.1	The “Maximized Balance” Challenge.....	2
1.2	Governance Structure.....	3
1.3	Pre-emptive Risk Management.....	5
1.4	Evaluation Process and Scoring Framework.....	7
2	Proposal Submissions & Evaluation Criteria.....	9
2.1	Core Principles	9
2.2	Technical Scoring and Evaluation Methodology.....	11
2.3	Technical Proposal Submissions	12
2.4	Evaluation Criteria – Decision Drivers and Technical Indicators.....	13
3	Technical Proposal Evaluations	16
3.1	Technical Specification Compliance Checks.....	16
3.2	Evaluation, Scoring, and Consensus Meeting Protocols	16
3.3	Key Assumptions and Instructions	19
4	Financial Proposal Evaluations	23
4.1	Structured Payment Process.....	23
4.2	Compliance Checks and Evaluation Methodology.....	25
	Technical Proposal Evaluation Worksheet	27
	Bid Form Templates.....	0

1 RFP Strategy Considerations

Pier 8 presented Hamilton with a generational opportunity to leverage public lands in a manner that could generate a host of positive city-building outcomes in addition to raising sale revenues. Particularly unique characteristics about Pier 8 are that it:

- Is a significant, urban site preparing for a major land use transition;
- Plays a key role in a broader public recreation and civic gathering place strategy; and
- Presents an opportunity to introduce innovative new ideas into the local real estate development marketplace.

While exciting, the opportunity also presented itself with no contemporary examples or replicable models within the Hamilton context. Bearing this in mind, Staff looked to peers across the country, learning from their practical lessons while also being inspired to institute a “made in Hamilton” approach.

The driving forces behind the Pier 8 RFP are rooted in two primary objectives:

1. Identify a purchaser and developer of the lands whose capabilities and vision align with the City’s desired outcomes for Pier 8; and
2. Leverage the Pier 8 RFP to generate broad ranging benefits that extend beyond the development of the Subject Lands themselves for the benefit of all Hamiltonians.

The first addresses the ‘on-the-ground’ task of getting the Pier 8 lands developed. The second suggests a higher-order set of desired outcomes that considers a much broader scope of influence that this RFP could impart for the benefit of Hamiltonians irrespective of their direct connections to Pier 8 itself.

1.1 The “Maximized Balance” Challenge

Recognizing Pier 8 and the broader waterfront’s importance to all Hamiltonians, Staff approached the RFP strategy with a desire to provide benefits for as many segments of people as possible. The goal was to ensure that whether living, working, or visiting at Pier 8, that people of all ages, incomes, lifestyles and abilities feel a sense of inclusiveness and pride when standing at the site. Staff also wished to create ways in which the resulting development could generate benefits beyond the immediate geographic area, creating positive social, economic, and environmental spin-offs for the entire City.

Such an ambitious and broad-reaching goal inherently comes with some seemingly incompatible objectives, some even existing at different ends of the same spectrum. Achieving balance without compromising on outcomes was Staff’s ultimate challenge. Instead, how can the RFP achieve balance by encouraging Proponents to present their absolute best ideas to generate maximum positive outcomes for all while limiting the trade-offs? How can we instigate a “maximized balance” outcome?

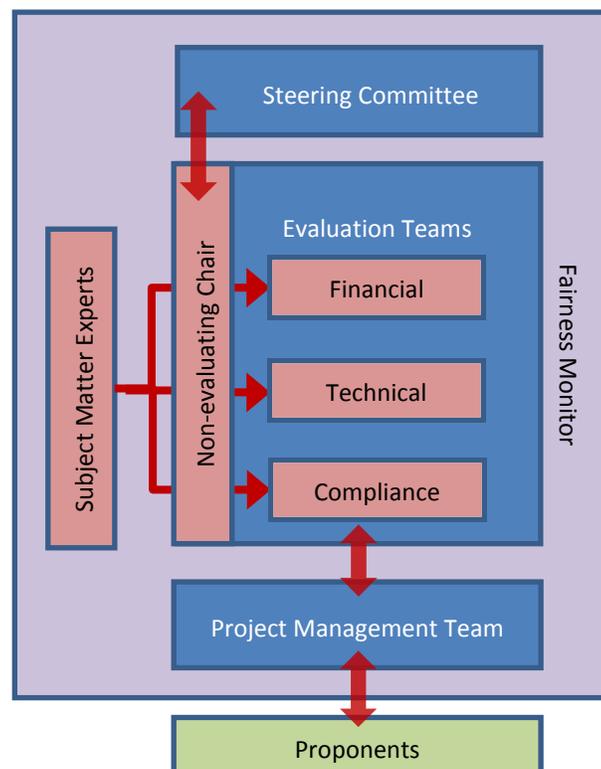
Staff identified and directly acknowledged a number of compatibility challenges that would need to be addressed through the RFP process in order to achieve maximized balance:

- Develop a fair and consistent evaluation approach that can accommodate high variability between proposals;
- Encourage innovation while being practical about implementation;
- Give credit for strategic, “big ideas” while tempering them against risk exposure to the City in the event that the concepts do not materialize as propositioned; and
- Acknowledge that financial value achieved may be in direct trade-off with city-building objectives.

1.2 Governance Structure

The Pier 8 RFP evaluation process was governed and executed by a select team of City staff and third-party consultants who each played a contributory role in not only determining a Preferred Proponent, but also in upholding the integrity of the process itself. Since the core goal of the RFP is to produce benefits for a wide range of people, it was important that a wide range of disciplines, perspectives, and interests be represented on the team. The following is a brief overview of the roles and relationships within the governance structure.

Figure 1: RFP Process – Governance Structure



The **Project Management Team’s** role was to administer the entire RFP process including facilitating the design and execution of the RFP, obtaining Council approvals, liaising with

Proponents, and facilitating evaluations. This team was comprised of Staff from Planning, Procurement, Legal, and Finance.

The **Steering Committee** is comprised of the City Manager, General Manager of Public Works, and General Manager of Finance and Corporate Services. The Committee’s mandate was to act as a senior-level oversight body to ensure that the City’s interests were upheld throughout the evaluation process. This mandate was primarily exercised through a hearing session during which the Evaluation Teams presented its evaluation findings and recommended Preferred Proponent. Following the inquiry, the Committee had the option to accept or reject the Evaluation Team’s recommendation in part or in whole.

Three evaluation sub-teams were exclusively tasked with evaluating the Proposals:

- The **Compliance Evaluation Team** was responsible for reviewing each Proposal and confirming completeness and compliance in accordance with the RFP instructions.
- The **Technical Evaluation Team** was responsible for evaluating and scoring each Technical Proposal.
- The **Financial Evaluation Team** was responsible for evaluating and scoring each Financial Proposal.

The Evaluation Teams were comprised of senior City Staff drawn from the Planning and Growth Management divisions in the Planning and Economic Development department (PED), the General Manager’s Office and the Asset Management Operations divisions in Public Works (PW), Finance and Procurement from the Finance and Corporate Services department (FCS).

Subject Matter Experts (SMEs) were engaged both from within the City Administration and from the private consultant field to provide support to the Evaluation Teams by providing responses to specific inquiries posed by evaluators with respect to content found within the Proposals. SMEs did not evaluate Proposals, but rather clarified technical content for the benefit of the Evaluators. SME responses were vetted by the Fairness Monitor to ensure no influence or bias was inferred. SME’s were brought in specifically to address subjects such as urban design, place-making, compliance with Setting Sail, financing, affordable housing, and environmental sustainability.

The **Non-evaluating Chair** governed the Compliance, Financial, and Technical Evaluation Teams through independent and consensus evaluations. The Chair’s primary role within the governance model is to serve as the intermediary between the Evaluation Teams, Subject Matter Experts, Steering Committee and Fairness Monitor.

The **Fairness Monitor** has been engaged by the City since the beginning of the entire solicitation process to monitor execution of the RFP and provide an independent evaluation of the City’s adherence to fairness and transparency principles as established in the RFP and other related policies of the City (e.g., Procurement Policy By-law). P1 Consulting is not only a highly experienced fairness monitor of Canadian public sector procurements, but their experience includes several high-profile public real estate deals that were similar in objective and form to the Pier 8 project. Their oversight has included advance review and advice

regarding the RFP document and all issued Addenda, vetting of all correspondence with the Proponents, approval of the Evaluation Framework including application of criteria and scoresheets, fairness orientation and training of all participating personnel, and participation in all Commercially Confidential Meetings, evaluator consensus meetings, and the Steering Committee hearing.

1.3 Pre-emptive Risk Management

Understanding that Pier 8's transformation is both highly complex and open to a high degree of scrutiny due to its profile and importance to the public, project Staff maintained an eye on pre-emptive management of risks as a foundational element of the entire solicitation strategy and process design. The manner in which both the RFQ and RFP have been carried out sought to protect the City from potential risks, arising either during the solicitation process itself, or afterwards, once the relationship with the Successful Proponent formally commenced. Below are the in-process (i.e., during RFP) and outcome (i.e., after RFP) risks that project Staff sought to pre-emptively mitigate through process design.

1. In-process Risks

- a. **Changing project parameters** – The RFP was being carried out while the City was concurrently contending with live issues that could dramatically change the nature of the development and the deal itself (e.g., OMB appeal, Record of Site Condition filing, etc.);
- b. **Misdirected responses** – Notwithstanding the proven capabilities and capacity of the shortlisted Proponents, there remained a risk throughout the RFP process that Proponents may misinterpret the City's expectations or believe there to be a lack of information and clarity, resulting in misdirected responses;
- c. **Proponent Disputes**– As noted, given the high profile of the Pier 8 project, it was expected that the process itself could be scrutinized by the public, media, and Proponents themselves, with the biggest risk being that a Proponent might raise a grievance claiming unfair treatment during the solicitation process.

2. Outcome Risks

- a. **Financial losses** – In reviewing peer municipalities' experiences with similar land transactions, the most commonly identified risks were related to missing out on future potential value uplifts and lack of protection against unexpected failures;
- b. **Broken promises** – There remains a risk throughout the project horizon that the promises upon which the Successful Proponent was selected may not materialize for a variety of controllable and uncontrollable reasons.

Project Staff agreed that the best way to actively mitigate these potential risks is through pre-emptive forthright communication, unambiguous transparency, and meticulous specificity. The following tactics were employed to advance these principles throughout the RFP process.

1. **Fairness Monitor** – as noted previously in this Report, the Fairness Monitor has been intimately involved in the proceedings of this solicitation process from its very inception. Having an independent monitor whose exclusive role is to ensure that the process has been designed and executed in a fair, open, and transparent manner goes a long way to limiting the odds and impact of a potential dispute;
2. **Written communications** – where practical, the City transmitted all instructions and guidance in writing whether through the RFP, addenda, or individual communications with Proponents. This allowed for a high degree of specificity to be communicated and provided the formal record of binding statements. Important communications that help mitigate risks include the City's Reserved Rights in the RFP, which clearly communicated how the City may carry out the RFP, the Minimum Green Building and Design Guidelines, which laid out a set of expectations during the eventual Site Plan Application stage, and the responses to clarification questions that provided guidance on the interpretation of instructions or applicable regulations.
3. **Commercially Confidential Meetings (CCM)** – Notwithstanding the desire to issue all communications in writing, the RFP process also included CCMs during which project Staff met in person with each Proponent team individually to engage in open discussions about the RFP instructions, interpretations, and expectations. The Fairness Monitor attended all CCMs and questions that were not deemed commercially confidential in nature were answered in writing for the benefit of all Proponents via public addendum. CCMs not only provided needed clarity but also built trust with Proponents that the City was conducting the RFP in a reasonable and flexible manner while maintaining a high degree of integrity and respect for all Proponents' confidentiality.
4. **Structured deal** – As previously elaborated in Staff Report PED14002(f) and summarized in greater detail in Section 4 of this document herein, the mandated deal structure was specifically envisioned to allow the City to participate in future potential value uplifts while using ownership control as the primary mechanism to protect against potential downside risks. In the spirit of transparency, the RFP and addenda provided the Proponents with an explanation of the mechanics of the Financial Proposal evaluation model as well as disclosing most of the variable assumptions that would be used to normalize the Proposals. The proposed deal variables will eventually be entrenched in the Development Agreement and transaction contracts.
5. **Draft Development Agreement** – Following this RFP process, the City will engage in contract negotiations with the Preferred Proponent dealing with issues related to the execution and fulfillment of the winning Proposal. To that end, the RFP pre-emptively included a draft Development Agreement which signalled to the Proponents the City's expectations with respect to implementation, including prospective penalties for specific fulfillment failures. Proponents were asked to submit proposed amendments to the draft Development Agreement accompanying their Proposal submissions. These proposed

amendments were not evaluated or scored as part of the RFP evaluations, but will serve as a starting place for the negotiation phase.

1.4 Evaluation Process and Scoring Framework

With the goal of maximized balance in mind, Staff presented PED14002(e) to GIC in July 2017, which outlined a recommended scoring framework wherein the Total Proposal Score would be split 60/40 between the Technical and Financial Proposals, respectively. Informing this recommended split was extensive public consultation that suggested a desire from the public for a tilt towards maximizing benefits for people over maximizing the funds from sale. The likely trade-off between maximizing technical and financial outcomes was recognized at an early stage and was a key influence on the proposed scoring framework. The scoring split favouring the Technical score would signal to Proponents that the RFP is more than just a financial bidding exercise, with greater emphasis placed on city-building objectives, without downplaying the City’s desire to raise capital revenues through the land sale.

Staff further recommended that the Technical Proposal and scoring be further broken down into the following subsections which struck a balance between concepts and execution:

- Development Plan (30 out of 60)
 - Plan Overview and Design Excellence;
 - Residential Program;
 - Place-making; and
 - Environmental Sustainability;
- Urban Innovation (15 out of 60); and
- Implementation Plan (15 out of 60).

The overall score for each Technical Proposal would also have to pass a minimum benchmark of 30 out of 60 in order for the Proponent to be eligible as the Preferred Proponent. This would further ensure that a Proponent could not “buy the deal” with an excessively high financial bid without also backing it up with a reasonably agreeable Technical Proposal.

While the evaluation of Technical Proposals would be measured and scored out of 60 potential points against the Technical Evaluation Criteria, allocation of the 40 potential points for the Financial Proposals would be distributed on a relative basis. That is, being a much more objective numerical exercise, the final notional dollar values resulting from each Financial Proposal valuation exercise would be ranked, and the top value will be assigned the full 40 available points, with each successive Proposal receiving a proportion of the 40 points commensurate with its indicative financial value as a proportion of the top-ranking indicative value.

he RFP would also employ a two-envelope, “blind” evaluation process where the technical team reviews the Technical Proposal and the financial team reviews the Financial Proposal separately but concurrently, while being kept blind from the others’ results. Only once the Technical scores are deemed to have passed the minimum benchmark (30 out of 60), would the

Technical and Financial scores be combined to reveal the top scoring Proposal presented to the Steering Committee for endorsement as the Preferred Proponent.

2 Proposal Submissions & Evaluation Criteria

2.1 Core Principles

At the onset of strategizing the solicitation process, Staff established the principal maxim: focus on desired outcomes, not prescribed tactics. This maxim was meant to remind all administrators, participants and observers that the Pier 8 RFP is ultimately a land sale process, and not a procurement process. The City is not purchasing a specified technical solution, but rather is seeking to sell lands to a purchaser who can demonstrate alignment with the City’s vision. Therefore, the RFPs objective was to leverage the competitive process to maximize the breadth and depth of proposed aspirations, seeking a wide variability between the proposals beyond price. Instead of aiming to just comply with a set of prescribed specification requirements, Proponents would need to be motivated to bring their best ideas, capabilities, and experience to the competition.

Extending beyond this core maxim other key touchstones that helped shape the RFP approach included:

- i. **Secondary Plan and Urban Design Study** – the two most important policy documents that shaped the RFP were the West Harbour Secondary Plan (“Setting Sail”) and the Pier 7+8 Urban Design Study (“UDS”). The evaluation criteria related to the physical development plans were effectively derived from the principles set out in these planning and building design frameworks. The RFP was also strict in specifically disallowing any deviation from Setting Sail.
- ii. **Community Vision** – through a comprehensive series of public consultations leading up to the proposed solicitation process being approved by Council, Staff worked with the community to articulate a vision that reflected the desired outcomes from the public’s perspective. In many regards, these desires reflected the core principles of Setting Sail, with expanded values emphasizing inclusivity.
- iii. **Balanced Risk-Reward Profile** – While maximizing benefits for the City remains the focus of the RFP, the notion of “value” should impart not only positive outcomes, but must also consider an understanding of associated risk exposures. Decisions should ultimately be made on the basis of a balanced risk-reward profile, especially when considering promises made against odds of delivery success.
- iv. **Performance Targets** – In instances where a measurable performance target would be required, the RFP maintained flexibility to leave the setting of targets in the Proponents’ control, and instead was clear about how achievement will be enforced. In some cases, a minimum pass/fail benchmark was set as a compliance requirement of the RFP (e.g., parking ratios). In cases where the achievement could only be ascertained after construction (e.g., LEED certification), Proponents were notified through the distributed draft Development Agreement of the penalty mechanism for not achieving the articulated

target. Similarly, penalties were specified for missing proposed payment dates related to the Financial Proposal.

- v. **Maximizing Both Public and Private Interests** – While the Pier 8 Subject Lands will ultimately be developed for private uses, it is recognized that the resulting development will be expected to significantly further Pier 8’s identity as a public recreation and community gathering place for visitors from near and far. In the spirit of “maximized balance”, the RFP was carefully crafted to ensure that the general public’s interests were as centrally represented as those of prospective private residents.

Staff distilled the following priorities from Setting Sail, the UDS, and past public consultations:

Public Interests	Private Interests
<ul style="list-style-type: none"> • Pedestrian priority (including bikes and mobility devices) • Enhanced open spaces and improved public access to water’s edge • Institutional use that is welcoming to all (not just for residents) • Retail and programing for visitors • Accessibility and crime prevention enabled through building and landscape design • Phasing in of Institutional Block and Greenway sooner than later, for public enjoyment • Promote clean water on the harbour • Support a range of transportation options (biking, public transit, parking) • Minimize environmental impact and promote Hamilton as a leader in sustainable development • Affordable housing configurations that are suitable to match demand and favourably phased • Commitment to using local labour and materials • Opportunities to generate economic, social, or environmental benefits beyond the immediate geographic area 	<ul style="list-style-type: none"> • Variety of residential choice (unit types, configurations, prices) • Energy and operational efficiency focused on occupant comfort and cost conscious living • Options for accessibility retrofits and aging-in-place • Range of transportation options (biking, public transit, parking) • Nuisance protection against adjacent industrial uses • Health and wellness of occupants • Convenience retail to serve immediate residents • Promote capital preservation

2.2 Technical Scoring and Evaluation Methodology

Similar to how the Technical and Financial Proposals are likely to exist in a trade-off relationship, the approach to evaluating each is also distinctly different. Evaluation of Financial Proposals, being a much more objective numerical exercise, does not require a wide range of evaluative criteria. A discussion regarding the Financial Proposal evaluation criteria and evaluation methodology is found in Section 4 of this report.

By contrast, Technical Proposals would be where the core principles of Setting Sail, the UDS, and community vision would be reflected as well as an understanding of the Proponent’s implementation strategies and tactics. As such, the bulk of effective evaluation criteria would need to focus on the scoring and evaluation of Technical Proposals.

In determining the most appropriate framework and methodology to complete Technical Proposal evaluations, project Staff first considered the magnitude and complexity of the Pier 8 project tempered against the quality, capability, and capacity of the shortlisted Proponents. In effect, the Technical portion of the RFP was asking Proponents to propose a new community from the ground up. While the Proponents are all sophisticated developers experienced with developing master planned communities, this RFP tasked them to lay out their intentions regarding the site and implementation plans prior to acquiring the lands, far in excess of what they would be required to do in a private market process, and furthermore, subjected those intentions to a high degree of scrutiny. In the private marketplace, lands typically go to the highest financial bidder with the developer assuming the execution risks and with little scrutiny on the plan itself.

Within this context, the City’s challenge was to land on a fair process that balances a wide variety of public and private interests and one that can keep the Proponents engaged while demanding enough information to be able to make a confident judgement regarding the winner.

In consultation with Procurement and the Fairness Monitor, project Staff set an intention to conduct Technical Proposal evaluations by way of consensus scoring. This approach requires each member of the Technical Evaluation Team to reach consensus and ascertain a single, official evaluation for each Proposal. This approach is considered a best practice for complex decision-making assignments as it allows for open dialogue and can address varying proposals that do not conform to a highly-defined technical specification with precisely measurable outputs.

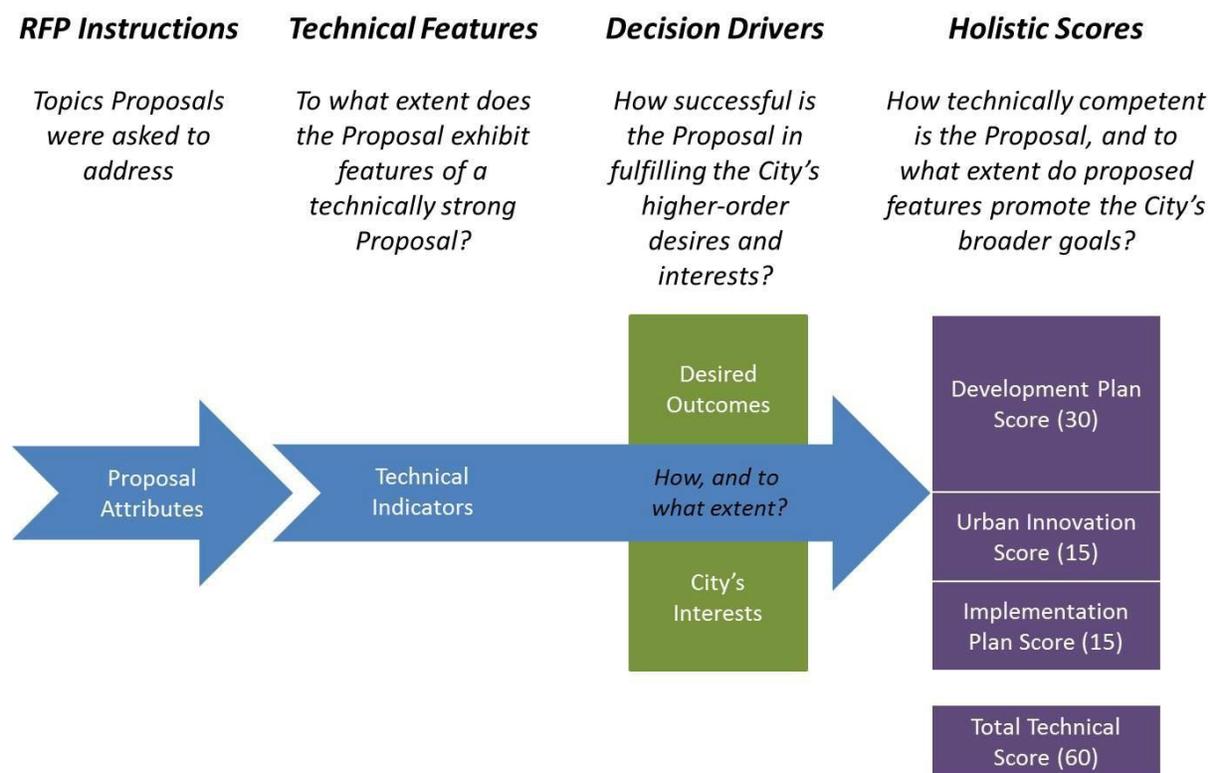
Furthermore, project Staff opted for a holistic scoring scheme (i.e., there was not a granular point allocation matrix), which considered how all elements presented in the Technical Proposal contribute and fit together. This highly flexible approach recognizes that the winning development will have intrinsic value that is much greater than the sum of its parts. In addition to aligning well with the consensus based decision-making format, holistic scoring has a number of additional benefits:

1. It does not require the City to definitively make relative value judgements on plan features that could have differing value to different interest groups;

2. It accommodates the reality that many plan features can contribute to the overall success of the scheme under multiple several criteria at the same time (e.g., ground-oriented units promote overall street safety, while also offering family-friendly and more accessible residential options)
3. It forces Proponents to contemplate and include, to the fullest extent, all elements, as they each potentially have equal value to the City, resulting in maximum beneficial outcomes for the City.

Evaluating Proposals in this context requires a multi-dimensional approach to ensure that the criteria are comprehensive and address both the site-specific and higher-order objectives. The following diagram and discussion illustrate the components and thought process behind the RFP’s holistic scoring methodology.

Figure 2: Pier 8 RFP Holistic Scoring Methodology



2.3 Technical Proposal Submissions

Recall that the Technical Proposals were set up to be evaluated along the following structure:

- Development Plan (30 out of 60)
 - Technical Specifications & Design Excellence;
 - Residential Program;
 - Place-making; and

- Environmental Sustainability;
- Urban Innovation (15 out of 60); and
- Implementation Plan (15 out of 60).

Within this framework, Staff sought to identify features and qualities that would characterize a well-rounded response under each of the above sections and subsections. Incorporating input from a variety of subject matter experts drawn from within the Administration (e.g., Buildings, Public Works, Growth Management, Operations, etc.) and external consultants, the result was an extensive list of 100 individual attributes that, if adequately addressed in a Proposal, would present a comprehensive understanding of the Proponent’s intended Development, Urban Innovation, and Implementation plans. These attributes formed the detailed list of submission instructions given to the Proponents (i.e., “Please address the following...”) as found in Subsection 2.1 of the RFP’s Evaluation Process section.

2.4 Evaluation Criteria – Decision Drivers and Technical Indicators

As previously noted, the driving forces behind the Pier 8 RFP are rooted in two primary objectives – one concerned with the specifics of the Pier 8 development, and one reflecting a higher-order set of desires and interests.

The Setting Sail and UDS guiding principles, together with the community vision speak to the higher-order objective. From these foundational documents, project Staff established the following ‘desired outcomes’ criteria:

1. A vibrant, mixed-use community that enhances the area while respecting the existing neighbourhoods;
2. An animated waterfront that offers a comprehensive cultural, recreational and retail experience for residents and visitors alike;
3. Enhanced physical and visual connections to the harbour and increased public access to the water’s edge;
4. A community that is planned, designed, and built to support a multi-modal transportation system that integrates with the rest of the City’s network;
5. A community that is inclusive of a diverse range of incomes, household configurations, and lifestyles; and
6. A community that stands as a model of excellence in the fields of design, sustainable living, accessibility, and environmental conservation.

These desired outcomes have been communicated to Proponents throughout the solicitation process and as early as the release of the Request for Qualifications document.

Similarly addressing the higher-order objective, Staff also developed a set of ‘decision driver’ criteria focused on the City’s interests, specifically on ways that the Proposal outcomes would maximize benefit for, or minimize potential risk to, the City through its delivery of the project:

1. **Consistency with established policies, vision, and Council directives** – inconsistency could be indicative of a Proponent that wishes to seek future policy amendments that do not conform to the City’s vision;
2. **Creative and strategic approach to all aspects of the Development Plan and delivery model** – contrasted against a piecemeal approach, a cohesive approach demonstrates a commitment to long-term success and a higher achievement standard to truly make Pier 8 a model of excellence;
3. **Social, environmental and economic benefits for the City** – the expectation is that Pier 8 should provide benefits for the City that extend beyond just the financial sale proceeds and immediate neighbourhood development;
4. **Balance between innovation and ease of execution** – while innovation is desirable, overly ambitious ideas and plans have the associated risk of not materializing as envisioned, resulting in a sense of broken promises;
5. **Long-term commitment to the site and thoughtful approach to unanticipated changes** – articulating a commitment to the project and demonstrating a robust governance approach and change management strategy;
6. **Cooperative / collaborative approach to relations with the City administration and the general public, including community and special interest groups** – an openness to work with the City and community partners demonstrates a willingness to make decisions collaboratively in the best interest of the project;
7. **Overall financial value for the City** – where possible, Proponents should seek implementation tactics that are self-sustaining and do not put undue strain on the City’s resources (e.g., downloading administration of proposed programs on the City); and
8. **Fair and equitable risk-reward sharing model with the City** – the City is put in an awkward position in instances where a potential positive outcome is contingent on the City providing certain accommodations or financial support. Instead, there should be an equitable match between the promises being made and responsibility for execution.

While the decision drivers are grounded in high-level desired outcomes and the City’s broader interests, and notwithstanding the holistic scoring approach, it was important that the Technical Proposals also pass through a rigorous screening process that assesses the finer details of the proposed solutions, tactics, and performance expectations presented in each.

To that end, Staff determined a set of key ‘technical indicators’ that would be used to measure the extent to which the Proposals successfully addressed the instructed technical components of their plan. These indicators were used as practical measures to evaluate the technical output of each Proposal. Through these technical indicators, evaluators could then assess the extent to which the higher-level objectives would likely be fulfilled by the Proposal.

In particular, the depth and breadth to which each Proposal conveyed its attributes was an important contributing factor to the final scores. That is, higher scores were given to Proposals that exhibited well-articulated plan concepts, thoughtful execution tactics, a high degree of commitment with limited conditions, and demonstrated that addressing the City’s decision drivers was an underlying priority. The Evaluation Team sought Proposals that did more than just say “we’ll do it”, and instead also:

- Demonstrated thoughtfulness and care given to each attribute Proposals were required to address;
- Provided appropriate levels of specificity (e.g., quantifiable measures, locations, timelines, etc.);
- Either articulated tangible execution plans or named capable execution partners where it was recognized that the Proponent themselves are not the ideal executor;
- Placed limited conditions on proposed outcomes, especially contingent events not within the Proponent's control (e.g., legislative changes);
- Required limited accommodation from the City to realize the promised result (e.g., funding);
- Could generate benefits for the City with limited potential downside risk exposure; and
- Articulated how they and the City would work together to address changing circumstances.

A listing of the technical indicators can be found in Subsection 3.2 of the RPF's Evaluation Process as well as in the 'Comprehensiveness Tests' under each subsection of the Technical Proposal Evaluation Worksheet template found on Pages 28 to 38 at the back of this report.

Putting all of the pieces together and referring back to Figure 2, the RFP instructions directed Proponents to address specific attributes within their plan. While the technical indicators were used to evaluate the Proposal's technical features, the decision driver criteria were used to assess how the proposed development could advance the City's higher-order desires and interests. Ultimately, the holistic score for each segment of the evaluation was determined through a critical assessment of both technical competency and alignment with the City's city-building objectives.

3 Technical Proposal Evaluations

3.1 Technical Specification Compliance Checks

Prior to subjecting Technical Proposals to full evaluations, each were reviewed for compliance in accordance with specific minimum technical specification requirements mandated by the City. Each of the following compliance requirements was established to entrench certain technical performance objectives into process, ensuring that at least a minimum outcome would be reflected in all Proposals:

1. Development Plan must not exceed allowable building heights for each Block, consistent with the site-specific zoning by-law and Setting Sail;
2. Development Plan must not exceed allowable unit densities for residential properties, consistent with the site-specific zoning by-law and Setting Sail;
3. Development Plan must not exceed allowable floor areas for various building use types, consistent with the site-specific zoning by-law;
4. Development Plan must not require a Secondary Plan Amendment / Official Plan Amendment in order to implement;
5. Development Plan must meet the minimum parking requirements in accordance with the site-specific zoning by-law;
6. Development Plan must meet the minimum affordability guideline (i.e., 5% of all residential units must meet City’s definition of affordability for home-ownership units) consistent with Council’s directive;
7. A minimum targeted level of LEED certification must be stated to ensure the employment of a standard performance framework, the certification for which will be verified by a qualified third party;
8. A low-energy performance target at or exceeding the directed industry benchmark must be stated to ensure low-energy consumption is a priority performance consideration, and can be measured in a standard manner.

Beyond these technical compliance requirements, no other restrictions applied. However, in the case of planning policy, Proponents were given latitude to identify instances where a minor variance or zoning amendment may be required to implement their plan. Identified items were evaluated by the RFP project’s Planning SME to confirm compliance with the “no OPA” requirement (#4 above). The Planning SME also confirmed compliance with Items #1 to #6 of the above list. These compliance requirements were considered on a ‘pass/fail’ basis.

Additionally, Proponents were given a number of Key Assumptions which, for the purposes of responding to the RFP, they were directed to reflect in their Proposals (see Subsection 3.3 of this report for additional details).

3.2 Evaluation, Scoring, and Consensus Meeting Protocols

Technical Evaluators followed a three-step methodology to measure each Proposal’s performance against the technical indicators, make a judgment under the decision drivers

criteria, and articulate the rationale for the score given for each section (Development Plan, Urban Innovation, Implementation Plan):

1. ‘Comprehensiveness Tests’, assessed the Proposal against each listed technical indicator in order to determine the extent to which the Proposal has satisfactorily addressed each issue (e.g., fully, partially, or missing). These tests provided an indication of the Proponent’s holistic approach to developing its Technical Proposal;
2. ‘Criteria Fulfillment’ evaluations rated the Proposal against each of the decision drivers criteria;
3. ‘Summary of Strengths and Areas for Improvement’ provided free-form commentary to identify specific presented attributes that predominantly influenced the score. These comments will also be used to provide debriefs to Proponents.

Please refer to the Technical Proposal Evaluation Worksheet template found on Pages 28 to 38 at the back of this report for an illustration of the three-step methodology described above.

In order to reach consensus amongst a potentially wide range of contributors, a number of consensus meeting protocols needed to be established and observed:

1. **Equal representation** – To prevent a faction of the Evaluation Team from dominating or disproportionately influencing the final outcomes, each team member conducted their own independent evaluation of each Proposal prior to the consensus meetings. Independent evaluations were conducted using the exact same scoring framework and scoring worksheets as would be applied during the consensus meetings.

Evaluators were each given an evaluation framework reference manual, as well as orientation and fairness training, prior to commencing their independent evaluations. Furthermore, evaluators were prohibited from communicating with each other during the independent evaluation period so as not to influence each other. Subject Matter Expert Briefing Notes were distributed to all evaluators, containing written responses to all technical questions that were posed during the independent evaluation process.

During the consensus meetings each evaluator was given equal opportunity to present their findings for each Proposal, attribute, key indicator, and criterion.

2. **Scoring ranges** – A degree of scoring standardization needed to occur in order to accommodate for variances inherent in bringing together different opinions and perspectives. At the same time, however, given that much effort was made to encourage variability between Technical Proposals, a scoring outcome that project Staff wished to avoid was close clustering of Technical Proposal scores such that the Financial Proposal would be the ultimate factor determining the Preferred Proponent.

Therefore, all evaluators were instructed to form their scores according to a “base-10” range (in half-point increments) and then mathematically adjust to the appropriate score allocation for the given section. In other words, as an example, although the Urban Innovation section is scored out of 15, evaluators first gave a “score out of 10” and then

adjusted that score to be equivalent to a “score out of 15”. This approach has two benefits to the process. Firstly, people more easily think in terms of base-10 (e.g., an 85% score is 8.5 out of 10). Secondly, the act of mathematically adjusting afterwards naturally creates some “spread” between scores (i.e., each half-point increment out of 10 equates to a three-quarter-point increment out of 15) such that closely performing Proposals could still demonstrate some distinction and separation in scores.

Similarly, as evaluators were instructed to form scores according to base-10, they were also encouraged to use the entire range between 0 and 10 as a means to encourage separation between scores.

Notwithstanding the quantitative guidance and instructions given, consideration had to also be given to the inherent “human nature” matter of some individuals being naturally more, or less, lenient in their scoring than others. This was captured at the outset of the consensus meetings wherein the evaluators first reached consensus on what score level would represent a “satisfactory” outcome and this measure was upheld as the consistent standard against which all consensus scoring was gauged.

3. **Consistency of approach** – Recognizing that at the end of the RFP process the City would need to clearly demonstrate to each Proponent why they were or were not identified as the Preferred Proponent, the evaluation team took careful measure to ensure that the review approach and scoring rationale would be highly defensible and consistent across all Proposals.

Key to achieving this outcome would be to ensure that Proposals were evaluated and scored against the criteria and not relative to each other. Framing this mindset began with the evaluator training and carried forward in further detail through the evaluation framework manual and evaluation worksheets. At the consensus meetings, the evaluation team strictly followed the workflow established by the evaluation worksheets for each of the three scored sections – Development Plan, Urban Innovation, and Implementation Plan. The team went through the worksheets line item by line item for each of the technical indicators and decision drivers criteria, with each evaluator providing commentary on notable positive features and/or material omissions or concerns.

This was followed up with a discussion about appropriate scores relative to the consensus “satisfactory standard” as described above. A summary of the most prominent strengths and areas for improvement, which formed the basis of the consensus score, were then summarized and noted.

While at no time did the evaluators engage in discussions comparing the merits of one Proposal against another, the evaluators were careful to ensure that the underlying approach to applying merits and demerits to the scoring rationale was consistently and fairly applied (i.e., if a specific identified risk was reason to demerit one Proposal, the

same must also demerit any other Proposal in equal measure where present in relatively equal measure).

The presence of the Non-Evaluating Chair, a senior member of the City’s Procurement Section, and the Fairness Monitor throughout all consensus meetings ensured that the evaluation team’s approach was consistently applied and fair to all Proponents.

3.3 Key Assumptions and Instructions

Notwithstanding the “desired outcomes, not prescribed tactics” maxim, given the complexity of the site and the fluid statuses with respect to ongoing land development activities, it was critical for the City to establish a set of base assumptions to ensure that Proposals could be somewhat comparable at the evaluation stage. To that end, project Staff laid out a number of Base Assumptions that, for the purposes of preparing an RFP response, Proponents were directed to reflect in their Proposals. This list was updated regularly via addendum in the event that a clarification question created a new assumption for consideration. A full listing of Base Assumptions can be found within the Terms of Reference of the RFP and by reviewing all issued Addenda. Below is a synopsis of the most salient guidance provided:

1. **Planning Policies** – From the outset of the solicitation process, including during the RFQ phase, the City has maintained a firm commitment to Setting Sail’s planning policy framework, while also noting the atypical inclusion of height and density permissions specified at this secondary plan level (heights and densities would typically be found at the zoning by-law level). As such, any desired change to land use, height, or density policy would require an Official Plan Amendment (OPA) to enact. The RFP went so far as to preclude any OPAs such that requirement of an OPA to realize the proposed development would render the Proposal non-compliant and disqualified from the RFP.

Furthermore, although the Draft Plan of Subdivision and associated Zoning By-law Amendment 17-095 are currently under appeal with the Ontario Municipal Board (OMB), Proponents were directed to assume that those policies would be effective on the Subject Lands as they are reflective of the City’s intent as approved by Council.

For the purposes of the RFP, Proponents were given latitude to identify instances where a minor variance or zoning amendment may be required. These identified items were evaluated by the RFP project’s planning subject matter expert to confirm compliance with the “no OPA” requirement.

2. **Delivery of Lands** – Proponents were directed to assume that the Subject Lands would be delivered in the following condition:
 - a. With registered titles for each Block in accordance with the Draft Plan of Subdivision;
 - b. With site-specific Zoning By-law Amendment 17-095 in force;

- c. A fully serviced road network complete with pre-grade service connections to each Block; and
- d. A Record of Site Condition filed for the entirety of Pier 8, with Certificates of Property Use issued by the MOECC for each Block.

For the purposes of devising their Proposals, Proponents were directed to assume that the above would occur by Q1 2019. Pending the progress of the outstanding OMB appeal of the Draft Plan of Subdivision, this date may be adjusted, along with other contingent dates, within the finalized Development Agreement.

3. **Affordable Housing Guideline** – In accordance with Council’s approval of GIC Report 16-028, a motion was made that the RFP evaluation criteria “...shall include a defined target of not less than five percent (5%) of affordable home-ownership units...”. The RFP used the City’s Municipal Housing Facilities By-law (No. 16-233) definition for Affordable Home Ownership. By subsequent amendment, the RFP further permitted the 5% threshold to similarly apply to rental tenure units, again using By-law No. 16-233 to provide the definition for Affordable Rental Units. While no preference was given to either tenure or concentration of the affordable housing units, Proposals that deferred the affordable units until the late stages and/or requirements for City resources to administer (e.g., City Housing Hamilton), were viewed less favourably.
4. **Parking Strategy** – Proponents were given copies of the City’s West Harbour Waterfront and Pier 8 Parking Strategy report prepared by IBI Group (Sept. 2017), and were directed assume that parking for the entire Pier 8 development (all uses and applicable ratios) must be provided for on-site without any shortfall. Furthermore, Proponents were directed to assume that any Blocks not yet acquired would likely be required by the City for its own public parking requirements as an interim solution until a final parking strategy is identified and executed by the City. A Proposal that required the use of City-owned Blocks to accommodate its own parking needs was viewed less favourably as it may conflict with the City’s requirements.
5. **The Greenway** – While the lands associated with the Greenway are to remain in the City’s ownership, Proponents were given the responsibility to design and build the Greenway itself so that it can integrate both aesthetically and functionally with their respective building designs. Upon completion, the developer will be reimbursed for the design and construction costs in accordance with terms and conditions negotiated in the Development Agreement.
6. **Noise Pollution Control** – Council approved Staff’s recommendation in PED17074 that the Pier 8 lands be designated as a Class 4 area under the MOECC’s NPC 300, Environmental Noise Guideline. For the purposes of the RFP, Proponents were directed to assume that only “at receptor” mitigation measures available under NPC 300, rather than any “at source” measures, could be implemented. This guidance was meant to

eliminate any scheme that would be contingent on co-operation from the adjacent industrial users and subject to unknown costs at this time.

7. **Development Charges, Dedications, Incentive Programs** – Although the City typically offers financial incentive programs to help promote economic development activity and sustainable building and land development practices, given that the Subject Lands are being purchased from the City at a price dictated by the Successful Proponent, these financial incentive programs shall not apply to the Subject Lands – any financial support from the City would be implicit within the Financial Proposal. Specific exclusions apply to the LEED Grant Program and the suite of programs under the Environmental Remediation and Site Enhancement (ERASE) umbrella.

Furthermore, Proponents were directed to assume that development charges and parkland dedications would apply to the Subject Lands in accordance with the terms and conditions of the Draft Plan of Subdivision. The Draft Plan of Subdivision did not include a provision for dedications or cash-in-lieu funding of public art.

8. **Minimum Green Building and Design Guidelines (MGBDG)** – Staff established a site-specific set of guidelines that further the principles of the Pier 7+8 Urban Design Guidelines, with a specific emphasis on sustainable development. Proponents were directed to assume that inclusion of these design elements in their development plan will be confirmed at Site Plan approval for each Block and will be a condition of releasing the requested permits. This assumption led them to incorporate more accurate assumptions for building costing into their Financial Proposals.

9. **Material Encumbrances** – Proponents were directed to assume the following with respect to encumbrances on the lands:
 - a. That the Brewer's Marine Building and Premises lease, which encumbers a large portion of Block 7, will not expire any earlier than its natural maturity date of November 22, 2025;
 - b. That the land lease with the Hamilton Waterfront Trust, which encumbers a large portion of the Subject Lands, will be terminated and dissolved prior to the project commencement date;
 - c. That the easement for the Sun-Canadian Pipeline will be redirected so as to be restricted to public rights-of-way and will no longer encumber the Subject Lands;
 - d. That the easement for the now decommissioned Imperial Oil Pipeline will be discharged from the title of the Subject Lands prior to the project commencement date.

10. **Additional Guidance re: Land Uses** – The City provided the following additional guidance with respect to certain land uses:
 - a. **Institutional** – The City did not specify a preference with respect to prospective uses for the Institutional Block 16. However, Proponents were advised to review the evaluation criteria related to Place-making that outlines how the uses within

the Institutional Block may be considered in the assessment of benefits for the City. Additionally, Proponents were directed to assume that no financial funding would be available for the construction of buildings or tenancing of Block 16; and

- b. **Hotel** – In accordance with Setting Sail subsection A.6.3.5.1.13, a hotel use is permitted in Medium Density Residential 2, Mixed Use, and Prime Retail designated areas, but not in Institutional areas. For the purposes of the RFP, the City outlined certain assumptions with respect to the allowable size and regulations for a proposed hotel at Pier 8.
11. **Obligations re: Special Conditions to Draft Plan of Subdivision** – Although the City is acting in the role of the applicant with regards to the Draft Plan of Subdivision and fulfilling many of the land developer's obligations, Proponents were directed to assume that the Successful Proponent will practically need to take on some of those obligations, especially as they relate to conditions surrounding the obtaining of permits and completing construction and occupancy. These obligations were identified from the Special Conditions of Draft Plan of Subdivision Approval as outlined in Staff Report PED17074.

4 Financial Proposal Evaluations

4.1 Structured Payment Process

As elaborated in Staff Report PED14002(f), the Financial Proposal portion of RFP submissions were required to follow a defined deal and payment structure as illustrated and described in Figure 3 below where the total financial payments made by the Successful Proponent to the City shall be the sum of:

- a. The Upfront Payment (i.e., A); plus
- b. the sum of all Minimum Purchase Prices (i.e., B1 + B2 + B3 + B4 + B5 + B6 + B7 + B8 + B9); plus
- c. the proposed FMV Share, expressed as a percentage rate, of any positive difference between each Block's FMV and MPP (i.e., FMV Share % x ((C1-B1) + (C2-B2) + (C3-B3) + (C4-B4) + (C5-B5) + (C6-B6) + (C7-B7) + (C8-B8) + (C9-B9)); and plus
- d. the VAS Rate Methodology applied to each building built.

Figure 3: Financial Proposal Submission Instructions

	(A) Upfront Payment	(B) Minimum Purchase Prices (MPP)		(C) Fair Market Value Share Payment	(D) Value-Add Share (VAS)
Block Number	\$ Amount	\$ Amount	Target Closing Date (dd/mm/yyyy)	% Share of FMV Spread Over MPP	% of Valuation Basis
1	Proposed one-time payment, not less than \$1 Million	Future Value (B1)	(dd/mm/yyyy)	Proposed share of the positive difference between the Fair Market Value and MPP for each Block payable to the City	Percentage of gross sales revenue and/or percentage of an income producing property stabilized value, for each building built
2		Future Value (B2)	(dd/mm/yyyy)		
3		Future Value (B3)	(dd/mm/yyyy)		
4		Future Value (B4)	(dd/mm/yyyy)		
5		Future Value (B5)	(dd/mm/yyyy)		
6		Future Value (B6)	(dd/mm/yyyy)		
7		Future Value (B7)	(dd/mm/yyyy)		
8		Future Value (B8)	(dd/mm/yyyy)		
16		Future Value (B9)	(dd/mm/yyyy)		

Financial Bids for the above inputs were made using the Bid Form 2 template provided by the City. Please see Page 41 at the back of this report for a copy of the Bid Form 2 template.

The financial arrangement is structured in such a way that the City will receive a portion of the payment upfront and several portions throughout the project horizon that will allow the City to participate in value uplifts over time. The following steps describe how the various payments will be calculated and disbursed to the City (each payment segment highlighted in bold).

1. An **Upfront Payment will be made on the Commencement Date**, or other agreed upon date, and held in escrow until the City fulfills its obligations clearing the way for delivery of the Subject Lands (e.g., Record of Site Condition, OMB appeal, clearing of encumbrances, etc.)
2. Developer will draw down each Block on the respective date as indicated within their Proposal:
 - The **Minimum Purchase Price will be paid to the City** in accordance with the amounts indicated within their Proposal; and
 - The developer will be given title possession of the Block.
3. Developer will submit a Site Plan Application within a specified window of time as agreed in the Development Agreement. If the application is unreasonably delayed, a financial penalty will begin to accrue according to terms and conditions as agreed in the Development Agreement.
4. City will review the Site Plan Application in accordance with standard practices including requirements for Design Review Panel input.
5. Developer will be responsible for taking the land through any minor variance or re-zoning process as required.
6. At issuance of a conditional Development Permit, the land will be independently appraised at fair market value reflecting the precise permissions granted by the Development Permit.
7. The Fair Market Value Share rate (as indicated in the developer's Proposal) will be applied against any positive difference between the appraised value less the Minimum Purchase Price, and such **Fair Market Value Share amount will be paid to the City**. For example, if the Minimum Purchase Price paid for a Block was \$400 and the Block was eventually appraised at \$1,000, at a 50% share rate, the payment would be \$300 (i.e., $(\$1,000 - \$400) \times 50\%$), and at a 90% share rate, the payment would be \$540;
8. Following waiver of conditions on the Development Permit, final building permits will be issued and construction will be completed through to occupancy and stabilization. The City's typical inspection, regulation, and occupancy permit protocols shall apply.
9. Following a sufficient stabilized operation period, the **Value Add Share will be calculated and paid to the City**:
 - For condominium properties – a percentage of gross sales revenues will apply as quoted in their Proposal. An auditing protocol will be established in the Development Agreement.

- For rental properties – a percentage of capital value of the income property will apply as quoted in their Proposal. A valuation protocol will be established in the Development Agreement.

10. Repeat Steps 2 to 9 for each Block.

The financial outcome for the City will be equal to the sum of all payments received over the horizon of the project. Given the structured methodology, this total amount will not be definitively known until the project is complete and the final payment received. What we do know today, however, are each Proponent’s guaranteed payment amounts (i.e., columns A and B from Figure 3 above) and their respective anticipated dates, as well as each Proponent’s willingness to share variable outcomes with the City.

The last evaluative variable to bear in mind is the impact of the “time value of money” concept, which postulates that a dollar guaranteed today is worth more than a dollar promised for the future, given the spending or investing options that the guaranteed dollar affords today, as well as the reduced exposure to default risk over time. As such, payments proposed in each Proponent’s deal structure that are anticipated to be received earlier have greater value than those that are promised at a later date, even though later amounts may have a greater face value.

4.2 Compliance Checks and Evaluation Methodology

The Financial evaluation employed the use of a proprietary computer-based financial model. Led by the RFP Project Team and developed with the assistance of Deloitte’s National Real Estate consulting team, this sophisticated model was designed to assign an objective notional numerical value to each Proposal, reflecting the projected financial value for the City over the duration of the development. Although the model was customized in each case to adjust for the specific variations presented in each of the respective proposed development plans of the four individual Proposals, the valuation model was based on a set of clear and market-based financial benchmarks, which were disclosed to Proponents in advance of the Proposal submission deadline. The model was applied consistently across all four Proposals, resulting in an objective evaluation that upheld the principle of fairness and reflects an acceptable methodology from a real estate and development industry perspective.

The model analyzed the numerical inputs provided by the Proponent using Bid Form 2, and in accordance with their respective Technical Proposal, and distilled the bid into a single value that could be compared on a standardized basis across all proposals. Please Pages 39 to 41 at the back of this report for a copy of Bid Form 1 and Bid Form 2 templates. Bid Form 1 reflected the technical specification features of the Development Plan, while Bid Form 2 reflected the inputs that would be analyzed by the Financial Proposal Evaluation Model.

The Financial Proposal evaluation included a compliance check that compared details from Bid Form 1 and Bid Form 2 (e.g., floor areas, land uses, etc.) to ensure that what was proposed in

the Technical Proposal was consistent with the basis upon which the Financial Proposal was being presented. Additional Financial Proposal compliance checks included:

1. Proposal does not suggest a single, upfront payment in exchange for title conveyance of all Development Blocks in a single transaction (per Council approval of recommendations found in PED14002(f));
2. An Upfront Payment of not less than \$1,000,000 (per RFP instructions); and
3. A Fair Market Value Share rate of not less than 50% (per RFP instructions).

Upon passing all compliance checks, each Financial Proposal's Bid Form 2 variables were transposed into the Evaluation Model to produce a notional financial bid value, taking into account the time-value-of-money principle. As previously described in this report, the allotment of the 40 potential points for Financial Proposal was calculated on a relative basis in comparison to the Financial Proposal exhibiting the highest notional financial bid value.

In the spirit of fairness and transparency, the City had previously disclosed by way of written addendum, a detailed description of the Evaluation Model's underlying mechanics, as well as a signification portion of the underlying standard assumptions, including time value of money variables. These disclosures not only ensured that Proponents understood the influence of each assumed variable, but they could also make any necessary adjustments to their own proposed inputs in cases where their own assessment of property values might materially deviate from the assumptions applied in the City's evaluation of their Financial Proposal.

Technical Proposal Evaluation Worksheet

**PIER 8 RFP EVALUATOR WORKSHEET: W-2
TECHNICAL PROPOSAL EVALUATION**

Proponent Team Name: _____

**Appendix “A” to Report PED14002(h)
Page 29 of 41**

A1. DEVELOPMENT PLAN

(i) COMPREHENSIVENESS TESTS				
To what extent does the Proposal explicitly attempt to address the following considerations...?	Fully	Partially	Missing	Comments

Plan Overview and Design Excellence

Alignment with the City’s vision and guiding principles				
The design concept relates to the overall contexts as laid out in Setting Sail, West Harbour Waterfront Recreational Master Plan, and Pier 7+8 Urban Design Study				
Presents a thoughtful strategy to integrate with surrounding existing residential, recreational, and industrial areas				
The plan leverages, complements and enhances the adjacent public recreation areas				
Articulates a strategy to address and mitigate the potential negative impacts of the adjacent industrial uses				
Demonstrates an integrative approach to the City’s transportation strategy for the North End neighbourhood and beyond				
Creates a cultural link to Hamilton and the Waterfront’s history and future				
Extent to which the plan exceeds minimum AODA requirements				
Extent to which the plan reflects a commitment to barrier-free design, universal design, inclusive design, and crime prevention through environmental design (CPTED) for both interior and exterior spaces				
Addressing site challenges (e.g., water table, noise attenuation, etc.) through creative design, engineering, and/or site planning				
A workable parking configuration accommodated within the proposed Development Plan (legislated requirement is a compliance issue dealt with in worksheet W1a)				

Residential Program

Extent to which the proposed residential program exceeds the City’s minimum affordability targets				
For the affordable housing units, creativity and practicality of solution to ensure the continuity of affordability beyond the initial homeowner				
Market rationale demonstrates a sound understanding of Hamilton’s market dynamics				
Housing mix addresses the needs of a broad range of incomes, lifestyles, and household configurations				
Housing mix is family-friendly - notable percentage of larger units and features (storage, family amenities, additional bathroom)				
Building and unit typologies address issues such as accessibility and aging populations (including aging-in-place)				
Strategies to achieve diversity of target market segments is clearly foundational to the program				

**PIER 8 RFP EVALUATOR WORKSHEET: W-2
TECHNICAL PROPOSAL EVALUATION**

**Appendix “A” to Report PED14002(h)
Page 30 of 41**

Proponent Team Name: _____

Place-making

Overall plan is inviting to both nearby residents and visitors alike				
Overall plan is appealing to a wide range of demographics				
Retail strategy strikes a balance between local residents’ and visitors’ needs				
Extent to which a clear vision is proposed for the institutional site that integrates it with the neighbourhood				
Strategies promote year-round, ground-floor animation				
Proposed Pier 8 scheme leverages, complements and enhances the adjacent public recreation areas				
Proponent is willing to maintain a long-term commitment to the retail and institutional premises				
Proposed development enhances, and does not detract from, the public realm experience				
The private development provides semi-public and/or community amenities				

Environmental Sustainability

Demonstrates a firm understanding of site characteristics to be considered in the overall design for environmental sustainability				
Extent to which the Proponent intends to exceed the minimum LEED certification level (minimum = "LEED Certified")				
Extent to which targeted LEED credits are a direct result of proactive actions to be taken by the Proponent rather than inherent characteristics of the site and/or actions being taken by the City				
Extent to which the Proponent intends to exceed the minimum energy efficiency performance standard set by the NECB 2015 benchmark (minimum = "not greater than 100% of NECB 2015 energy cost")				
Extent to which renewable energy sources are employed				
Extent to which the Proposal intends to exceed the Minimum Green Building and Design Guidelines (Appendix F) or have not been met				
Relatively simplicity and affordability of the long-term operations and maintenance of the proposed features				
Extent to which the proposed sustainability measures promote the health and well-being of building occupants and users				
Proposed design and progress reporting process that is inclusive of the City as a stakeholder (i.e., participation, decision-making approaches, and progress reporting)				

(ii) CRITERIA FULFILLMENT						
To what extent does the Development Plan succeed in achieving the following project objectives and desirable outcomes?	Poor	Satisfactory	Very Good	Excellent	Not Applicable	Comments

**PIER 8 RFP EVALUATOR WORKSHEET: W-2
TECHNICAL PROPOSAL EVALUATION**

**Appendix "A" to Report PED14002(h)
Page 31 of 41**

Proponent Team Name: _____

A vibrant, mixed-use community that enhances the area while respecting the existing neighbourhoods						
An animated waterfront that offers a comprehensive cultural, recreational and retail experience for residents and visitors alike						
Enhanced physical and visual connections to the harbour and increased public access to the water's edge						
A community that is planned, designed, and built to support a multi-modal transportation system that integrates with the rest of the City's network						
A community that is inclusive of a diverse range of incomes, household configurations, and lifestyles						
A community that stands as a model of excellence in the fields of design, sustainable living, accessibility, and environmental conservation						
Consistency with established policies, vision, and Council directives						
Creative and strategic approach to all aspects of the Development Plan and delivery model						
Social, environmental and economic benefits for the City						
Balance between innovation and ease of execution						
Long-term commitment to the site and thoughtful approach to unanticipated changes (i.e., change management strategy)						
Cooperative / collaborative approach to relations with the City administration and the general public, including community and special interest groups						
Overall financial value for the City						
Fair and equitable risk-reward sharing model with the City						

(iii) SUMMARY OF DEVELOPMENT PLAN STRENGTHS AND AREAS FOR IMPROVEMENT	
Strengths:	Areas for Improvement:

CONSENSUS DEVELOPMENT PLAN SCORE (0 to 10, half-point increments)	
WEIGHTED TO MAXIMUM 30 POINTS	

**PIER 8 RFP EVALUATOR WORKSHEET: W-2
TECHNICAL PROPOSAL EVALUATION**

Proponent Team Name: _____

**Appendix “A” to Report PED14002(h)
Page 32 of 41**

A2. URBAN INNOVATION

(i) COMPREHENSIVENESS TESTS

To what extent do the proposed urban innovations explicitly attempt to address the following considerations...?	Fully	Partially	Missing	Comments
---	-------	-----------	---------	----------

Urban Innovation

Directly addresses a defined problem				
Extent to which proposed elements would benefit the immediate neighbourhood socially, economically, or environmentally				
Extent to which proposed elements would benefit the entire City socially, economically, or environmentally				
The overall scale of an innovative plan element and/or the collective impact of all proposed innovative plan elements promotes a cohesive vision or model of modern urbanism				
Has some degree of precedence and past proven success				
Balanced risk-return profile between higher-impact/cutting-edge and lower-impact/proven results				
Ease of implementation including the degree of support or accommodation required from the City				
Extent to which proposed elements are committed, not conditional				
Extent to which an execution plan has been identified, including a commitment from said execution partners (as required)				

(ii) CRITERIA FULFILLMENT

To what extent does the Development Plan succeed in achieving the following project objectives and desirable outcomes?	Poor	Satisfactory	Very Good	Excellent	Not Applicable	Comments
--	------	--------------	-----------	-----------	----------------	----------

A vibrant, mixed-use community that enhances the area while respecting the existing neighbourhoods						
An animated waterfront that offers a comprehensive cultural, recreational and retail experience for residents and visitors alike						
Enhanced physical and visual connections to the harbour and increased public access to the water's edge						
A community that is planned, designed, and built to support a multi-modal transportation system that integrates with the rest of the City's network						
A community that is inclusive of a diverse range of incomes, household configurations, and lifestyles						
A community that stands as a model of excellence in the fields of design, sustainable living, accessibility, and environmental conservation						
Consistency with established policies, vision, and Council directives						

**PIER 8 RFP EVALUATOR WORKSHEET: W-2
TECHNICAL PROPOSAL EVALUATION**

**Appendix “A” to Report PED14002(h)
Page 33 of 41**

Proponent Team Name: _____

Creative and strategic approach to all aspects of the Development Plan and delivery model						
Social, environmental and economic benefits for the City						
Balance between innovation and ease of execution						
Long-term commitment to the site and thoughtful approach to unanticipated changes (i.e., change management strategy)						
Cooperative / collaborative approach to relations with the City administration and the general public, including community and special interest groups						
Overall financial value for the City						
Fair and equitable risk-reward sharing model with the City						

(iii) SUMMARY OF URBAN INNOVATION STRENGTHS AND AREAS FOR IMPROVEMENT	
Strengths:	Areas for Improvement:

CONSENSUS URBAN INNOVATION SCORE (0 to 10, half-point increments)	
WEIGHTED TO MAXIMUM 15 POINTS	

**PIER 8 RFP EVALUATOR WORKSHEET: W-2
TECHNICAL PROPOSAL EVALUATION**

Proponent Team Name: _____

**Appendix “A” to Report PED14002(h)
Page 34 of 41**

A3. IMPLEMENTATION PLAN

(i) COMPREHENSIVENESS TESTS

To what extent do the proposed Implementation Plan explicitly attempt to address the following considerations...?	Fully	Partially	Missing	Comments
---	-------	-----------	---------	----------

Ownership and Financing

Degree of commitment indicated in the lender’s letter				
---	--	--	--	--

Project Delivery

A thorough list of disciplines identified and team members have been named for each				
Extent of commitment to hiring local labourers				
Extent to which the articulated fair wage policy and fair wage schedule is aligned with the City’s Fair Wage Schedule				
Extent of commitment to using local materials suppliers				
Extent to which the trades and construction strategy limits potential downtime and cost inflation				
Extent to which the phasing / projected draw-down schedule promotes a timely approach to full build-out				
Extent to which the phasing plan aligns to a thoughtful place-making strategy				
Extent to which the phasing as strategy contributes to solution for dealing with adjacent industrial uses				
Extent to which the proposed phase-in schedule prioritizes the public’s interests				
Extent to which the proposed phase-in schedule is compatible with the City’s Waterfront Parking Strategy				
Extent to which additional site investigations required will be intrusive to the Subject Lands and/or may impair the future value of the lands				
Plan for environmental site remediation is compatible with the Risk Assessment and Risk Management Plan as being carried out by the City, with minimal change in approach required				
Construction staging does not unreasonably constrain the City’s right to use the undeveloped Blocks for its own requirements				
Extent to which the proposed Block phasing plan has taken the effective encumbrances in to account in order to minimize negative impacts on the Financial Proposal				
Extent to which the Development Plan as presented is fully committed (i.e., limited conditional elements)				

Project Stewardship and Change Management

**PIER 8 RFP EVALUATOR WORKSHEET: W-2
TECHNICAL PROPOSAL EVALUATION**

**Appendix “A” to Report PED14002(h)
Page 35 of 41**

Proponent Team Name: _____

Proposed change management framework remains focused on meeting project objectives while being flexible enough to accommodate a range of “known unknowns” as well as “unknown unknowns”				
Extent to which the Successful Proponent’s project management and decision-making framework is integrated with the proposed City-relationship governance structure				
Well-articulated plan to engage with the local community and all Hamiltonians as they progress their plan				
A strategy that demonstrates the Proponent’s commitment to the stewardship and operation of completed phases				
A fair and equitable approach to project and outcomes monitoring				
Extent to which the proposal today is prepared for potential future risks				
Extent to which the proposal today is prepared for potential future opportunities				
Creativity in suggested risk mitigation and opportunity exploiting strategies				

(ii) CRITERIA FULFILLMENT

To what extent does the Implementation Plan succeed in achieving the following project objectives and desirable outcomes?	Poor	Satisfactory	Very Good	Excellent	Not Applicable	Comments
A vibrant, mixed-use community that enhances the area while respecting the existing neighbourhoods						
An animated waterfront that offers a comprehensive cultural, recreational and retail experience for residents and visitors alike						
Enhanced physical and visual connections to the harbour and increased public access to the water’s edge						
A community that is planned, designed, and built to support a multi-modal transportation system that integrates with the rest of the City’s network						
A community that is inclusive of a diverse range of incomes, household configurations, and lifestyles						
A community that stands as a model of excellence in the fields of design, sustainable living, accessibility, and environmental conservation						
Consistency with established policies, vision, and Council directives						
Creative and strategic approach to all aspects of the Development Plan and delivery model						
Social, environmental and economic benefits for the City						
Balance between innovation and ease of execution						
Long-term commitment to the site and thoughtful approach to unanticipated changes (i.e., change management strategy)						
Cooperative / collaborative approach to relations with the City administration and the general public, including community and special interest groups						

**PIER 8 RFP EVALUATOR WORKSHEET: W-2
TECHNICAL PROPOSAL EVALUATION**

**Appendix "A" to Report PED14002(h)
Page 36 of 41**

Proponent Team Name: _____

Overall financial value for the City						
Fair and equitable risk-reward sharing model with the City						

(iii) SUMMARY OF IMPLEMENTATION PLAN STRENGTHS AND AREAS FOR IMPROVEMENT

Strengths:

Areas for Improvement:

CONSENSUS IMPLEMENTATION PLAN SCORE (0 to 10, half-point increments)	
WEIGHTED TO MAXIMUM 15 POINTS	

PIER 8 RFP EVALUATOR WORKSHEET: W-2
TECHNICAL PROPOSAL EVALUATION

Appendix "A" to Report PED14002(h)
Page 37 of 41

Proponent Team Name: _____

TOTAL TECHNICAL PROPOSAL SCORE

CONSENSUS TECHNICAL PROPOSAL SCORE WEIGHTED TO MAXIMUM 60 POINTS	
BENCHMARK PASS / FAIL (BENCHMARK IS 30 OUT OF 60)	

Technical Proposal Evaluator Names:

Technical Proposal Evaluator Signatures:

Date: _____

Appendix "A" to Report PED14002(h)
Page 38 of 41

Bid Forms

BID FORM 1: DEVELOPMENT PLAN TECHNICAL SPECIFICATIONS
PIER 8 DEVELOPMENT OPPORTUNITY
REQUEST FOR PROPOSALS (C11-66-17)
 REVISED: February 22, 2018 (Addendum 13)

Development Block Land Use	1	2	3	4	5	6	7	8	16
	Medium Density Residential	Medium Density Residential	Mixed Use	Medium Density Residential + Prime Retail	Medium Density Residential + Prime Retail	Mixed Use	Medium Density Residential + Prime Retail	Medium Density Residential	Institutional
Number of Buildings									
Maximum Height of Tallest Building (storeys)									
Gross Floor Area (square metres)									
Estimated Site Coverage (%)									
Total Residential Unit Counts	-	-	-	-	-	-	-	-	-
Market Units	-	-	-	-	-	-	-	-	-
Studio / Bachelor									
1 bedroom									
2 bedroom									
3+ bedroom									
Live / work									
Affordable Units	-	-	-	-	-	-	-	-	-
Studio / Bachelor									
1 bedroom									
2 bedroom									
3+ bedroom									
Live / work									
Total Residential Unit Floor Area (GFA square metres)	-	-	-	-	-	-	-	-	-
Studio / Bachelor									
1 bedroom									
2 bedroom									
3+ bedroom									
Live / work									
Total Non-Residential Floor Area (GFA square metres)	-	-	-	-	-	-	-	-	-
Retail									
Office									
Institutional / Community									
Other (specify)									
Total Parking Stall Count	-	-	-	-	-	-	-	-	-
for Occupants (reserved)									
for Visitors of Occupants									
for Commercial									
for General Public (no minimum required)									

I/We hereby certify that the details provided in this Bid Form 1, accurately reflect, to the best of our ability, the intended values related to the Development Plan as further specified in our Proposal in response to RFP C11-66-17. In the event of any discrepancy between the written Proposal and this Bid Form, the information contained in this Bid Form shall supersede.

Proponent Name

Signature: _____

Print Name: _____

I/We have the authority to bind the Proponent

Proponent Name

Signature: _____

Print Name: _____

I/We have the authority to bind the Proponent

Appendix "A" to Report PED14002(h)
Page 41 of 41

I/We hereby certify that the details provided in this Bid Form 2, accurately reflect, to the best of our ability, the intended values comprising our Financial Proposal in response to RFP C11-66-17. In the event of any discrepancy between the written Proposal and this Bid Form, the information contained in this Bid Form shall supersede.

PROPONENT NAME:

Core Team Member 1
Company Name:

Signature: _____

Print Name: _____

I/We have the authority to bind the company

PROPONENT NAME:

Core Team Member 2
Company Name:

Signature: _____

Print Name: _____

I/We have the authority to bind the company



May 18th, 2018

Mr. Chris Philips
Senior Advisor, West Harbour Re-Development Project
Planning & Economic Development Department
City of Hamilton
71 Main St. W, 7th Floor,
Hamilton, ON L8P 4Y5

Subject: Pier 8 Development Opportunity RFP (RFP # C11-66-17).

Chris:

P1 Consulting acted as the Fairness Monitor to review and monitor the communications, evaluations and decision-making processes that were associated with the City of Hamilton’s Pier 8 Development Opportunity RFP (RFP # C11-66-17).

P1 Consulting was engaged as Fairness Monitor by the City of Hamilton prior to the release of the RFQ, was actively involved in monitoring and reviewing the RFQ and RFP process, including providing related fairness advice to the City.

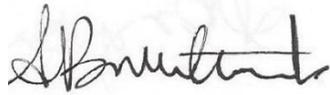
Up to and including the date of this report, in our role as Fairness Monitor, P1 Consulting has made certain that the following steps were taken to ensure a fair and transparent process:

#	Task	Fair (Yes / No)
1.	Reviewed draft RFQ/RFP documentation to identify potential inconsistencies or lack of clarity in the RFP and provide feedback to the City	Yes
2.	Ensured that project meetings (mandatory or not) were clearly identified in the RFQ/RFP and confirmed there were no meetings related to the procurement that the Proponents were not notified of	Yes
3.	Ensured that: <ul style="list-style-type: none"> • The time and method of the closing were clearly identified in the RFQ/RFP • The Mandatory requirements were adhered to for the Submissions and they were reviewed in accordance with the City’s policies 	Yes Yes
4.	Attended and monitored all meetings with Proponents	Yes
5.	Ensured that answers were made available to all Proponents for all questions that were submitted	Yes
6.	Reviewed Proponent questions and the City’s responses	Yes
7.	Reviewed and approved amendments and addenda	Yes
8.	Ensured that the evaluation criteria and process were included in the RFQ/RFP	Yes
9.	Reviewed evaluation, scoring procedures and related documents (Evaluation Framework) with respect to clarity & consistency	Yes
10.	Confirmed confidentiality commitments by all Evaluators	Yes
11.	Attended internal meetings related to the evaluation process	Yes
12.	Ensured that the composition of the evaluation committee adhered to the evaluation process	Yes
13.	Attended and monitored evaluation consensus sessions	Yes
14.	Ensured that the evaluation criteria were applied consistently and fairly	Yes

#	Task	Fair (Yes / No)
15.	Ensured that the financial evaluation was adhered to as set out in the RFQ/RFP	Yes
16.	Reviewed evaluation results	Yes
17.	Confirmed that the evaluation results were consistent with our observations	Yes
18.	Attended the Debriefing Meetings for unsuccessful Proponents to ensure they were conducted fairly and consistently	Yes - RFQ Pending - RFP
19.	Provided a final report of the conclusion of the procurement process on the fairness, openness and transparency of the process	Yes

As the Fairness Monitor for the **City of Hamilton's Pier 8 Development Opportunity RFP (RFP # C11-66-17)**, we certify that, at the time at which this letter was prepared, the principles of fairness, openness and transparency have, in our opinion, been maintained throughout procurement process. Furthermore, no issues emerged during the process, of which we were aware, that would impair the fairness of this initiative.

Yours truly,



Stephanie Braithwaite, Fairness Monitor
P1 Consulting Inc.

cc: Jill Newsome, Vice President, P1 Consulting
Louise Panneton, President, P1 Consulting

City of Hamilton

**Pier 8 Development Opportunity RFP
(C11-66-17)**

**Fairness Monitor's Report
May 18, 2018
FINAL**



TABLE OF CONTENTS

1. Project Highlights	1
1.1 Project Background and Objectives.....	1
1.2 Fairness Engagement Scope of Work.....	1
2. Competitive Selection Process – Request for Qualification	2
2.1 Development of the Request for Qualification	2
2.2 RFQ Open Period Process	2
2.3 RFQ Evaluation Preparation	2
2.4 RFQ Responses Receipt and Compliance.....	3
2.5 Evaluation of the RFQ.....	3
2.6 Recommendation of Prequalified Proponents.....	3
2.7 Debriefings with Unsuccessful Proponents.....	4
3. Competitive Selection Process – Request for Proposal	4
3.1 Development of the Request for Proposal	4
3.2 RFP Open Period Process.....	4
3.3 RFP Evaluation Preparation	4
3.4 RFP Submission Receipt and Compliance.....	5
3.5 Evaluation of the Technical Submissions.....	5
3.6 Evaluation of the Financial Submissions.....	5
3.7 Final Result	6
3.8 Debriefings with Unsuccessful Proponents.....	6
4. Conclusion	7

1. Project Highlights

1.1 Project Background and Objectives

On April 18th, 2017 the City of Hamilton (the “City”) initiated a two (2) stage solicitation process to select a Developer to purchase Pier 8 West Harbour Lands (the “Development”).

The solicitation process was a call to identify a qualified developer interested in purchasing prime waterfront lands with the intent to develop a new, mixed-use community. This sale offering is for 5.24 hectares of serviced, development-ready land, integrated with a remarkable public recreation area. The City’s goal is for Pier 8 to be the heart of Hamilton’s revitalized, urban waterfront, supported by a mix of residential, retail, community, and cultural uses.

The Request for Qualification (RFQ) phase was used to determine a short-list of qualified Proponents that was eligible to submit Proposals in response to the Request for Proposals (RFP) issued as stage two (2) of the solicitation process for the Development.

1.2 Fairness Engagement Scope of Work

P1 Consulting was retained in December 2016 to perform fairness advisory and monitoring services and provide an independent attestation on the procurement process. Our mandate included the following Fairness advisory and monitoring services:

Advisory services

Throughout the Pier 8 Solicitation Process, provide advice on various procedural items that may affect the fair and transparent delivery of the Pier 8 Solicitation Process including:

- Reviewing Pier 8 Solicitation Process documents to ensure that described protocols and instructions do not create a risk, whether real or perceived, of an unfair Pier 8 Solicitation Process, or leaves such documents susceptible to intentional re-interpretation for unfair advantage;
- Providing orientation and training to Project Managers who shall be involved in the execution of the Pier 8 Solicitation Process.
- Providing advice on the composition and implementation of an Evaluation Committee for either the Pier 8 RFQ and Pier 8 RFP stages;
- Providing advice on the compilation and operation of the Data Room;
- Providing advice on the development, establishing use protocols, implementation, and monitoring the use of any and all tactics and tools used to help assess submissions and identify an eventual Successful Developer Proponent;
- Providing advice on protocols which shall be adhered to when interacting with Pier 8 RFQ applicants or Prequalified Proponents, whether in writing or in person;
- Advising on the fairness of any solutions or alternate methodologies devised by the City to contend with situations that may arise during the Pier 8 Solicitation Process that had not previously been contemplated; and

Appendix “B” to Report PED14002(h)
Page 6 of 11

- Any other advice that may be requested by the City, which is within the realm of expertise of the Fairness Monitor.

Monitoring services

In addition to advisory services, the Fairness Monitor’s primary role was to monitor the execution of the Pier 8 Solicitation Process and provide an independent evaluation of the City’s adherence to fairness and transparency requirements established in the Pier 8 RFQ, Pier 8 RFP, and other related policies of the City, including the consistent treatment of all Pier 8 RFQ applicants and Prequalified Proponents, and consistent application of evaluation criteria and procedures. A significant part of the Fairness Monitor’s scope of work was to attend various meetings to observe and immediately report any known or perceived contraventions of the requirements or protocols established in the Pier 8 RFQ or Pier 8 RFP.

These meetings may include but are not limited to:

- Meetings between City project team and Pier 8 RFQ applicants or Prequalified Proponents;
- Meetings between members of the Pier 8 Evaluation Committee and project team; and
- Meetings amongst Pier 8 Evaluation Committee members.

2. Competitive Selection Process – Request for Qualification

2.1 Development of the Request for Qualification

P1 Consulting reviewed the RFQ prior to it being publicly posted and all of our comments related to fairness were satisfactorily addressed by the City. We confirm that, from a fairness perspective, the requirements were clear and the RFQ provided the Proponents a fair process. The RFQ was posted on April 18, 2017.

2.2 RFQ Open Period Process

Throughout the RFQ open period, the City responded to the questions from the Proponents and issued Addenda to provide greater clarity on the requirements and process. P1 Consulting reviewed all documents that were posted to confirm that they were acceptable from a fairness perspective. The open period included information meetings for interested potential Applicants. A Fairness representative participated in all meetings and confirms that for all of these meetings and any related feedback to Proponents, the proceedings were consistent and in accordance with the RFQ and City procurement policy.

2.3 RFQ Evaluation Preparation

The evaluation process and roles and responsibilities of all participants in the RFQ evaluation process was documented within the City’s Evaluation Framework. The Framework was finalized prior to any activity related to the RFQ evaluation being undertaken. P1 Consulting

reviewed the Framework and confirmed that all our fairness comments were satisfactorily addressed prior to its distribution to the evaluators.

All participants in the evaluation process, including evaluators, and subject matter experts, participated in a training session in preparation for their role in the process. Each participant was required to sign a conflict of interest declaration, which included a continued commitment to the avoidance of conflicts and respect of confidentiality commitments. Project participants were notified of the appointment of a Fairness Monitor. There were no conflicts identified which prevented a party from participating in the RFQ evaluation.

2.4 RFQ Responses Receipt and Compliance

The RFQ Closing Deadline was July 10, 2017, 16:30, and the Prequalification Submissions were received at the City's Procurement Office. Thirteen (13) Prequalification Submissions were received in advance of the deadline.

The City's procurement department undertook a review to ensure that the Submissions met the administrative mandatory requirements. The evaluation participants were granted access to the Prequalification Submissions that met the mandatory requirements.

2.5 Evaluation of the RFQ

The evaluation of the Prequalification Submissions was undertaken in three phases, completeness and compliance, assessment of financial strength and technical evaluation. Each of the evaluation Teams undertook the evaluation based on the RFQ criteria and established Evaluation Framework. For the Financial Strength and Technical evaluations, a group consensus evaluation process followed the individual evaluation. The Teams engaged in a fulsome exchange of views leading to evaluation results, which were agreed to by the respective teams and were summarized in a consensus report. The Evaluators performed their roles diligently through the evaluation process.

P1 Consulting was engaged as needed in the completeness and compliance process and attended all of the consensus meetings and observed that the proceedings were in accordance with the RFQ and Evaluation Framework. P1 confirms that the process was fair, transparent and unbiased.

2.6 Recommendation of Prequalified Proponents

To conclude the RFQ evaluation process, the Financial Strength and Technical results were consolidated with the Team's comments and scores to summarize the evaluation process. Five (5) Prequalified Proponents and one Reserve Prequalified Proponent was shortlisted through the RFQ process and were invited to proceed to the subsequent RFP stage:

- GulfDream
- Daniels

Appendix “B” to Report PED14002(h)
Page 8 of 11

- Waterfront Shores
- Tridel
- Urban Capital / Core Urban
- West Harbour Limited Partnership (Reserve)

P1 Consulting attended all Consensus Evaluation and Steering Committee meetings and observed that the proceedings were in accordance with the RFQ and Evaluation Framework, and confirm that they were fair, transparent and unbiased.

2.7 Debriefings with Unsuccessful Proponents

P1 Consulting attended all debriefing meetings and observed they were conducted in a fair manner and in accordance with the RFQ framework and internal policies.

3. Competitive Selection Process – Request for Proposal

3.1 Development of the Request for Proposal

P1 Consulting reviewed the RFP prior to it being posted for the Prequalified Proponents and all of our comments related to fairness were satisfactorily addressed by the City. We confirm that, from a fairness perspective, the requirements were clear and the RFP provided the Proponents a fair process. The RFP was posted on December 15, 2017.

3.2 RFP Open Period Process

Throughout the RFP open period, the City responded to the questions from the Proponents and issued Addenda to provide greater clarity on the requirements and process. P1 Consulting reviewed all documents that were posted to confirm that they were acceptable from a fairness perspective. The open period included two rounds of Commercially Confidential Meetings (CCMs) to allow for more interactive discussion of commercially confidential questions related to the Proponent’s solution and clarification of the City’s requirements. A Fairness representative participated in CCMs and reviewed any questions and answers in association with the CCM process to ensure fairness. P1 confirms that for all of these meetings and any related feedback to Proponents the proceedings were fair, consistent and in accordance with the RFP.

3.3 RFP Evaluation Preparation

The evaluation process and roles and responsibilities of all participants in the RFP evaluation process was documented within the City’s Evaluation Framework. The Framework was finalized prior to any activity related to the RFP evaluation being undertaken. P1 Consulting reviewed the Framework and confirmed that all our fairness comments were satisfactorily addressed prior to the Framework being distributed to the evaluators.

Appendix “B” to Report PED14002(h)
Page 9 of 11

All participants in the evaluation process, including evaluators, and subject matter experts, participated in a training session in preparation for their role in the process. Each participant was required to sign a conflict of interest declaration, which included a continued commitment to the avoidance of conflicts and respect of confidentiality commitments. Project participants were notified of the appointment of a Fairness Monitor. There were no conflicts identified which prevented a party from participating in the RFP evaluation.

3.4 RFP Submission Receipt and Compliance

The RFP Submission Deadline was March 13, 2018, 15:00 for Technical Submissions and April 4, 2018 15:00 for Financial and Public Presentation Submissions. Submissions were received in accordance with the RFP via the City’s Procurement Office. Submissions were received from the following four (4) Prequalified Proponents in advance of the Submission Deadline:

- GulfDream
- Tridel
- Urban Capital / Core Urban
- Waterfront Shores

The City’s Procurement Management Office undertook a review to ensure that the Responses met the mandatory conformance requirements. Following resolution of any irregularities in accordance with the process established within the RFP, the evaluation participants were granted access to the submissions that met the completeness and mandatory requirements.

All four Submissions met the completeness and mandatory requirements in accordance with the RFP and Evaluation Framework, and so all evaluation participants were granted access to the Submissions.

3.5 Evaluation of the Technical Submissions

The Technical Evaluation Team (TET) undertook the individual evaluation and scoring of Submissions based on the RFP evaluation criteria. A group consensus evaluation process followed the individual evaluation. The TET engaged in a fulsome exchange of views leading to evaluation results, which were agreed to by the Team and were summarized in a consensus report that was presented to the evaluation Steering Committee. The TET performed their roles diligently through the evaluation process.

P1 Consulting attended all of the consensus meetings and observed that the proceedings were in accordance with the RFP and Evaluation Framework. P1 confirms that the process was fair, transparent and unbiased.

3.6 Evaluation of the Financial Submissions

The Financial Evaluation Team (FET) undertook the individual evaluation and scoring of Submissions based on the RFP rated criteria. A group consensus evaluation process followed

Appendix “B” to Report PED14002(h)
Page 10 of 11

the individual evaluation. The FET engaged in a fulsome exchange of views leading to evaluation results, which were agreed to by the Team and were summarized in a consensus report that was presented to the Steering Committee. The FET performed their roles diligently through the evaluation process.

P1 Consulting attended all of the consensus meetings and observed that the proceedings were in accordance with the RFP and Evaluation Framework. P1 confirms that the process was fair, transparent and unbiased.

3.7 Final Result

Please refer to Appendix 1 of this Report, included as a separate document.

3.8 Debriefings with Unsuccessful Proponents

P1 Consulting anticipates attendance at future debriefing sessions with unsuccessful Proponents, however cannot comment on the fairness of this process as they have not taken place as of the issuance date of this Report.

4. Conclusion

Our fairness review was conducted without influence and as of the date of this report, we confirm that we are satisfied that, from a fairness perspective, the procurement processes that we observed related to the RFP have been conducted in a fair, open and transparent manner. As Fairness Monitor for the Pier 8 Development Opportunity RFP, we are satisfied that the evaluation process up to and including the identification of the Preferred Proponent, the City has followed the procedures in accordance with the applicable RFP documentation and internal policy, and that the participants followed the procedures and fairly applied the evaluation criteria.



Stephanie Braithwaite,
Fairness Monitor, P1 Consulting

cc: Jill Newsome, Vice President, P1 Consulting
Louise Panneton, President, P1 Consulting



PIER DEVELOPMENT OPPORTUNITY -
Request for Proposals Contract (C11-66-17)

Map and Description of Pier 8 Subject Lands:

DESCRIPTION OF SUBJECT LANDS The Subject Lands shall be comprised of nine (9) individual Development Blocks which shall be created by the registration of the Draft Plan of Subdivision in accordance with Application 25T-201605.

The Draft Plan of Subdivision has not yet been registered. A copy of the Draft Plan of Subdivision can be found at: <https://www.hamilton.ca/city-initiatives/priority-projects/pier-8-development-electronic-data-room>

For the purposes of preparing Proposals, Proponents were directed to assume that the designated Development Blocks outlined in yellow in Figure 1 below shall represent the approximate locations and areas of the Subject Lands. Any reference to Development Block numbers within the RFP, Addenda, and Bid Forms shall correspond with this Figure 1. More specific, Blocks 1, 2, 3, 4, 5, 6, 7, 8, and 16 form the Subject Lands.

Figure 1: Simplified Location of Development Blocks

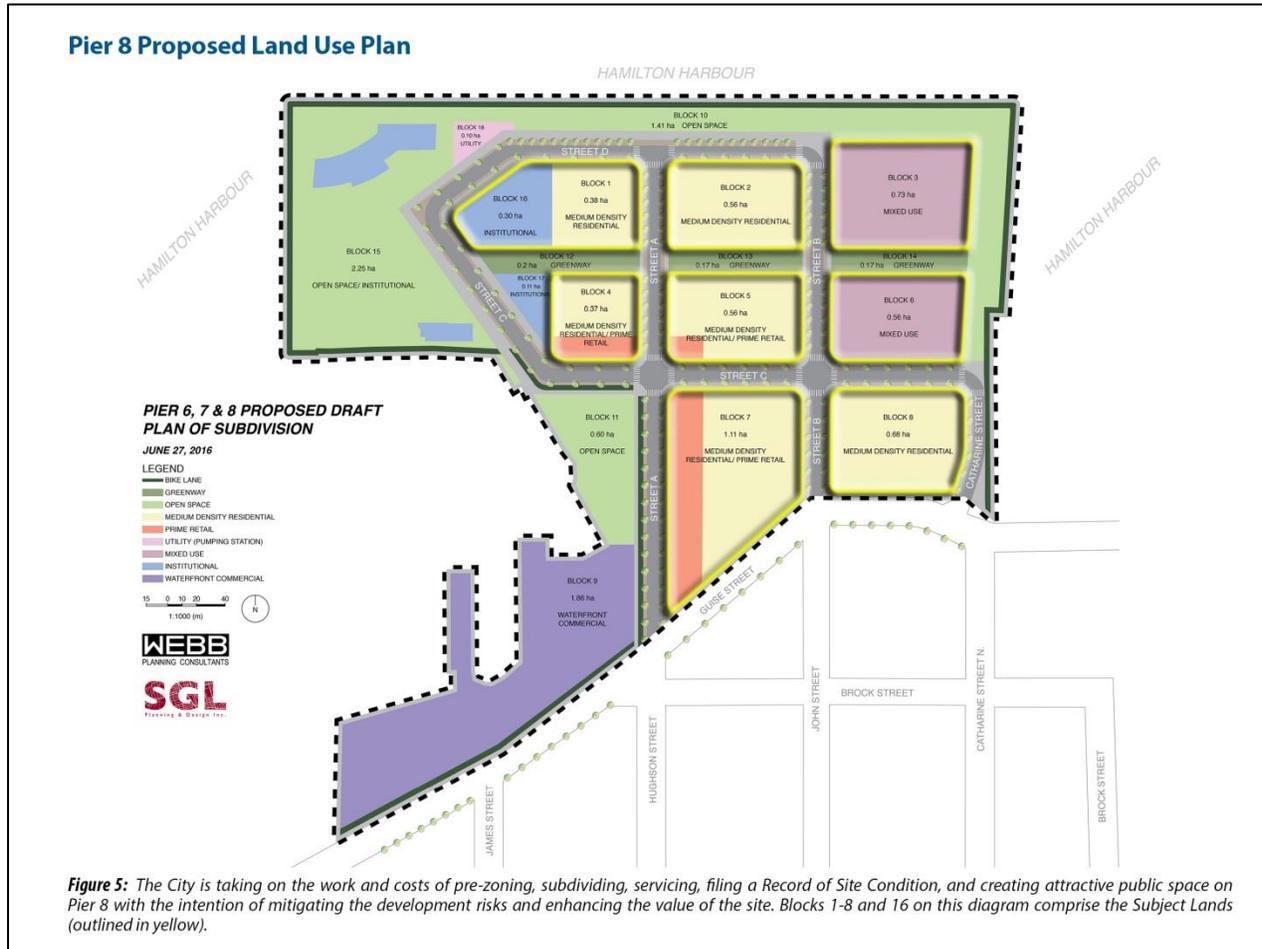


Figure 5: The City is taking on the work and costs of pre-zoning, subdividing, servicing, filing a Record of Site Condition, and creating attractive public space on Pier 8 with the intention of mitigating the development risks and enhancing the value of the site. Blocks 1-8 and 16 on this diagram comprise the Subject Lands (outlined in yellow).

Item 7.2 (8.4)

Pier 8 Development Opportunity RFP Evaluation Process and Governance

Presented to General Issues Committee

**Chris Phillips
Sr. Advisor, West Harbour Re-Development Project**

June 6, 2018

AGENDA

1. Recommendations and Alternatives for Consideration
2. Previous Council Approvals
 - What was approved?
 - What was the rationale?
 - Why is it important?
3. RFP Process
 - Governance Structure
 - Role of the Fairness Monitor
 - Scoring
 - Proponents
 - Workflow
 - Technical Evaluation Criteria & Evaluation
 - Financial Evaluation
 - Public Presentation Materials & Public Commentary
4. Next Steps

Recommendations

Report PED14002(h):

- a) That the Proponent identified in Confidential Appendices “D” and “E” to Report PED14002(h) be approved as the Preferred Proponent for the Request for Proposal Contract Number C11-66-17 entitled “Pier 8 Development Opportunity for Prequalified Proponents”, and that following a final Council decision on the Proponent, Appendix “D” remain a Confidential document and Appendix “E” be available for release to the public;
- b) That staff be authorized and directed to negotiate a Development Agreement between the City of Hamilton and the Preferred Proponent (identified in confidential Appendix “B” to Report PED14002(h)) required to give effect to Contract Number C11-66-17 for the Pier 8 Development Opportunity, with content satisfactory to the City Manager and in a form satisfactory to the City Solicitor;
- c) That the Mayor and the City Clerk be authorized and directed to execute the Development Agreement and any ancillary agreements and documents required to give effect to Contract Number C11-66-17 for the Pier 8 Development Opportunity in a form satisfactory to the City Solicitor and report back for information;
- d) That the Fairness Monitor’s Report, attached as Appendix “B” to Report PED14002(h), which certifies that RFP C11-66-17 was completed in a fair, open, and transparent manner, be received;
- e) That the properties owned by the City of Hamilton identified as the “Subject Lands” in RFP C11-66-17, as shown in Appendix “C” attached to Report PED14002(h), be declared surplus to the requirements of the City of Hamilton, in accordance with the “Procedural By-law for the Sale of Land” being By-law No. 14-204, and made available for sale without the requirement for an appraisal.

Primary Alternatives for Consideration

Report PED14002(h): Page 24-25

- a) Council can approve the Recommendations in which case staff will proceed to negotiate and finalize the Development Agreement with the Preferred Proponent

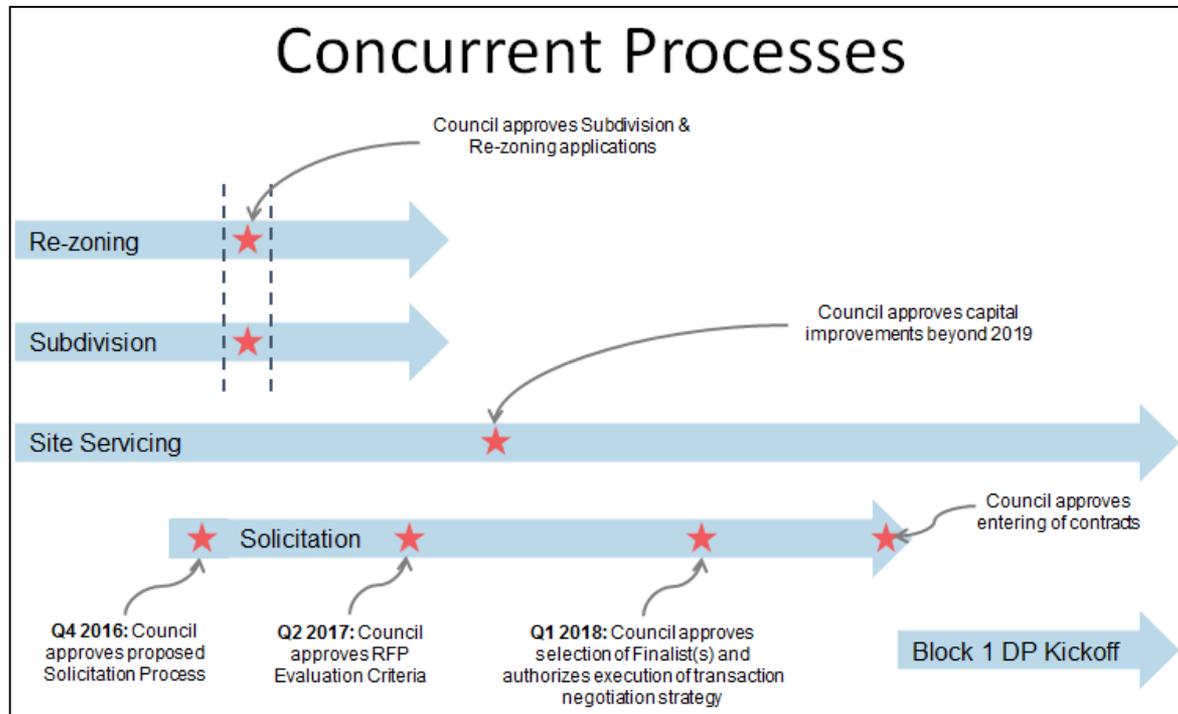
- b) Council can reject the Recommendation

Council Approval

April 8, 2015

Report PED14002(b) – GIC Report 15-008

Bring the Pier 5-8 lands to “Development-Ready” by 2018



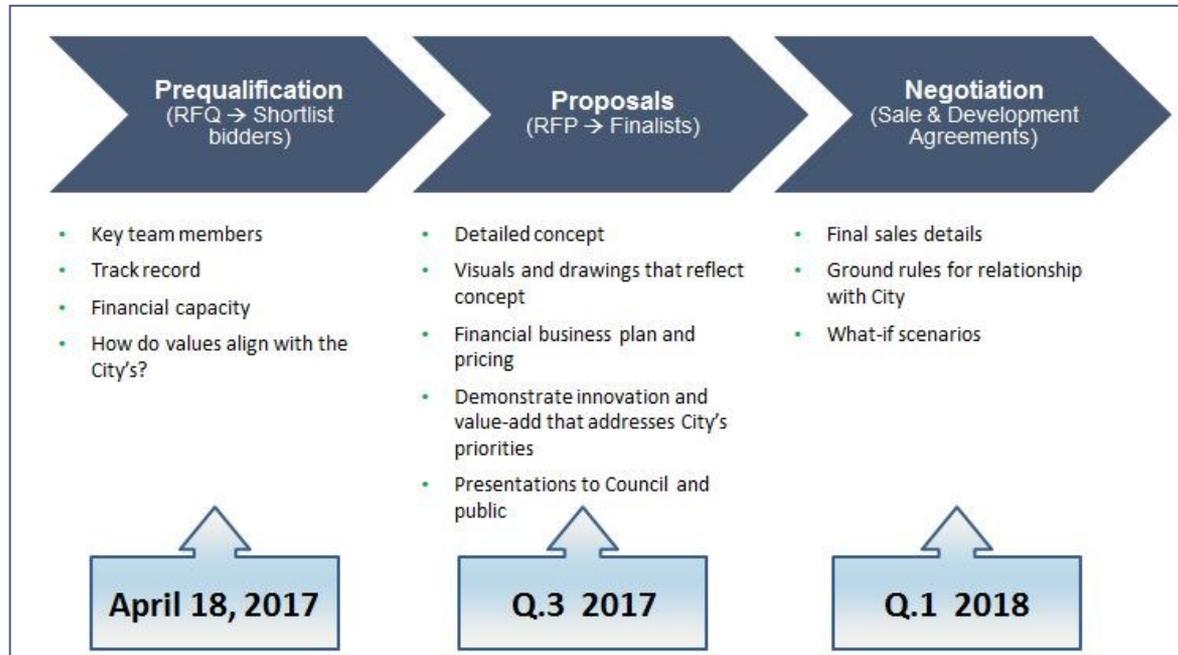
Council Approval

November 9, 2016

Report PED14002(c) – GIC Report 16-028

West Harbour Real Estate Solicitation Process for Pier 8 Lands

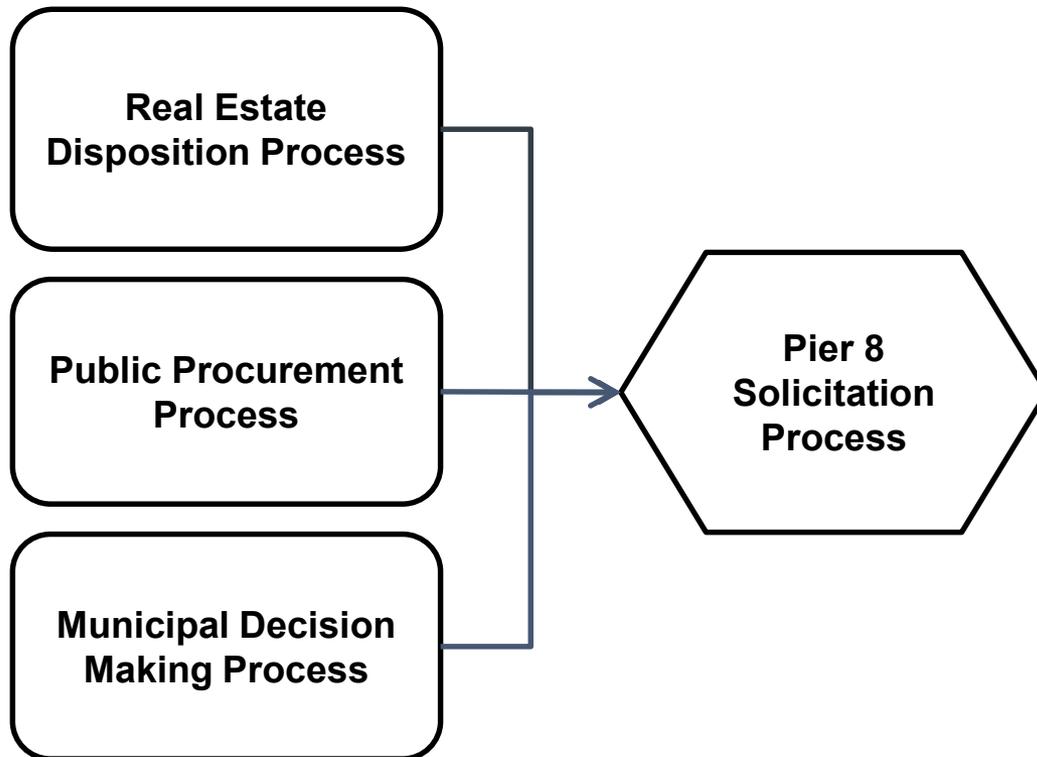
RFQ - RFP - Negotiation - Procurement Process



Measures of Success

- ✓ Winning proponent brings a best-in-class concept plan that is innovative and reflects City's values
- ✓ City raises funds from sale of lands while also retaining some control over the long-term development of the site
- ✓ The waterfront is further enhanced as a desirable place for visitors and local residents – profile of the City is elevated
- ✓ Hamilton is regarded by development industry and public sector peers as a leader in partnered city-building projects

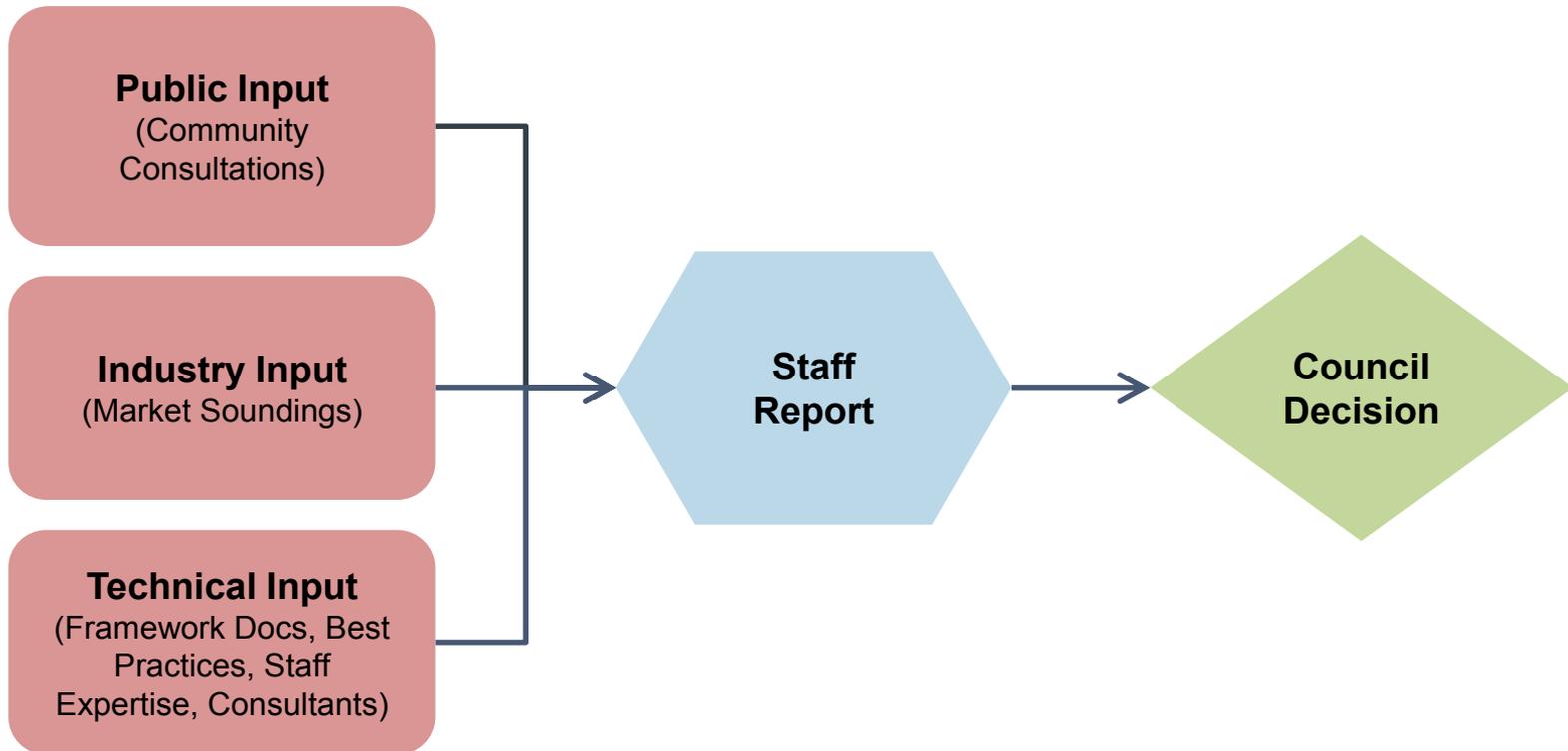
Solicitation Process Recommendation: Balanced Inputs



Principles:

- Open Process
- Fair Process
- Consistent Process
- Competitive Process
- Transparent Process
 - For Public
 - For Proponents
 - Clear Evaluation Criteria
 - Clear Evaluation Process
- Clear Oversight
 - Steering Comm.
 - Fairness Monitor
- Limitation on External Communications

Solicitation Process Recommendation: Balanced Inputs



Sequence of Events & Approvals: Original

May 2016: Urban Design Study adopted by Council

November 2016: Council approves recommended Solicitation Process

2016

Council & Subcommittee Briefings + Public Workshops + Market Soundings

2017

RFP released to Shortlist

RFQ Shortlist announced

April 2017: Council approves RFP Evaluation Criteria

RFP responses received

Negotiations conclude

Design Review Panel review of Site Plan stage designs

2018

Proponent presentations and interviews

Q1 2018: Finalist(s) identified / Council approves negotiation strategy

Council approves entering of contracts

October 2018
End of Council Term

● Process milestone

★ Council approval required

■ GIC / Subcommittee / Public touchpoints

Council Approval

July 14, 2017

Report PED14002(e) – GIC Report 17-015

Pier 8 RFP Evaluation & Scoring Framework

Table 1: RFP Evaluation Scorecard

	Score Allocation	Maximum Subsection Score
A. Technical Proposal	60%	
A1. Development Plan		30%
Plan Overview – Technical Specifications		Pass/Fail
Plan Overview and Design Excellence		
Residential Program		
Place-making		
Environmental Sustainability		
Public Presentation Materials		
A2. Urban Innovation		15%
A3. Project Implementation Plan		15%
Ownership and Financing		
Project Delivery		
Stewardship & Change Management		
A. Financial Proposal	40%	40%
Total Proposal Score	100%	100%

Total Score

=

Technical Proposal Score

+

Financial Proposal Score

Evaluation Approach: Peer Review Research

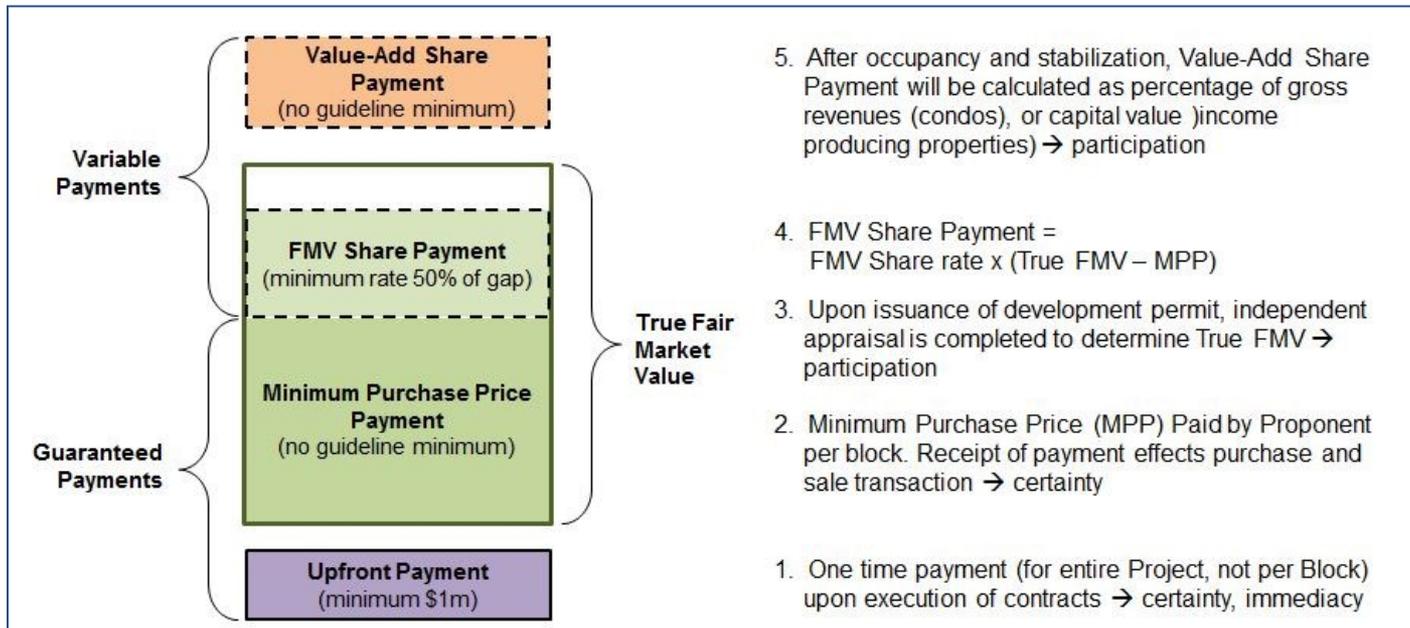
- Looked at same peer examples from PED 14002(c):
 - City of Victoria, Dockside Lands
 - City of Vancouver, Southeast False Creek
 - National Capital Commission, Lebreton Flats
 - Waterfront Toronto, Bayside
- Lessons learned:
 - Potential trade-off between technical elements and financial bids
 - Implementation is as important as conceptual plan and financial bid
 - Design against scenarios where outcome can be manipulated
 - Wide scope of objectives, means criteria and scoring gets complicated / diluted → Keep RFP scope narrower to allow focus on priority objectives

Council Approval

November 22, 2017

Report PED14002(f) – GIC Report 17-024

Pier 8 RFP Financial Bid Structure



Financial Proposals: Primary Objectives

Objective	Rationale
Retain Control of Lands	<ul style="list-style-type: none"> • City retains leverage to ensure development occurs as agreed • Mitigates exposure to potential counterparty risks • City can continue to use owned lands as it wishes subject to mutual agreement • Potentially beneficial to developer as well – acquisition capital only needs to be deployed when closer to revenue-generating potential
Certainty of Payments	<ul style="list-style-type: none"> • Allows City to budget around timing and amount of revenues • Protects against future volatility in pricing
Immediacy of Payments	<ul style="list-style-type: none"> • Proceeds can be re-deployed to other priority areas at the City
Participate in Value Increases	<ul style="list-style-type: none"> • City makes some degree of “return” for de-risking the lands and promoting a marketable development vision • City is rewarded for selecting a talented developer that can create value • Objective appraisal, not the developer, determines the pricing the City receives • City benefits from future inflation and value appreciation

Fairness Monitor Role & Deliverables

Fairness Monitor's role is designed to achieve several objectives:

- Confirm no barriers to open competition and that the requirements are clear to the Proponents– review procurement documents
- Confirm that all have access to the same information – attend all meetings with Proponents and review communication with the Proponents during the open period
- Confirm that appropriate measures are in place to address conflicts of interest and to ensure confidentiality
- Confirm that all submissions are treated fairly and consistently –review the evaluation process and criteria, including training materials, evaluation guides and attendance at consensus sessions
- Involved in any issues that relate to fairness throughout process

Deliverable: Prepare and submit a Fairness Report and Attestation that comments on the fairness of the procurement process

Evaluation Process: Scoring

Table 1: RFP Evaluation Scorecard

	Score Allocation	Maximum Subsection Score
A. Technical Proposal	60%	
A1. Development Plan		30%
Plan Overview – Technical Specifications		Pass/Fail
Plan Overview and Design Excellence		
Residential Program		
Place-making		
Environmental Sustainability		
Public Presentation Materials		
A2. Urban Innovation		15%
A3. Project Implementation Plan		15%
Ownership and Financing		
Project Delivery		
Stewardship & Change Management		
A. Financial Proposal	40%	40%
Total Proposal Score	100%	100%

Total Score

=

Technical Proposal Score

+

Financial Proposal Score

Submitting Proponent Teams

Proponent	Core Team Members	Lead Architect
GulfDream	<ul style="list-style-type: none"> • Great Gulf • Dream Unlimited 	<ul style="list-style-type: none"> • Hariri Pontarini Architects
Tridel	<ul style="list-style-type: none"> • Deltera Inc. o/a Tridel 	<ul style="list-style-type: none"> • architectsAlliance
Urban Capital / Core Urban	<ul style="list-style-type: none"> • Urban Capital • Core Urban • Milborne Real Estate 	<ul style="list-style-type: none"> • Saucier + Perrotte • RAW Design
Waterfront Shores	<ul style="list-style-type: none"> • Cityzen Development • Fernbrook Homes Group • GFL Environmental • Greybrook Realty Partners 	<ul style="list-style-type: none"> • KPMB Architects

Evaluation Process: Workflow

1. Technical Proposal Compliance
 - Land uses, height, density, parking, floor areas
 - No OPA permitted – minor variance / re-zoning permitted
 - Affordable housing guideline
 - LEED / low-energy performance targets

2. Technical Proposal Evaluation
 - Consistent approach to evaluate highly variable Proposals
 - Technical features & higher-order city-building objectives
 - Encourage innovation and “big ideas” while being pragmatic about implementation and risk exposure

Evaluation Process: Workflow

3. Financial Proposal Compliance

- Land use / floor area allocations must be consistent with Technical Proposal Development Plan
- Upfront Payment not less than \$1 million
- FMV Share rate not less than 50%

4. Financial Proposal Evaluation

- Discounted cash flows based on Bid Form 2 inputs, summarized as a single notional Present Value to City
- Model mechanics and most base assumptions were disclosed in advance

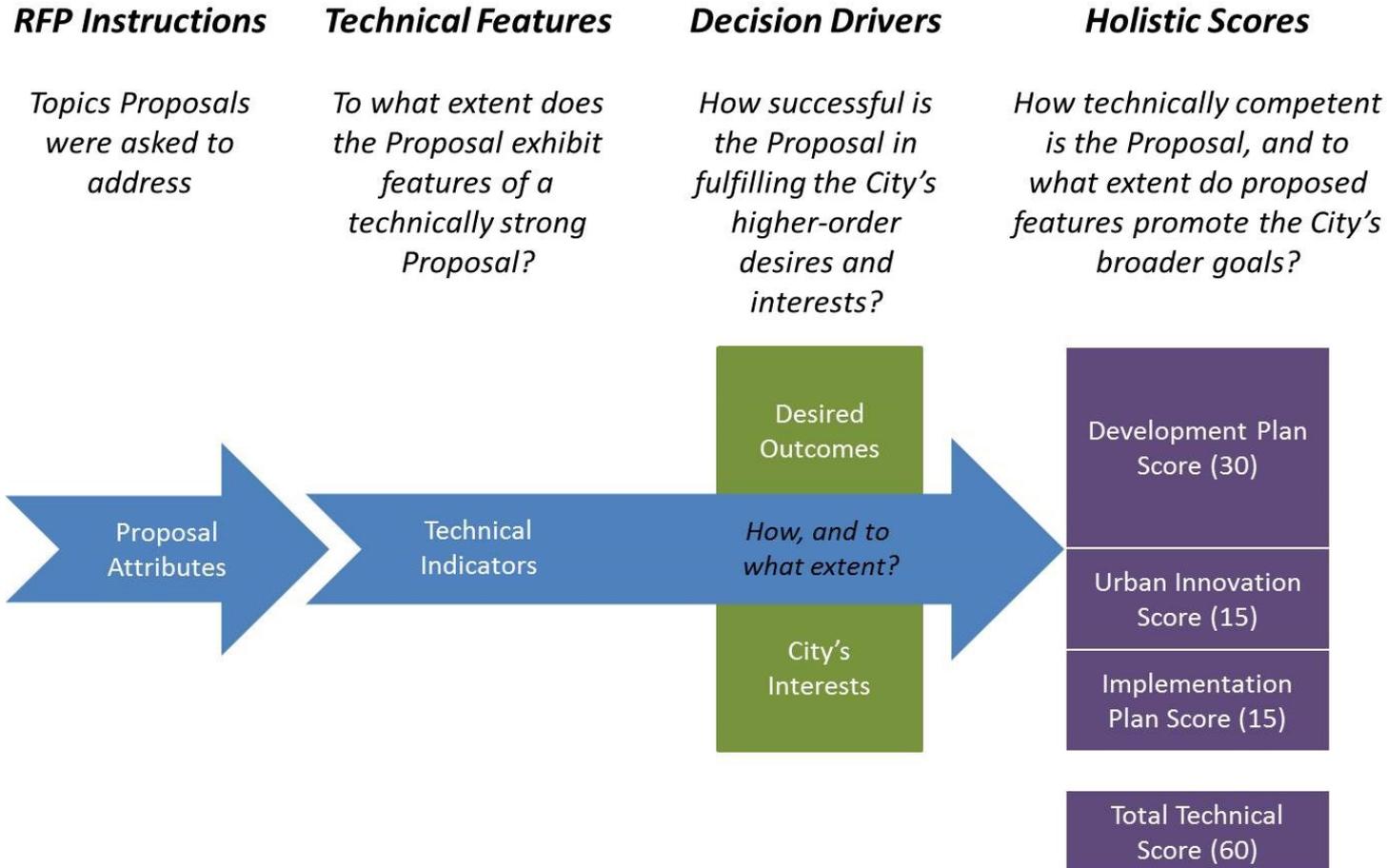
5. Steering Committee Meeting(s)

- Compliance, Financial, and Technical Teams presented their findings separately, confidentially to Steering Committee
- Recommendations of all three Evaluation Teams were combined to identify a final Preferred Proponent

Technical Evaluations

- Consensus approach
 - Aligns with holistic scoring
 - Range of perspectives, open discussion
 - Score against criteria, not against each other
- Comprehensiveness of response
 - Specificity (e.g., quantifiable measures, locations, timing, etc.)
 - Execution plan/partners
 - Degree of commitment, limited conditions (especially when not in Proponent's control)
 - Risk/reward profile
- Full spectrum of scoring
 - 50th percentile is average

Technical Evaluations



Setting Sail & Community Vision

1. Setting Sail: Secondary Plan for West Harbour (adopted in 2005 and approved in 2012)

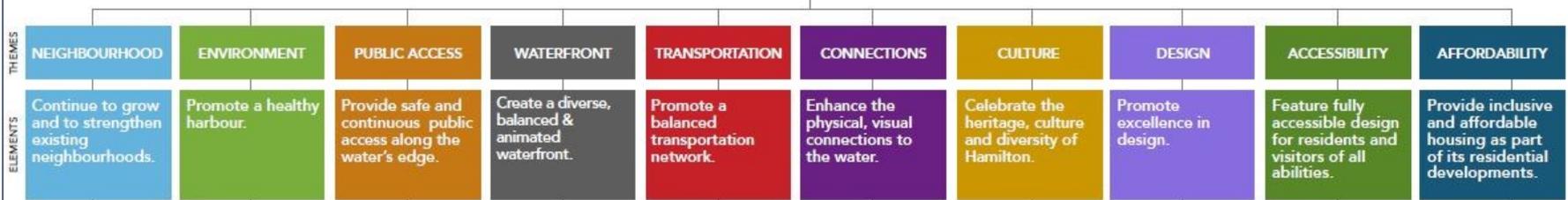
Setting Sail is a comprehensive plan for the West Harbour, including the entire Pier 7 + 8 Study Area. It identifies eight planning principles to guide development throughout the West Harbour:

- Promote a healthy harbour;
- Strengthen existing neighbourhoods;
- Provide safe, continuous public access along the water's edge;
- Create a diverse, balanced and animated waterfront;
- Enhance physical and visual connections;
- Promote a balanced transportation network;
- Celebrate the City's heritage; and,
- Promote excellence in design.

WEST HARBOUR VISION DRAFT 1.0

Historic West Harbour has been the arrival point, the departure point, and a meeting place for generations of people. Many have made the West Harbour communities of Central, Beasley, the North End and Strathcona home for their families and their businesses. As an integral part of the residential, commercial, recreational, and creative heart of Hamilton, its residents have created a unique and dynamic culture that, together, are the West Harbour.

The West Harbour will . . .



Evaluation Criteria

Setting Sail & Community Vision

- Evaluation directly derived from Setting Sail & the Community Vision

To what extent does the Development Plan succeed in achieving the following project objectives and desirable outcomes?	Poor	Satisfactory	Very Good	Excellent	Not Applicable	Comments
A vibrant, mixed-use community that enhances the area while respecting the existing neighbourhoods						
An animated waterfront that offers a comprehensive cultural, recreational and retail experience for residents and visitors alike						
Enhanced physical and visual connections to the harbour and increased public access to the water's edge						
A community that is planned, designed, and built to support a multi-modal transportation system that integrates with the rest of the City's network						
A community that is inclusive of a diverse range of incomes, household configurations, and lifestyles						
A community that stands as a model of excellence in the fields of design, sustainable living, accessibility, and environmental conservation						
Consistency with established policies, vision, and Council directives						
Creative and strategic approach to all aspects of the Development Plan and delivery model						
Social, environmental and economic benefits for the City						
Balance between innovation and ease of execution						
Long-term commitment to the site and thoughtful approach to unanticipated changes (i.e., change management strategy)						
Cooperative / collaborative approach to relations with the City administration and the general public, including community and special interest groups						
Overall financial value for the City						
Fair and equitable risk-reward sharing model with the City						

Evaluation Criteria

Setting Sail & Community Vision

- Evaluation Criteria must go beyond high-level visionary statements
- Therefore the Evaluation Criteria was designed to force the Proponents to dive deeper and provide breadth and depth to its Proposal

Residential Program

Extent to which the proposed residential program exceeds the City's minimum affordability targets				
For the affordable housing units, creativity and practicality of solution to ensure the continuity of affordability beyond the initial homeowner				
Market rationale demonstrates a sound understanding of Hamilton's market dynamics				
Housing mix addresses the needs of a broad range of incomes, lifestyles, and household configurations				
Housing mix is family-friendly - notable percentage of larger units and features (storage, family amenities, additional bathroom)				
Building and unit typologies address issues such as accessibility and aging populations (including aging-in-place)				
Strategies to achieve diversity of target market segments is clearly foundational to the program				

Financial Evaluation Model

- Model adjusted for each Proposal's specific allocations to land uses and suite mix, which affect:
 - Estimated FMV of Block
 - Value-Add Share payments
- Time Value of Money impacts:
 - Timing of payments dictated by Proponent – earlier is better
 - Lower discount rates applied to guaranteed payments
 - Higher discount rates applied to contingent payments

Public Presentation Materials

- Public road show: Estimate 1,000 individual interactions
- Videos collectively watched over 18,000 times
- Over 13,000 downloads of Presentation Panels and User Stories PDFs
- Close to 400 written public comments received

Table 1: Summary of Public Participation
(April 6, 2018 - April 18, 2018)

Proponent	# of Downloads Presentation Panels	# of Downloads User Stories	# of Views Videos	# of Public Comments Submitted
Gulf Dream	3,150	530	5,547	116
Tridel	2,266	447	4,188	70
Urban Core – Core Urban	2,529	293	3,623	79
Waterfront Shores	2,691	447	4,473	107
Total	10,636	1,717	17,831	372

Public Comments

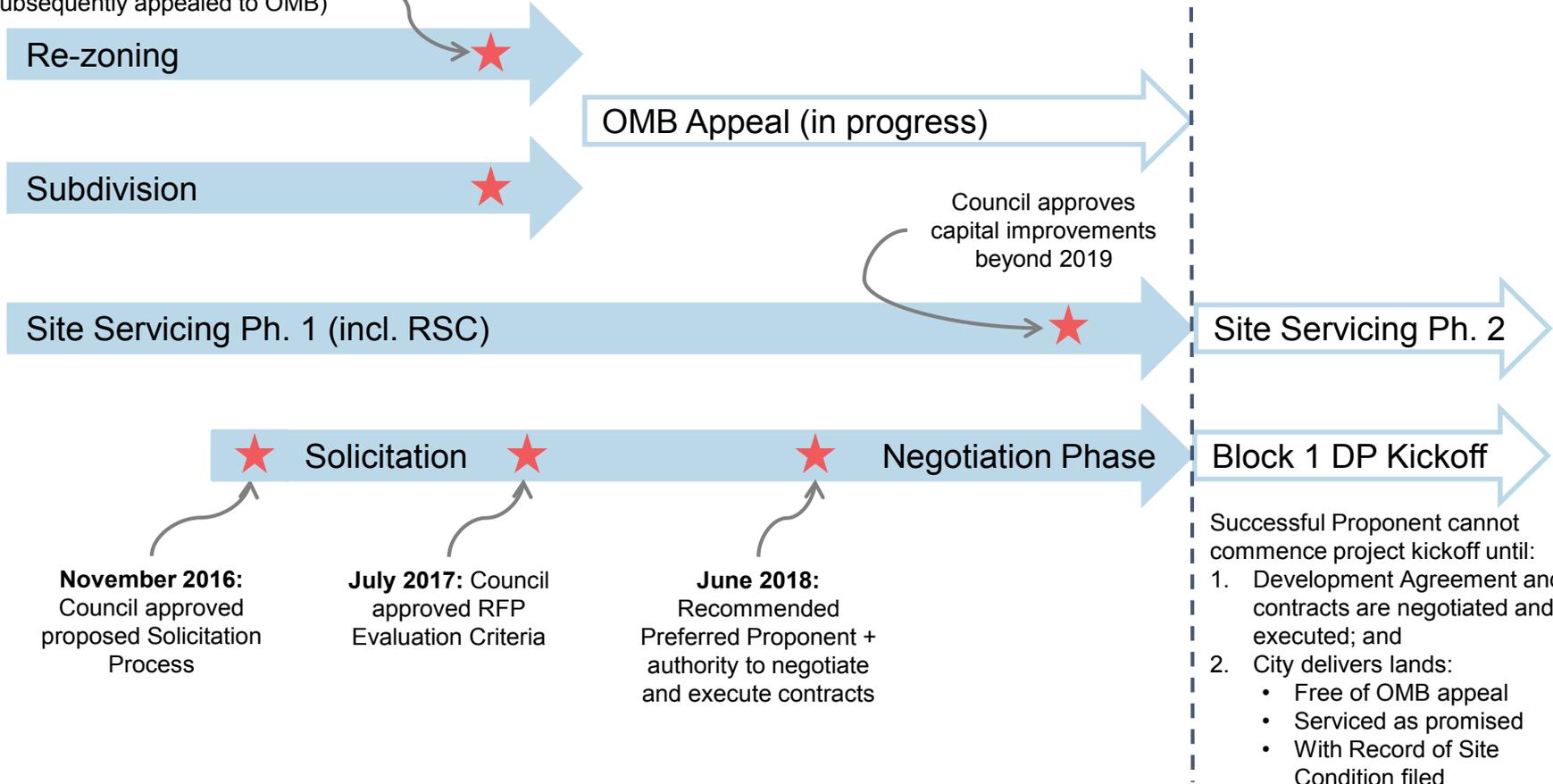
Excerpts from Public Comments Received

Positive Impression	<p>“...this plan would appeal to a broad population”</p> <p>“...this project team may be the most equipped with completing the project in a reasonable amount of time...”</p> <p>“...envisions multiple and not one singular neighbourhood...”</p> <p>“...this expands on the good things already happening here...”</p>
Negative Impression	<p>“...while this proposal appears to have more green-space, not particularly aesthetically pleasing...”</p> <p>“...don’t like that commercial space is separated from residential...”</p> <p>“...its lack of aesthetic design and failure to enhance the waterfront in a modern and useable way...”</p>
Neutral Impression	<p>“...there was mention of environmental design however no commitment or measurable environmental benefit such as LEED or Net Zero...”</p> <p>“...overall like this proposal and would like more details...”</p> <p>“...love the public gathering space/plaza...but too generic...”</p>
Comments Not Applicable	<p>“...this area should have been park lands for the benefit of everyone in the city.”</p> <p>“I’m worried that it will drive people out of the area and drive rent process up.”</p> <p>“...kind of sick of Toronto centric design firms...”</p> <p>“...wood at the water in winter?...”</p>



Concurrent Processes – Next Steps

May 2017: Council approved subdivision & re-zoning applications (subsequently appealed to OMB)



Recommendations

Report PED14002(h):

- a) That the Proponent identified in Confidential Appendices “D” and “E” to Report PED14002(h) be approved as the Preferred Proponent for the Request for Proposal Contract Number C11-66-17 entitled “Pier 8 Development Opportunity for Prequalified Proponents”, and that following a final Council decision on the Proponent, Appendix “D” remain a Confidential document and Appendix “E” be available for release to the public;
- b) That staff be authorized and directed to negotiate a Development Agreement between the City of Hamilton and the Preferred Proponent (identified in confidential Appendix “B” to Report PED14002(h)) required to give effect to Contract Number C11-66-17 for the Pier 8 Development Opportunity, with content satisfactory to the City Manager and in a form satisfactory to the City Solicitor;
- c) That the Mayor and the City Clerk be authorized and directed to execute the Development Agreement and any ancillary agreements and documents required to give effect to Contract Number C11-66-17 for the Pier 8 Development Opportunity in a form satisfactory to the City Solicitor and report back for information;
- d) That the Fairness Monitor’s Report, attached as Appendix “B” to Report PED14002(h), which certifies that RFP C11-66-17 was completed in a fair, open, and transparent manner, be received;
- e) That the properties owned by the City of Hamilton identified as the “Subject Lands” in RFP C11-66-17, as shown in Appendix “C” attached to Report PED14002(h), be declared surplus to the requirements of the City of Hamilton, in accordance with the “Procedural By-law for the Sale of Land” being By-law No. 14-204, and made available for sale without the requirement for an appraisal.

City of Hamilton

**Pier 8 Development Opportunity RFP
(C11-66-17)**

**Fairness Monitor’s Report
May 18, 2018
APPENDIX 1**

Final Result

As per our Fairness Report for the Pier 8 Development Opportunity RFP dated May 18, 2018, Section 3.7, the following is our report of the final result of the RFP evaluation process:

In accordance with the City of Hamilton's policies and the Evaluation Framework, the evaluation Steering Committee approved the Evaluation Team's consolidated recommendation to identify Waterfront Shores as the Preferred Proponent.



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
 Economic Development Division

TO:	Mayor and Members General Issues Committee
COMMITTEE DATE:	June 6, 2018
SUBJECT/REPORT NO:	Affordable Housing Demonstration Project (PED16236(a)) (Ward 4)
WARD(S) AFFECTED:	Ward 4
PREPARED BY:	Edward John (905) 546-2424 Ext. 2359
SUBMITTED BY:	Glen Norton Director, Economic Development Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That staff be directed to consult with the community and stakeholders regarding the proposed Community Improvement Plan Area (CIPA) boundary as detailed in Appendix "A" to Report PED16236(a);
- (b) That staff be authorized and directed to evaluate potential Community Improvement Plan Area (CIPA) incentives that will deliver a sustainable, accessible and affordable community including but not limited to forgivable loans equivalent to Development Charge and Parkland Dedication fees;
- (c) That Corporate Services staff be directed to present the option of removing Development Charge exemptions for affordable housing to the Development Charge Stakeholders Sub-Committee for consideration when recommending policy direction for the 2019 Development Charge Study;
- (d) That upon implementation of the approval the item respecting review of extending the Community Improvement Plan Area be removed from the Planning Committee Outstanding Business list.

EXECUTIVE SUMMARY

Roxborough Park Inc. (RPI) is proposing a mixed income and mixed tenure development on lands which contained the former Roxborough Park School and adjacent lands currently owned by CityHousing Hamilton.

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

**SUBJECT: Affordable Housing Demonstration Project (PED16236(a)) (Ward 4) -
Page 2 of 22**

The development is intended to satisfy a number of planning and social policy objectives. In order to facilitate this development and future neighbourhood revitalization, staff is proposing the creation of a new Community Improvement Plan Area (CIPA). The CIPA would consist of the lands proposed under Development Application ZAC-18-10/OPA-18-006 and additional lands exhibiting similar characteristics, and assigning a package of incentives, potentially including but not limited to, forgivable loans to cover Parkland Dedication and Development Charges (DC) applicable to affordable housing and neighbourhood revitalisation developments.

Alternatives for Consideration – N/A

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: Report PED16236(a) has no financial implications. However, as part of the review, City of Hamilton Finance staff will be consulted in order to determine feasibility of the proposed incentives. Any financial implications will be addressed as part of the subsequent report.

Staffing: N/A

Legal: Report PED16236(a) has no legal implications. However, as part of the review, City of Hamilton Legal staff will be consulted in order to determine feasibility of the proposed incentives through the regulatory framework.

HISTORICAL BACKGROUND

The proposed development is located within the McQueston Neighbourhood. This neighbourhood is bounded by the Red Hill Valley to the east, Queenston to the south, Parkdale to the west and the railroad tracks between Barton and Burlington Streets to the north. It is home to over 7,000 residents.

Studies by the Social Planning Research Council, 2012 have profiled the neighbourhood, with findings suggesting that the social and economic vulnerability of its population is more significant than other neighbourhoods. This vulnerability is particularly acute in young families and elderly people.

The proposed development would in part, address this vulnerability through providing additional housing options for a variety of economic needs. The development would also result in the renovation and revitalisation of existing social housing units and serve as a catalyst for general neighbourhood renewal in a sustainable and inclusive manner.

The subject lands include the site of the former Roxborough Park School, which has been closed since June 2015 and which was demolished in 2017. The school site was purchased by Roxborough Park Inc. (RPI), with the intent of developing a residential

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

**SUBJECT: Affordable Housing Demonstration Project (PED16236(a)) (Ward 4) -
Page 3 of 22**

development. The re-development of the subject lands for residential purposes is considered both appropriate and desirable as it is situated within an existing residential neighbourhood, adjacent Roxborough Park and serviced by higher order transportation network, including but not limited to the Red Hill Parkway and the future GO Station at Queen Elizabeth Way (QEW) and Centennial and in proximity of the terminus of the proposed Light Rail Transit (LRT) route.

The potential inclusion of additional lands owned by CityHousing Hamilton (CHH) could result in a development that includes mixed income, mixed tenure units, and re-development of existing housing stock that is at the end of its intended lifecycle and requiring significant Capital expenditure in order to repair. This was discussed in detail at the CHH Portfolio Committee, September 16, 2016. At that meeting the following motion was made by Councillor Jackson and unanimously approved:

“That staff continue discussions with Roxborough Park Inc. representatives and report back to a future committee with the result of those conversations.”

On this premise, Planning staff has been working with Housing Services, CHH and the proponents to determine a comprehensive plan for delivery of an affordable housing demonstration project. One key determinant to the success of the development would be the availability of financial assistance from the City to ensure a meaningful amount of affordable housing is created and secured.

Previous staff Report PED16236 which was presented to General Issues Committee (GIC) in December 2016, highlighted the options available for consideration in order to facilitate the demonstration project. The Report previously recommended that further investigation be conducted to determine the most appropriate approach. As detailed within this Report, it is considered that the CIPA approach would represent the most appropriate in order to achieve the desired outcome and to be in a position to potentially replicate this approach in other suitable locations.

If successful, this option could be applied to City Wide “Bluefields” and act as a model for other joint ventures to meet broader policy goals and objectives. “Bluefields” are institutional or community facilities that are no longer in use. They may include former schools, hospitals, long-term care facilities, court houses or similar uses. They often are economically challenged sites, such as the subject lands. While not all former institutional sites face the same challenges, it is noted that the concepts and ideas regarding the redevelopment will assist in achieving other policy objectives in addition to affordable housing, including open space and parkland.

Similarly, another criteria can be a large area of subsidized non-profit housing demonstrating the manner in which sustainable, accessible and affordable housing can act as a catalyst for neighbourhood revitalization.

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

**SUBJECT: Affordable Housing Demonstration Project (PED16236(a)) (Ward 4) -
Page 4 of 22**

Following discussions between the proponents and CHH, a report providing options for the disposition of the lands and the re-development of units for CHH was presented in-camera in October 24, 2017 to the CHH Portfolio Committee. The following recommendation was issued:

- (i) The Board of Directors approve in principle the sale and purchase of the Lang-Hayes-Reid site to Roxborough Park Inc. (RPI), contingent on continued negotiations with RPI towards finalizing the proposed development opportunity as described in this Report, provided it is confirmed to be in alignment with the goals and mission of the organization and accompanied with detailed legal and financial commitments including but not limited to the following:
 - a. Companion agreements securing housing affordability is achieved throughout the balance of the site to the satisfaction of the CHH Board of Directors and the City of Hamilton;
 - b. That an independent appraisal, sourced and selected by the City of Hamilton, and paid for by RPI, is provided for the lands to be sold to ensure fair market value is received;
 - c. That a purchase and sale agreement be prepared, including, but not limited to construction costs and construction details regarding the 95-unit CHH building to be developed, all to the satisfaction of the CHH Board of Directors;
 - d. That a Transition Plan and Communication Plan be submitted and approved to ensure that all residents are appropriately engaged and provided with current information, to the satisfaction of CHH Board of Directors and the City of Hamilton; and,
 - e. That innovative design and construction measures are incorporated within the proposed 95-unit CHH building to ensure the ongoing commitment of CHH to secure economic and social sustainability.

Following approval of this recommendation, City staff and RPI have been working with the community and CHH representatives in order to address the matters identified above. The applicant has also submitted formal *Planning Act* applications to re-zone and re-designate the subject lands. These applications are currently under review and are anticipated to be in a position to be presented to Council in the Summer of 2018.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

The following are policy considerations in general support of the proposed demonstration project:

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

**SUBJECT: Affordable Housing Demonstration Project (PED16236(a)) (Ward 4) -
Page 5 of 22**

Planning Act

The *Planning Act* supports affordable housing particularly through amendments made by the Strong Communities through *Affordable Housing Act, 2011*. Among other matters, this Act emphasized affordable housing as a Provincial interest.

Growth Plan for the Greater Golden Horseshoe

- Policy 4. Applying the policies of this Plan will support the achievement of complete communities that:
- a) feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and public service facilities;
 - b) improve social equity and overall quality of life, including human health, for people of all ages, abilities, and incomes; and,
 - c) provide a diverse range and mix of housing options, including second units and affordable housing, to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes.

The proposed development represents a meaningful way in which to secure a range of housing types, sizes and available for a range of incomes.

- Policy 1. Upper and single-tier Municipalities, in consultation with lower-tier Municipalities, the Province, and other appropriate stakeholders, will each develop a housing strategy that:
- a) supports the achievement of the minimum intensification and density targets in this Plan, as well as the other policies of this Plan by:
 - i. identifying a diverse range and mix of housing options and densities, including second units and affordable housing to meet projected needs of current and future residents; and,
 - ii. establishing targets for affordable ownership housing and rental housing.
 - b) identifies mechanisms, including the use of land use planning and financial tools, to support the implementation of policy 2.2.6.1 (a);
 - c) aligns with applicable housing and homelessness plans required under the *Housing Services Act, 2011*; and,

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

**SUBJECT: Affordable Housing Demonstration Project (PED16236(a)) (Ward 4) -
Page 6 of 22**

- d) will be implemented through official plan policies and designations and zoning by-laws.

The development represents a form of intensification that is intended to meet the increasing demand for housing within the City of Hamilton.

Policy 3. To support the achievement of complete communities, Municipalities will consider the use of available tools to require that multi-unit residential developments incorporate a mix of unit sizes to accommodate a diverse range of household sizes and incomes.

Given the development and proposed location with respect to available services, parks, institutional uses and transit, represents an ideal opportunity to achieve a complete mixed income sustainable community.

Provincial Policy Statement (2014)

Policy 1.1 - Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns – identifies that healthy, liveable and safe communities are sustained by an appropriate range and mix of residential uses including second units, affordable housing and housing for older persons uses. The proposed incentives would assist in removing some of the financial barriers that encumber mixed income developments.

Furthermore, Policy 1.4.3 specifically directs planning authorities to provide for an appropriate range and mix of housing types and densities to meet projected requirements of current and future residents of the regional market area by:

“b) permitting and facilitating:

- 1) all forms of housing required to meet the social, health and well-being requirements of current and future residents, including special needs requirements.”

It is anticipated that the proposed incentives would assist in facilitating affordable housing City wide.

Province’s Long-Term Affordable Housing Strategy

Creating inclusive, complete communities with a broad mix and range of housing types is an important step to building Ontario’s health and prosperity. The updated Long-Term Affordable Housing Strategy focuses on increasing the supply of affordable housing, supporting people, and ending chronic homelessness.

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

**SUBJECT: Affordable Housing Demonstration Project (PED16236(a)) (Ward 4) -
Page 7 of 22**

Urban Hamilton Official Plan

The following Urban Hamilton Official Plan (UHOP) goals and policies strive to increase the supply of affordable housing in Hamilton:

Goals

- B.3.2.1.3 Increase Hamilton's stock of affordable housing of all types, particularly in areas of the City with low levels of affordable housing.
- B.3.2.1.4 Increase Hamilton's stock of housing for those whose needs are inadequately met by existing housing forms or tenure, affordability or support options.

Policies

- B.3.2.3 Many households in Hamilton cannot obtain housing that is affordable or appropriate to their needs. Households and individuals may be at risk of homelessness because of economic and/or personal circumstances where a level of support is required to live independently. Hamilton's aging and diversifying population has new and unique housing needs that cannot solely be met through current housing options. The City recognizes the importance of affordable housing and housing with supports in meeting the housing needs of those without the resources to participate in the private housing market.
- B.3.2.3.2 Where appropriate, assistance shall be provided, either by the City and/or by senior governments, to encourage the development of affordable housing, with priority given to projects in areas of the City that are lacking in affordable housing. City assistance may include selling or leasing of surplus City land or financial assistance.
- B.3.2.3.6 Investment in new affordable housing shall be encouraged by a coordinated effort from all levels of government through implementation of a range of strategies, including effective taxation, regulatory and administrative policies and incentives.

Housing and Homelessness Action Plan

In December, 2013, Council approved the City's 10-year Housing and Homelessness Action Plan which is a strategic and implementation plan to address affordable housing and homelessness in Hamilton (Report CS11017(c)). The development of the Action Plan was informed by extensive community engagement and a comprehensive needs analysis and provides a framework to inform decisions about housing resource allocation in Hamilton.

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

**SUBJECT: Affordable Housing Demonstration Project (PED16236(a)) (Ward 4) -
Page 8 of 22**

The Action Plan sets out several strategies which are designed to address the supply, affordability and quality of Hamilton's affordable housing stock:

Strategy 1.2: Explore the potential for new incentive and funding programs and expand and promote more broadly existing City incentive programs to increase the supply of affordable housing (e.g., capital grants/loans, tax deferrals, waived development and other charges, etc.).

Strategy 1.5: Explore the feasibility/further promote opportunities that exist in the Urban Hamilton Official Plan for density bonusing and use of Community Improvement Plans to offer other incentives for affordable housing.

Strategy 1.8: Advocate for changes to the City's and senior governments' surplus land policy to make surplus land available for affordable housing development at discounted or no cost.

Strategy 2.1 (a): Encourage mixed housing and mixed income development in all urban neighbourhoods by increasing opportunities for rental, social and affordable housing in areas that currently offer limited opportunities.

Strategy 2.1 (c): Encourage mixed housing and mixed income development in all urban neighbourhoods by exploring opportunities for social housing communities to redevelop to include a mix of new housing options.

Strategy 2.3: Increase homeownership opportunities for renters, including social housing tenants.

Strategy 2.8: Explore options that ensure social housing applicants and tenants have as much choice as possible.

Strategy 4.10: Adequately fund capital reserves for social housing based on Building Condition Assessments and Reserve Fund Studies.

Strategy 4.6: Increase the number of rental units that meet the needs of larger families.

Strategy 4.9: Inventory, rate and increase the number of social housing units that meet the needs of persons with disabilities through existing and new housing opportunities.

The following policies are applicable to the creation of a CIPA:

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

**SUBJECT: Affordable Housing Demonstration Project (PED16236(a)) (Ward 4) -
Page 9 of 22**

Planning Act

The *Planning Act* (Section 28) allows Municipalities that have provisions in their Official Plan relating to community improvement, such as the City of Hamilton, to designate by by-law a community improvement project area, and then to prepare a Community Improvement Plan (CIP) for the project area. A Municipality may then make grants and loans, in conformity with the approved CIP, that would otherwise be prohibited under the *Municipal Act* (Section 106(1)), to the registered/assessed owners or tenants of land and buildings, or their respective assignees, within the designated project area. An amendment to the CIP requires a statutory public meeting with notice requirements in accordance with the *Planning Act*.

The recommended changes to the CIP must be conducted in accordance with the *Planning Act* (Section 17 (15) (d) and Section 28) and the Public Participation and Notification Policies contained in the City's Official Plan, including a statutory public meeting and notice requirements.

Urban Hamilton Official Plan

- F.1.15.1 Community Improvement shall be carried out through the designation, by Council, of CIPAs and through the preparation and implementation of Community Improvement Plans (CIP) pursuant to the *Planning Act*. It is the intent of Council that the entire urban area or any part of the urban area as defined in this Plan, and as subsequently amended, may by by-law be designated as a CIPA.
- F.1.15.2 When designating CIPAs, one or more of the following characteristics may be present:
- a) building stock or property in need of rehabilitation;
 - b) buildings and structures of heritage or architectural significance;
 - c) encroachment of incompatible land uses or activities;
 - d) deteriorated or insufficient physical infrastructure such as, but not limited to, sanitary and storm sewers and water mains, public transit, roads/streets, curbs, sidewalks, street lighting and utilities;
 - e) deteriorated or insufficient community facilities/services such as, but not limited to public indoor/outdoor recreational facilities, public open space and public social facilities;
 - f) inadequate mix of housing types;

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

**SUBJECT: Affordable Housing Demonstration Project (PED16236(a)) (Ward 4) -
Page 10 of 22**

- g) inadequate affordable housing;
- h) known or perceived environmental contamination;
- i) deteriorated or insufficient parking facilities;
- j) poor overall visual amenity of the area, including, but not limited to streetscapes and urban design;
- k) existing Business Improvement Areas (BIA) or potential for inclusion in a BIA designation, provided such designation is in conformity with the Niagara Escarpment Plan;
- l) inappropriate road access and traffic circulation;
- m) shortage of land to accommodate building expansion and/or parking and loading facilities;
- n) other barriers to the improvement or re-development of under utilized land or buildings; or,
- o) any other environmental, social, or community economic development reasons for designation.

F.1.15.3 CIPs shall provide direction regarding the application of one or more of the following:

- a) allocation of public funds such as grants, loans or other financial instruments for the physical rehabilitation, redevelopment or improvement of land and/buildings;
- b) municipal acquisition of land or buildings and subsequent land clearance, rehabilitation, redevelopment or resale of these properties or other preparation of land or buildings for community improvement;
- c) encouragement of infill and rehabilitation where feasible;
- d) promotion of historic preservation through the appropriate local, provincial and federal legislation;
- e) promotion of the viability of Commercial areas through the establishment and support of BIAs;

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

**SUBJECT: Affordable Housing Demonstration Project (PED16236(a)) (Ward 4) -
Page 11 of 22**

- f) other municipal actions, programs or investments for the purpose of strengthening and enhancing neighbourhood stability, stimulating production of a variety of housing types, facilitating local economic growth, improving social or environmental conditions, or promoting cultural development; and,
- g) Identification of cultural heritage resources which shall be, wherever possible, conserved through appropriate adaptive reuse and alterations. Demolition of heritage structures shall be discouraged.

F.1.15.5 Council shall determine the priorities and sequences in which designated CIPAs shall have individual CIPs prepared.

F.1.15.6 Any CIP shall endeavour to co-ordinate individual initiatives to improve properties with municipal actions to upgrade physical infrastructure and community services, and promote new types of housing.

F.1.15.7 Council shall be satisfied that community improvements are within the financial capability of the City.

On the basis of the above, it is considered that the creation of a new CIPA in combination with an incentives program geared towards encouraging sustainable, mixed income developments implements provincial and local policy direction.

RELEVANT CONSULTATION

- Housing Services Division, Healthy and Safe Communities Department; and
- Finance and Administration, Corporate Services Department.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

The project currently consists of developing upwards of 600 multiple density residential units, predominately in the form of townhouses, with three proposed rental multiple dwellings (8-10 storeys) sited in proximity to Queenston Road. Discussions are on-going with respect to the potential of securing affordable housing for seniors within one of the buildings and for the delivery of a turnkey 95-unit building for CHH.

Currently the lands include the former Roxborough School (now demolished) on the lands owned by RPI and 91 Rent Geared to Income townhouses and 16 market apartments (one bedroom) on the lands owned by CHH.

The Roxborough development would be an appropriate candidate for an incentive demonstration project. It is a large (approximately 4.5 ac) contiguous piece of

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

**SUBJECT: Affordable Housing Demonstration Project (PED16236(a)) (Ward 4) -
Page 12 of 22**

property that if combined with the existing CHH lands (approximately 8 ac), could enable the revitalisation of existing subsidized units within a larger mixed income development. The lands are currently underutilized and appropriately suited to take advantage of intensification. The lands are serviced by existing and future transportation infrastructure and are also designated for residential development within the UHOP.

Another matter which lends itself to the appropriateness of this project for demonstration purposes is the existing Roxborough Park immediately to the north. Discussions are underway to co-ordinate park enhancements with the proposed development. Such coordination would not only result in public realm improvements for the wider area, but also create more enhanced amenity space that could foster increased community interaction.

Additionally, work is underway on the development of a Community Hub within the former St. Helen's School site also located within the McQueston Neighbourhood. Council Motion of February 14, 2018 has sought to purchase the site and make it available in the long-term for this specific purpose. While this is a separate process and still in the development stage, future community hub uses may provide important community supports for the residents of the Roxborough development, creating a more sustainable and complete community. As detailed within this Report, the proposed CIPA boundary would extend to include these lands and as a result also assist future redevelopment of the former St. Helen's School.

As there are current residents in the existing units, transition issues must be considered. One of the proponents (Effort Trust Property Management) currently has access to a large inventory of rental properties within the immediate and wider local area. This inventory creates greater options for the residents currently residing in the CHH units, should the plan proceed and temporary relocation be required in the short or long-term.

The 95-unit CHH building is under consideration as the first building constructed on site. This phasing of development is considered to be the least impactful upon existing residents. It would allow many of the residents to stay within their existing accommodations during the construction of the proposed new CHH building, avoiding the need for subsequent moves and transitional accommodations. These transition details would be assessed and developed through resident consultation and ultimately determined through the transition plan that would require ministerial consent.

Core Principles for Re-development

Through initial discussions regarding this demonstration project, a number of core principles were developed by staff in order to ensure the development satisfied current policy requirements, and demonstrated a meaningful approach to sustainable, inclusive

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

**SUBJECT: Affordable Housing Demonstration Project (PED16236(a)) (Ward 4) -
Page 13 of 22**

community building that prioritizes affordable housing. These core principles are as follows:

- Maintain Current Service Level Standards – how this would be achieved would be defined through the development process with at least the same number of subsidized income units currently owned and operated by CHH would be maintained. This is a Provincial requirement;
- Net increase in the number of units (both affordable and market) to deliver a complete and efficient development;
- Significant intensification of the lands, which are currently underutilized, to meet housing needs, efficiently use the lands and create a complete community. This complete community will take advantage of the existing and future services, infrastructure and parkland;
- Achieve income mix – deliver a spectrum of units that provides a range of housing options for all community members, including households with incomes below the 40th income percentile (i.e. deeper affordability);
- Tenure Mix – deliver both ownership and rental units, ensuring a mix of housing options;
- Quality Design – the goal would be a seamless array of housing forms, both market and affordable defined by a consistently high quality of design;
- Mix of unit sizes – ensure a range of housing needs are met through a variety of unit sizes, including for large families;
- Accessibility – ensure accessibility needs are met through application of the City's Barrier Free Design Guidelines;
- Length of affordability – ensure affordability is maintained over the long term; and,
- Capacity building – providing the opportunity to include community supports with the housing.

Whereas the above principles are responding to the specific needs of the subject lands, it is considered that in general, this approach to mixed income development, particularly when it involves sites that currently accommodate subsidized units, would be applicable on a broader City-wide basis.

To facilitate delivery of the above principles and the demonstration project in general, staff is preparing a development strategy. The strategy has been divided into several separate but related plans and processes.

Roxborough Development Strategy

City Housing Hamilton Lands Acquisition

Staff has been directed to work with CHH and RPI to finalize the conditions and outcomes necessary to facilitate the re-development of the CHH and RPI lands with the

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

**SUBJECT: Affordable Housing Demonstration Project (PED16236(a)) (Ward 4) -
Page 14 of 22**

intent of creating an inclusive mixed income community. The applicants have retained the services of housing consultant (Tim Welch) who has experience in social housing matters.

Incentive Package

As detailed within this Report, the potential range of incentives available will be explored through consideration of this as a 'Demonstration Project' intended to stimulate a mixed income mixed tenure development that provides neighbourhood revitalization in a balanced and inclusive manner.

Phasing Plan

One of the more significant opportunities with the RPI proposal is the ability to phase development in order to facilitate a logical and less disruptive transition of existing residents. The phasing plan will be developed and integrated into the requirements of the transition plan.

Transition Plan

This is the more formal process that will have to be approved by the Province through the ministerial consent process. Staff with CHH and RPI will review to determine the timing and next steps of this process. Much of this is contingent on finalizing the other matters listed above.

Communications Plan

Tenant involvement and engagement has been initiated, with staff meeting with the residents on a regular basis to provide updates and seek input each month on matters including design and transition. Public engagement as part of the *Planning Act* applications is also on-going.

Park Enhancement

The demonstration project provides the opportunity to co-ordinate park enhancements. The current park immediately adjacent to the subject lands is in need of some enhancement, efforts to co-ordinate the timing and implementation of these improvements will be made. A park masterplan and design process is currently underway and in the early planning stages.

Re-zoning/Official Plan Amendment/Draft Plan of Subdivision/Site Plan

The residential intensification of the lands is one envisioned and encouraged in the UHOP. These applications have been submitted for review and are currently under consideration by City staff.

This Report focuses on the delivery of the incentives package. The rationale to proceed with the creation of a CIPA is discussed below.

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

**SUBJECT: Affordable Housing Demonstration Project (PED16236(a)) (Ward 4) -
Page 15 of 22**

Affordable Housing Demonstration Project

The demonstration project is intended to highlight how re-development can achieve numerous social and economic goals. In particular, it should be noted that the following would be secured through this process:

Inclusiveness

Seamless design – quality in design material and built form will be consistent across the site. Visually this will connect the development and remove any visual cues that may otherwise indicate variation across economic income of the future residents of the development.

Interconnected park and trail system - intended to physically and socially link people within and through the development.

Openness - fosters a community design that will improve natural surveillance, sense of ownership and community feel.

Accessibility – emphasis on exceeding the amount and quality of accessible units, particularly understanding how affordability issues are further compounded if combined with accessibility needs.

Affordable Home Ownership

The ability to partner with RPI and through the creation of a CIP, it is proposed that over 100 of the 300 proposed grade related units could be provided at approximately 20% below market. The units would be able to achieve this through a combination of forgivable loans to cover Parkland and Development Charges (DC) and an equivalent reduction committed to by RPI. The DC and Parkland combined reduction would represent approximately 10% of the market value and the remaining reduction in market value achieved through concessions provided by RPI.

Market

The intent for this project has been to demonstrate how a mixed tenure, mixed income development is not only compatible, but if integrated appropriately, could foster greater acceptance, tolerance and inclusivity.

The mixture of market and affordable units was also intended to allow for some of the affordable housing costs to be shared across the market units. To this end, incentives for the market units will be considered and recommended in the future programs to be introduced within the CIP.

As discussed in the Report, while incentives similar to those in the Downtown would be introduced within this CIP, in this instance, any incentives made available to market development would only be permitted in instances where significant amount of units

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

**SUBJECT: Affordable Housing Demonstration Project (PED16236(a)) (Ward 4) -
Page 16 of 22**

with affordability and mixed tenure are delivered in combination. As such, unlike the Downtown incentives, there will be requirements to ensure mixed income and mixed tenure as a prerequisite to access the package of incentives.

Furthermore, unlike the Downtown, investment in land within this area is still considered high risk, and as such, the role of incentives is also considered as a means to stimulate neighbourhood rejuvenation both within and surrounding the proposed CIPA.

Rental

As detailed within this Report, it has been recognized that the development of rental units has been significantly affected since the creation of the *Condominium Act*, which has witnessed significant reductions in the construction of new rental buildings. This has resulted in the existing rental options primarily being of an older stock, limited availability and often in need of capital repair. The absence of this type of tenure on the market has resulted in steadily rising market rental rates further compounding the affordability of housing options within the City.

The proposed development would assist with this much needed product on the market, not only providing choice within the market but also adding to the inclusiveness and completeness of this new proposed community through the provision of approximately 135 market rental units.

Affordable Rental

In terms of social housing, the delivery of a 95-unit within social housing to be owned and operated by CHH would represent the preserve a significant component of those units. A significant portion of these units intended to be large (three and four bedrooms) in order to accommodate larger households. The rental market is increasingly under pressure to reduce the number and availability of larger family sized units.

The proposed CHH building would also introduce affordable rental units within the building. This provides not only additional economic sustainability in the operation of the building, but provides social sustainability through provision of a mixture of affordability.

Through the application of incentives, the market rental building is also going to be explored in order to determine if and how many affordable rental units could be introduced into this building. These discussions are continuing and are dependent on the range of potential incentives available.

Affordable Seniors Rental Housing

Discussions are also in the works with a development group who are seeking to provide affordable rental units for seniors in the form of a retirement facility. The Development Group proposes a scalable model of new-build housing that is safe, supportive and sustainable. The target market includes marginalized seniors waiting for assisted living options, patients waiting in hospitals and seniors living precariously in their homes.

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

**SUBJECT: Affordable Housing Demonstration Project (PED16236(a)) (Ward 4) -
Page 17 of 22**

For this approach to be viable, relief from DCs and possibly additional incentives offered through the CIP would be required. They are currently in discussions with City of Hamilton and RPI representatives to potentially occupy one of the three proposed rental apartment buildings.

Community Improvement Plan

Previous Report PED16236 explored the option of providing incentives in the absence of creating a formal CIPA. However, through careful consideration and in discussion with Legal Services, the option of utilizing the Municipal Facilities By-law approach in combination with applying Development Charge credits from the demolition of existing units was not considered sufficient or appropriate in order to achieve the desired outcome.

It was determined that in order to achieve the desired level of control, provide the necessary range of incentives to stimulate both affordable housing and neighbourhood renewal, the most appropriate method would be through the development of a CIPA.

With regards to the merits of establishing a new CIPA geared towards affordable housing and neighbourhood revitalization, staff note the opportunity for such consideration can be explored in part given the successes to-date of the Downtown Hamilton CIPA. As the scale of incentives is gradually being reduced in the Downtown Hamilton CIPA, an opportunity exists to transition the focus of public attention on local priorities such as the McQueston Neighbourhood and others like it. The CIP approach would allow the City to target areas in transition or in need of repair, rehabilitation and re-development.

Through review of the demonstration project and a greater appreciation of the need and opportunity for inclusive neighbourhood renewal that focuses on affordable housing, it is proposed that the study area include additional areas within the community that would not only benefit from the previously identified opportunities of the location (LRT – Parks – Services) but also are areas with increasing pressures to be re-developed in the future due to the age and use of the existing building stock. These areas include Oriole Crescent and McQueston Community Hub - shown in the proposed CIPA map attached as Appendix “A” to Report PED16236(a)).

The boundary of the proposed CIPA and the implementation of the CIP would be consistent with Policy F.1.15.2 of the UHOP, which identifies the criteria that indicate the need for adoption of a CIP. This includes matters such as the need for building stock renewal as well as community and economic development reasons, exhibited by the lands contained within the proposed boundary.

Former institutional sites in particular, which by design are often larger contiguous sites that are underutilized and/or which have become vacant, pose particular challenges for

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

**SUBJECT: Affordable Housing Demonstration Project (PED16236(a)) (Ward 4) -
Page 18 of 22**

re-development in some neighbourhoods. Where the cost of new construction, including all applicable fees, is at or greater than the local housing market, the perceived financial risk of re-development of such sites can discourage development. This is often further compounded when such sites, due to previous uses and or construction material, require costly remediation to permit more sensitive land uses such as residential. Left vacant and underutilized, these sites can have a destabilizing effect of the balance of the neighbourhood, further discouraging investment and re-development.

The current proposed boundary would consist of two former schools intended for re-development – being St. Helen’s and the Roxborough School. As such, the prospect of creating and defining CIPA’s for these ‘Institutional Bluefields’ within the McQueston Neighbourhood and other similar neighbourhoods, could facilitate and encourage community change in a coordinated manner and similarly stimulate private sector investment through municipal incentive-based programs. Beyond just the provision of affordable housing, areas such as these could provide the opportunity for creation of a development catalyst, stimulating investment in an area that has seen limited development in recent years. A new CIP for such ‘Institutional Bluefields’ would have a residential focus, with economic benefits to the City occurring mostly through increased tax assessment as a result of intensification.

Similarly, as highlighted within the demonstration project, opportunity exists to address the increasing concern of aging building stock, particularly housing within the CHH portfolio. Both the subject lands subject to Zoning and Official Plan Amendment Applications ZAC-18-10/OPA and lands to the north known as Oriole Crescent provide approximately 350 affordable units. The majority of these units are grade related and in need of Capital repairs. In addition, there is a need to modernize not only the stock but to address issues of efficiency and the subsidized concentration of units to improve cost effective and inclusive delivery of housing within the community.

The intent is to consolidate 95 of the existing 105 grade related CHH units into one building that would offer a mixture of unit sizes, innovative design and mixed income rental tenure – with both subsidized and affordable market rents within one building. This is then to be combined with a mixed income and mixed tenure community. Recognizing this as an opportunity, the proposed CIPA would include not only the lands subject to Applications ZAC-18-10/OPA but also the balance of housing within Oriole Crescent as well as the proposed community hub at the former St. Helen’s School.

The creation of a CIPA would not only help deliver the development proposed by Roxborough, but as anticipated, this development may prove to be a catalyst for future changes that will build upon the philosophy and intent of a complete, accessible, sustainable and inclusive community. It is the opinion of staff that a CIPA tailored to this intent would be the most effective manner in which to achieve this desired outcome. Financial incentives to be contemplated could include matters pertaining to stimulating

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

**SUBJECT: Affordable Housing Demonstration Project (PED16236(a)) (Ward 4) -
Page 19 of 22**

more rental stock, more family friendly units and innovative, accessible and efficient building design.

This CIPA recognizes also the potential for greater pressures to be placed upon communities such as this to accommodate housing which is increasingly unaffordable within the Downtown. Similarly, the proposed reductions in the incentives offered within the Downtown, represents an opportunity to transfer some of these savings to those areas with the explicit focus on providing affordable and complete communities.

Should staff be directed to proceed with the establishment of a new CIPA on the basis of a demonstration project, the following process would need to be conducted.

- As is required with all newly proposed and extended CIPAs staff would require identifying existing issues as raised within this report and demonstrate why the problems need resolving;
- The solutions would be in the form of public and economic benefits that would form the desired outcomes;
- As part of the process staff would generate a description of the community improvement plan study process and as detailed in Appendix "A" propose a boundary of the community improvement project area;
- Once established, the criteria used for project selection would be justified through administration of the study, including departments responsible for preparing the community improvement plan, project timelines, resources needed and financial/budget implications; and,
- Under the *Planning Act*, and UHOP, the creation of a new CIPA would also be subject to public consultation and subject to appeal. Given the comprehensive nature of the process, the timelines would be approximately 6-12 months with additional time required should the process be appealed to the Local Planning Appeal Tribunal (LPAT).

Potential CIP Incentives

The demonstration project through the creation of a CIPA would seek to extend the eligibility and widen the definition of an affordable housing development to include varying levels of affordability.

The extent to which units would be eligible would be dependent on the amount and type of affordable housing being provided. Clearly careful application of this approach would need to be established to ensure the incentives apply only to those developments that create meaningful affordable housing options.

It is suggested that for the purposes of a demonstration project only, such options be explored, contingent on the creation of a mutually agreeable outcome between the City,

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

**SUBJECT: Affordable Housing Demonstration Project (PED16236(a)) (Ward 4) -
Page 20 of 22**

CHH and the proponent. The package would potentially consist of one or more of the following:

Development Charges (DC) – consideration of opportunities for full or partial DC reductions (not including education) for units defined as both affordable as well as for market units. The extent of the DC exemptions would in part be contingent on the proportion and number of affordable housing created. Alternatively, DC exemptions for affordable housing could be removed from the DC By-law and, instead, be addressed through the creation of the CIP by providing a forgivable loan equivalent to the value of the DC payment, whereby each year the unit remains within the defined affordable limit, a portion of the DC charge would be forgiven. Through this process, the investment in affordable housing would be protected until a chosen period of time has elapsed and would be more flexible in terms of how and where it is delivered.

Parkland Dedication – similar to that of DC, consideration of full or partial Parkland Dedication reductions for units defined both as affordable, as well as, for market units will be explored. The extent of the Parkland waivers would be contingent on the amount of affordable housing created.

Tax Waivers – applicable only to the units that are affordable, the waivers would potentially further increase the affordability of the unit. It is considered that this incentive be carefully assessed given that a large consideration of the benefit of the incentives is to stimulate revitalization and increased tax assessment. As such, implementation of this incentive should be limited if at all, to only those units that represent deep affordability.

ERASE Program – Urban Renewal Section recently completed and approved its Five-Year Review of its Environmental Remediation and Site Enhancement (ERASE) Community Improvement Plan. The ERASE boundary is consistent with the existing urban boundary of the City. Staff amended the Program to allow the opportunity through this process to help with revitalization of former institutional sites. Currently, the institutional sites would qualify for ERASE Study and Re-development Grants if being re-developed to a more sensitive land use. Since many former institutional sites are being decommissioned and sold for the re-development of more sensitive land uses, demolitions become costly as they require the safe removal of above ground contaminants. The Program can assist in the removal of such substances which may include but not be limited to such things as asbestos or lead.

Planning Fee Reductions – for the purposes of the demonstration project, Planning Fees could be waived with respect to future development.

Building Permit Fees – under the provisions of the *Planning Act*, Building Permit Fees must be received. Additional funding sources could be identified to cover the fees in part or in total for those future proposed affordable units.

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

**SUBJECT: Affordable Housing Demonstration Project (PED16236(a)) (Ward 4) -
Page 21 of 22**

Potential Funding Sources

In terms of funding these incentives, there is a logical option to consider transferring the 'opportunity cost' being incrementally withdrawn from the current CIPAs, particularly that of the Downtown. Alternatively, in the absence of transferring current funding directed towards the existing CIPAs, a new sustainable funding source would need to be identified. This would need to be addressed in full within subsequent reports and as directed through the recommendations attached to this Report. It is noted that review of the current DC By-law is underway and that the CIP proposal options could be included within that review, which is intended to be finalized in 2019. This is recommended in Recommendation (c) of this Report.

Tax Assessment Increases

It is noted that through the intensification of the lands, the 'opportunity costs' that would be used to incentivise the development would be offset through the increased tax assessment. The significant intensification of the subject lands and the potential re-development of additional lands would result in considerable tax assessment increases, particularly given that CHH housing is exempt from municipal taxation. Each new townhouse would be expected to pay approximately \$4 K-\$4.5 K annually, whereas the tax income from the proposed apartment buildings would be approximately \$550 K annually (excluding the CHH building which as mentioned is exempt).

Partnerships

Key to the success of the demonstration project and a CIPA of this nature is to ensure multi-levels of government are involved in the solution. The Province of Ontario in updating the Long-Term Affordable Housing Strategy, announced an investment of \$178 M over three years, acknowledging a long-term commitment to stable funding that will continue transformation of the housing system. They further acknowledge a plan to invest up to \$100 M in operation funding, and supporting the construction of up to 1.5 K new supportive housing units for the long-term, with operating assistance eventually assisting up to 6,000 households.

As part of this process, the Province released the Ontario Development Charges Rebate Program as one of the initiatives under the Fair Housing Plan to increase supply of market rental housing – specifically of purpose-built market rental housing. Under the Program, eligible market rental housing developments would receive a rebate of development charges collected by Municipalities. The Program would be administered by Municipalities and target priority projects in those communities that are most in need of new purpose-built rental housing. Under the Development Charges Rebate Program, Hamilton responded to the Expression of Interest and was successful in securing a total (nominal) of \$6,850,702 over five years.

As detailed within the RPI proposal, there are currently three rental buildings proposed – one will be owned and operated by CHH, one is being considered for an affordable

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

**SUBJECT: Affordable Housing Demonstration Project (PED16236(a)) (Ward 4) -
Page 22 of 22**

housing for seniors and the third would be market rental and thus eligible for the proposed Rebate Program proposed by the Province. As such staff will be working with the Province and RPI to determine if the Project can be awarded participation within the Program. In addition, funding is also being explored with the incentives being offered through current and future programs at Canada Mortgage and Housing Corporation (CHMC).

At the Federal level, staff continue to review and participate in discussions with respect to future potential funding streams that may be applicable to projects similar to that detailed within this Report.

Conclusion

The consideration of incentives to encourage the development of affordable housing projects through the creation of a CIPA would be consistent and conform to the relevant policies detailed above. The comprehensive re-development would likely provide a catalyst for further investment within the area, increase the existing tax assessment base and replace subsidized units in need of significant Capital repairs.

It is considered that whilst this will be developed as a demonstration project, the information and outcomes can be replicated and enhanced through development of similar CIPAs in areas in need of similar revitalization.

ALTERNATIVES FOR CONSIDERATION

N/A

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Economic Prosperity and Growth

Hamilton has a prosperous and diverse local economy where people have opportunities to grow and develop.

Built Environment and Infrastructure

Hamilton is supported by state of the art infrastructure, transportation options, buildings and public spaces that create a dynamic City.

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” to Report PED16236(a) - Proposed CIPA Boundary

EJ/sd

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.



INFORMATION REPORT

TO:	Mayor and Members General Issues Committee
COMMITTEE DATE:	June 6, 2018
SUBJECT/REPORT NO:	Inventory of Brownfield Areas (PED18113) (City Wide) (Outstanding Business List Item)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Edward John (905) 546-2424 Ext. 2359
SUBMITTED BY:	Glen Norton Director, Economic Development Planning and Economic Development Department
SIGNATURE:	

Council Direction:

At the meeting of GIC February 21, 2018 Committee approved the following Motion:

“That staff be directed to report back with an inventory of the Brownfield areas, over the past ten years, factoring in the Province backstopping the clean-up of the Stelco Lands.”

Information:

The formal approval of the Environmental Remediation and Site Enhancement Community Improvement Plan (ERASE) (CIP) in April of 2001 represented an important step in the delivery of a program promoting environmental remediation, community rehabilitation and redevelopment. The expansion of the ERASE Community Improvement Project Area to the full limits of the urban area within the City and the enhancements of the programs contained within in April 2005, also represented an equally important step forward in delivering financial incentive programs directed at Brownfield redevelopment across the urban area of the City. Both of these milestones have contributed to Hamilton’s reputation as being a Municipal leader in terms of Brownfield redevelopment in Canada, and have continued most recently with the 2018 updated ERASE CIP.

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

SUBJECT: Inventory of Brownfield Areas (PED18113) (City Wide) - Page 2 of 4

Since inception, staff has been monitoring the success of the program to ensure its on-going responsiveness and adaptability in securing environmental remediation.

At the Council meeting of February 28, 2018, Council approved the following Motion:

“That staff be directed to report back with an inventory of the Brownfield areas, over the past ten years, factoring in the Province backstopping the clean-up of the Stelco lands.”

Since the ERASE CIP was approved, approximately 145 property owners and potential property owners have been approved for Environmental Study Grants. A number of these studies have led to brownfield sites being redeveloped. A total of 47 projects have been approved by City Council for ERASE Redevelopment Grants. These projects once complete will result in:

- Over 380 ac of land studied;
- Total assessment increase due to Environmental Remediation Grant in excess of \$129,029,379;
- Every \$1 contributed by the City has generated \$11.10 in private sector construction; and,
- Remediation and redevelopment approval of approximately 210 ac of Brownfield land 123 ac (59% of approved land area) remediated to date.

In its 16 years, the ERASE CIP has proven to be very successful in providing the financial tools needed to promote the remediation and redevelopment of Brownfield sites. There is consistent support for the expansion of programming and updating of policy in order to meet the significant challenges associated with Brownfield redevelopment.

With respect to the inventory of land, staff continues to monitor lands that have been recognized as contaminated and catalogue as a ratio how this changes over time. As the following report indicates, environmental remediation has occurred and has significantly reduced the inventory of contaminated land within Hamilton.

Historical Land Use Inventory (HLUI) (2008)

As part of the City’s Department initiative “Focusing on Employment Lands”, the City retained MMM Group to design and compile a comprehensive Historical Land Use Inventory (HLUI) for the urban area of Hamilton. This study was presented as a package including a Peer Review – Comprehensive Employment Land Study, Municipal Comprehensive Review and Conversion Analysis for Employment Lands Study, and Updated Employment Land Supply/Budget. These studies were compiled as part of an effort to provide background information for the new Official Plan and the Airport Employment Growth District.

SUBJECT: Inventory of Brownfield Areas (PED18113) (City Wide) - Page 3 of 4

The HLUI is a Geographic Information Systems (GIS) database, compiled from existing data sources, that identifies and describes sites, its past uses, contaminants of concern, and has the ability to track site assessments and remediation efforts in a comprehensive and consistent manner. The intention of the database was to provide

feedback to fine tune the ERASE CIP and to supply information for the ERASE Municipal Acquisition and Partnership Program. The HLUI was to complement the City's Contaminated Sites Management Program for Municipal Works by offering a greater level of detailed contaminant screening information; Water and Wastewater proposed to use the information to identify possible sources of contaminants, while the Source Protection Planning Group looked to identify existing threats to drinking water sources. It also served to assist in the employment lands inventory.

The HLUI identified 91 vacant Brownfield sites for a total of 152 ha (377 ac) scattered throughout the City's urban area. Over 50% of the total land within the inventory is located outside of the designated employment areas. Furthermore, only 20 ha were found to be located within the Bayfront Industrial area. It is important to note that while the HLUI was intended to be updated and monitored regularly, it still represents a snapshot in time.

The 91 vacant Brownfields that were identified effectively became the target sites for prioritization. Recent review of the 91 vacant sites that were compiled as part of the HLUI found that since 2008, 51 of the sites have been developed representing over 72 ha. Of the 40 sites still considered vacant and contaminated, approximately 13.2 ha are within the Bayfront Industrial Area.

	2008	2018
Number of Sites	91	40
Total Area (ha)	152	79.5
Land within Bayfront Industrial Area (ha)	20	13.2
% of Land Developed	0%	48%

Viability for Other Uses

Consideration was raised with respect to the viability of contaminated land to be used for purposes such as the growing/harvesting of medical marijuana, given the concerns expressed with respect to this industry placing pressure on current viable farm land.

Staff reviewed the prospect and noted that under Regulation 153/04, cultivation of marijuana would be treated as an agricultural operation, and therefore, deemed a more sensitive operation if located on former industrial or commercially used lands. On this basis, a mandatory filing of a Record of Site Condition would be required and the

SUBJECT: Inventory of Brownfield Areas (PED18113) (City Wide) - Page 4 of 4

threshold for site remediation would be one of the most onerous to conform. It is unlikely that, under these circumstances, such a use would be feasible.

Furthermore, land currently zoned and protected for employment uses would not be able to be rezoned/re-designated for agricultural purposes in the absence of a Municipal Comprehensive Review.

That the matter respecting Inventory of Brownfield Lands (for possible legal cannabis operations lands) be identified as complete and removed from the General Issues Committee Outstanding Business List.

APPENDICES AND SCHEDULES ATTACHED

N/A

EJ:rb



Hamilton

**CAPITAL PROJECTS WORK-IN-PROGRESS REVIEW
SUB- COMMITTEE
REPORT 18-003**

9:30 a.m.

May 22, 2018

Room 264

Hamilton City Hall

Present: Councillors C. Collins (Chair), D. Conley, M. Pearson, B. Johnson, T. Whitehead

Absent: Councillor J. Partridge (Personal)

THE CAPITAL PROJECTS WORK-IN-PROGRESS REVIEW SUB-COMMITTEE PRESENTS REPORT 18-003 AND RESPECTFULLY RECOMMENDS:

1. **Capital Project Closing Report as of December 31, 2017 (FCS17078(b)) (City Wide) (Item 8.1) (Attached hereto as Appendix 'A')**
 - (a) That the General Manager of Finance and Corporate Services be authorized to transfer a combined \$627,510.93 from the Unallocated Capital Levy Reserve and other Program Specific Reserves to the capital projects as outlined in Appendix "A" to Report FCS17078(b);
 - (b) That the General Manager of Finance and Corporate Services be directed to close the completed and / or cancelled capital projects listed in Appendix "B" to Report FCS17078(b) in accordance with the Capital Closing Policy;
 - (c) That Appendix "C" to Report FCS17078(b), Capital Projects Budget Appropriation Schedule for the period covering October 1, 2017 through December 31, 2017, be received for information;
 - (d) That Appendix "D" to Report FCS17078(b), Capital Projects to be Debt Funded for the period covering October 1, 2017 through December 31, 2017 totalling \$240,000, be approved.

2. **Public Works - Capital Projects Status Report as of December 31, 2017 (FCS17076(b)) (City Wide) (Item 8.2)**
 - (a) That the Capital Projects Status Report, Public Works Tax Supported Projects, as of December 31, 2017, attached as Appendix "A" to Report FCS17076(b), be received;
 - (b) That the Capital Project Status Report, Public Works Rate Supported Projects, as of December 31, 2017, attached as Appendix "B" to Report FCS17076(b), be received.

General Issues Committee – June 6, 2018

FOR INFORMATION:

(a) CHANGES TO THE AGENDA (Item 1)

There were no changes to the agenda.

The agenda for the May 22, 2018 Capital Projects Work-In-Progress Review Sub-Committee meeting was approved, as presented.

(b) DECLARATIONS OF INTEREST (Item 2)

There were no declarations of interest.

(c) APPROVAL OF MINUTES OF PREVIOUS MEETING (Item 3)

February 8, 2018 (Item 3.1)

The Minutes of the February 8, 2018 meeting of the Capital Projects Work-In-Progress Review Sub-Committee meeting were approved, as presented.

(d) ADJOURNMENT (Item 13)

Being no further business, the Capital Projects Work-In-Progress Review Sub-Committee, was adjourned at 10:17 a.m.

Respectfully submitted,

Councillor Collins, Chair
Capital Projects Work-in-Progress
Sub-Committee

Angela McRae
Legislative Coordinator
Office of the City Clerk