



## **PUBLIC WORKS COMMITTEE REPORT 19-002**

**AS AMENDED BY COUNCIL ON FEBRUARY 13 TO 14, 2019  
AS FURTHER AMENDED BY COUNCIL ON MAY 8 TO 9, 2019**

9:30 a.m.

Monday, February 4, 2019

Council Chambers

Hamilton City Hall

71 Main Street West

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**Present:** Councillors L. Ferguson (Chair), J.P. Danko (Vice-Chair), C. Collins, J. Farr, T. Jackson, S. Merulla, N. Nann, E. Pauls, M. Pearson, A. VanderBeek, and T. Whitehead

**Also Present:** Councillors J. Partridge and M. Wilson

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### **THE PUBLIC WORKS COMMITTEE PRESENTS REPORT 19-002 AND RESPECTFULLY RECOMMENDS:**

- 1. Proposed Permanent Closure and Sale of a Portion of Wetenhall Court, Hamilton (PW19011) (Ward 11) (Item 8.2)**

WHEREAS, the subject road closure application was applied for by Panattoni Development Company on behalf of the adjoining land owner but failed to indicate the intended owner of the road to be closed;

WHEREAS, the adjoining lands are owned by Hamilton Airport Lands Limited Partnership by its General Partner 11035380 Canada Inc. and GreyCan 8 Properties Limited Partnership by its General Partner GreyCan 8 Properties Inc.; and,

WHEREAS, the Panattoni Development Company is a related company to Hamilton Airport Lands Limited Partnership by its General Partner 11035380 Canada Inc. and GreyCan 8 Properties Limited Partnership by its General Partner GreyCan 8 Properties Inc;

**THEREFORE, BE IT RESOLVED:**

**Council – February 13, 2019**

That Item 1 of the Public Works Committee Report 19-002, be amended by correcting the name of the applicant and revising subsection (f), to read as follows:

That the application of ~~Panattoni Development Company~~ **Hamilton Airport Lands Limited Partnership by its General Partner 11035380 Canada Inc. and GreyCan 8 Properties Limited Partnership by its General Partner GreyCan 8 Properties Inc.**, to permanently close and purchase a portion of Wetenhall Court, Hamilton ("Subject Lands"), as shown on Appendix "A" and Appendix "B", attached to Public Works Committee Report 19-002, be approved, subject to the following conditions:

- (a) That the City Solicitor be authorized and directed to prepare all necessary by-laws to permanently close and sell the highway, for enactment by Council;
- (b) That the Real Estate Section of the Planning and Economic Development Department be authorized and directed to sell the closed highway to ~~Panattoni Development Company~~ **Hamilton Airport Lands Limited Partnership by its General Partner 11035380 Canada Inc. and GreyCan 8 Properties Limited Partnership by its General Partner GreyCan 8 Properties Inc.**, in accordance with the City of Hamilton Sale of Land Policy By-law 14-204;
- (c) The City Solicitor be authorized to complete the transfer of the Subject Lands to ~~Panattoni Development Company~~ **Hamilton Airport Lands Limited Partnership by its General Partner 11035380 Canada Inc. and GreyCan 8 Properties Limited Partnership by its General Partner GreyCan 8 Properties Inc.** pursuant to an Agreement of Purchase and Sale or Offer to Purchase as negotiated by the Real Estate Section of the Planning and Economic Development Department;
- (d) That the City Solicitor be authorized and directed to register a certified copy of the by-law(s) permanently closing and selling the highway in the proper land registry office;
- (e) That the Public Works Department publish any required notice of the City's intention to pass the by-laws and/or permanently sell the closed highway pursuant to the City of Hamilton Sale of Land Policy By-law 14-204;
- (f) That the applicant enters into **any ancillary** agreements ~~with any required by the City and any~~ Public Utility ~~requiring easement protection~~; and,
- (g) That the applicant be fully responsible for the deposit of a reference plan in the proper land registry office, and that said plan be prepared by an Ontario Land Surveyor to the satisfaction of the Manager, Geomatics and

Corridor Management Section, and that the applicant also deposit a reproducible copy of said plan with the Manager, Geomatics and Corridor Management Section.

**2. Friends of the Aviary Business Case Review and Extension of Agreement (Item 8.3)**

- (a) That staff be directed to meet with the Friends of the Aviary (FOA) and the Royal Botanical Gardens (RBG) and formally outline options to review and establish sustainability;
- (b) That staff report back to the Public Works Committee on the feasibility of the Friends of the Aviary's proposal as well as the benefits to the City of Hamilton of being in the Aviary business; and,
- (c) That the agreement with the Friends of the Aviary (FOA) be extended on a month to month basis until staff report back to the Public Works Committee with their findings.

**3. ArcelorMittal Dofasco G.P. Transportation Agreement (PW19009) (Wards 3 and 4) (Item 10.1)**

- (a) That the General Manager of Public Works be authorized to negotiate, on behalf of the City of Hamilton, an Amending Agreement to the Transportation Agreement dated June 19, 2009 entered into between the City of Hamilton and ArcelorMittal Dofasco Inc., updating, the name of the contracting party from ArcelorMittal Dofasco Inc. to ArcelorMittal Dofasco G.P., and adding a portion of Strathearne Avenue to roads upon which ArcelorMittal Dofasco G.P. is permitted to operate certain heavy load vehicles under the Agreement, in accordance with the terms set out in Report PW19009;
- (b) That the Mayor and City Clerk be authorized to execute, on behalf of the City of Hamilton, an Amending Agreement contemplated in recommendation (a) of Report PW19009, with content satisfactory to the General Manager of Public Works and in a form satisfactory to the City Solicitor;
- (c) That the General Manager of Public Works or their designate be delegated the authority to negotiate, enter into and execute on behalf of the City of Hamilton any renewal, amendment and necessary ancillary document respecting the Transportation Agreement, with content satisfactory to the General Manager of Public Works, and in a form satisfactory to the City Solicitor, subject to the following conditions:

- (i) The Transportation Agreement contains terms and conditions consistent with the existing Transportation Agreements; and
    - (ii) The General Manager of Public Works is of the view that the terms and conditions of the Transportation Agreement are commercially reasonable in the circumstances.
  - (d) That staff be directed to negotiate and incorporate dust mitigation efforts of ArcelorMittal Dofasco Inc. into an Amending Agreement to the Transportation Agreement dated June 19, 2009 to meet the City of Hamilton's objective to mitigate dust complaints.
4. **Procurement of Consulting Services for Detailed Design of East West New Road Corridor, Waterdown (PW19013) (Ward 15) (Item 10.2)**
- (a) *That the single sole source procurement, pursuant to Procurement Policy #11 - Non-competitive Procurements be approved and that the General Manager of Public Works be authorized to:***
    - (i) *Negotiate with Dillon Consulting Limited a price to carry-out the detailed design for the New East West Road Corridor from Centre Road to Avonsyde in Waterdown; and,***
    - (ii) *Negotiate for the consulting work, should an acceptable Engineering Fee be agreed upon, and enter into and execute any required contract and any ancillary documents required to give effect thereto with Dillon Consulting Limited, in a form satisfactory to the City Solicitor; and,***
  - (b) That the funding for the proposed work is available in the approved budget ID # 4031380390 East-West Road Corridor (Waterdown By-pass) – Roads.
5. **Hamilton Strategic Road Safety Program and Vision Zero Action Plan 2019 – 2025 (PW19015) (City Wide) (Outstanding Business List) (Item 10.3)**
- (a) That the Hamilton Strategic Road Safety Program and the Vision Zero Action Plan 2019-2025 as described in Report PW19015, be approved; and,
  - (b) That an increase of \$1,700,000 be approved and deferred to the 2019 Tax Operating Budget process for consideration as a 2019 Tax Operating Budget amendment with zero net levy impact to be funded by the Red Light Camera (RLC) reserve #112203.

**FOR INFORMATION:**

**(a) CHANGES TO THE AGENDA (Item 2)**

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

**1. COMMUNICATIONS – ADDED ITEMS (Items 5.3 & 5.4)**

- 5.3 Correspondence from Tom Priestly, Director, Friends of the Aviary, respecting Friends of the Aviary
- 5.4 Correspondence from Sam Scarlett, Manager, Forestry and Horticulture Environmental Services, respecting Friends of the Aviary

The agenda for the February 4, 2019 Public Works Committee meeting was approved, as amended.

**(b) DECLARATIONS OF INTEREST (Item 3)**

There were no declarations of interest.

**(c) APPROVAL OF MINUTES OF THE PREVIOUS MEETING (Item 4)**

**(i) January 14, 2019 (Item 4.1)**

The Minutes of the January 14, 2019 meeting of the Public Works Committee were approved, as presented.

**(d) COMMUNICATIONS (Item 5)**

- (i) Correspondence from Martin Keller, Source Protection Program Manager, Lake Erie Source Protection Region, respecting a Notice of Pre-Consultation and Request for Municipal Endorsement of Proposed Changes to the Grand River Source Protection Plan (Item 5.1)**

The letter from Martin Keller, Source Protection Program Manager, Lake Erie Source Protection Region, respecting a Notice of Pre-Consultation and Request for Municipal Endorsement of Proposed Changes to the Grand River Source Protection Plan, was endorsed.

**(ii) Correspondence from Emily Deppe, respecting Friends of the Aviary (Item 5.2)**

The correspondence from Emily Deppe, respecting the Friends of the Aviary, was received and referred to Item 8.3 - Sherry Houston, President, Board of Directors, Friends of the Aviary, respecting the Location of the Aviary.

**(iii) Correspondence from Tom Priestly, Director, Friends of the Aviary, respecting Friends of the Aviary (Added Item 5.3)**

The correspondence from Tom Priestly, Director, Friends of the Aviary, respecting Friends of the Aviary, was received and referred to Item 8.3 - Sherry Houston, President, Board of Directors, Friends of the Aviary, respecting the Location of the Aviary.

**(iv) Correspondence from Sam Scarlett, Manager, Forestry and Horticulture, respecting Friends of the Aviary (Added Item 5.4)**

The correspondence from Sam Scarlett, Manager, Forestry and Horticulture, respecting Friends of the Aviary, was received and referred to Item 8.3 - Sherry Houston, President, Board of Directors, Friends of the Aviary, respecting the Location of the Aviary.

**(e) DELEGATION REQUESTS (Item 6)**

**(i) Ken Rayner, Infrastructure Health & Safety Association (IHSA), respecting the Certificate of Recognition (COR™) Program (For a future meeting) (Item 6.1)**

The delegation request, submitted by Ken Rayner, Infrastructure Health & Safety Association (IHSA), respecting the Certificate of Recognition (COR™) Program, was approved for a future meeting.

**(f) CONSENT ITEMS (Item 7)**

**(i) Keep Hamilton Clean and Green Committee Minutes - November 20, 2018 (Item 7.1)**

The Minutes of the November 20, 2018 meeting of the Keep Hamilton Clean and Green Committee were received, as presented.

**(g) PUBLIC HEARINGS/DELEGATIONS (Item 8)**

- (i) Sonny Ross, respecting Charging Stations for Electronic Scooters (Approved by the Public Works Committee on January 14, 2019) (Item 8.1)**

Sonny Ross was not present when called upon.

- (ii) Proposed Permanent Closure and Sale of a Portion of Wetenhall Court, Hamilton (PW19011) (Ward 11) (Item 8.2)**

Chair Ferguson advised that notice of the Proposed Permanent Closure and Sale of a Portion of Wetenhall Court, Hamilton (PW19011) (Ward 11) was given as required under the City's By-law #14-204 – the Sale of Land Policy By-law.

The Committee Clerk advised that there were no registered speakers.

The Chair asked three times if there were any members of the public in attendance who wished to come forward to speak to the matter. No individuals came forward.

The public meeting was closed.

For disposition of this matter, refer to Item 1.

- (iii) Sherry Houston, President, Board of Directors, Friends of the Aviary, respecting the Location of the Aviary (Item 8.3)**

Sherry Houston, President, Board of Directors, Friends of the Aviary, and Kimberly Wickert-O'Hare, Treasurer, Board of Directors, Friends of the Aviary, addressed the Committee respecting the Location of the Aviary, with the aid of a presentation and business case. The presentation and business case have been included in the official record.

The presentation and business case from Sherry Houston, respecting the Location of the Aviary, were received.

A copy of the presentation and business case are available on the City's website or through the Office of the City Clerk.

For disposition of this matter, refer to Item 2.

(h) **DISCUSSION ITEMS (Item 10)**

(i) **ArcelorMittal Dofasco G.P. Transportation Agreement (PW19009) (Wards 3 and 4) (Item 10.1)**

Report PW19009, respecting the ArcelorMittal Dofasco G.P. Transportation Agreement was amended by adding sub-section (d) to read as follows:

- (d) That staff be directed to negotiate and incorporate dust mitigation efforts of ArcelorMittal Dofasco Inc. into an Amending Agreement to the Transportation Agreement dated June 19, 2009 to meet the City of Hamilton's objective to mitigate dust complaints.***

For disposition of this matter, refer to Item 3.

(ii) **Procurement of Consulting Services for Detailed Design of East West New Road Corridor, Waterdown (PW19013) (Ward 15) (Item 10.2)**

Sub-sections (a) and (b) to Report PW19013, respecting the Procurement of Consulting Services for Detailed Design of East West New Road Corridor, Waterdown were deleted and replaced with the following in lieu thereof and the balance of the sub-sections were re-lettered accordingly:

~~That the single sole source procurement, pursuant to Procurement Policy #11 - Non-competitive Procurements be approved and that the General Manager of Public Works be authorized to:~~

- ~~(a) Negotiate with Dillon Consulting Limited a price to carry out the detailed design for the New East West Road Corridor from Centre Road to Avonsyde in Waterdown;~~
- ~~(b) Negotiate for the consulting work, should an acceptable Engineering Fee be agreed upon, and enter into and execute any required contract and any ancillary documents required to give effect thereto with Dillon Consulting Limited, in a form satisfactory to the City Solicitor;~~
- (a) The City of Hamilton prepare a Request for Proposal (RFP) and engage in an open and competitive bidding process to invite several Consultants to submit proposals to carry out the detailed design for the New East West Road Corridor from Centre Road to Avonsyde in Waterdown; and,***



- (b)** That the funding for the proposed work is available in the approved budget ID # 4031380390 East-West Road Corridor (Waterdown Bypass) – Roads.

For disposition of this matter, refer to Item 4.

**(i) MOTIONS (Item 11)**

**(i) Eligibility Requirements for Riders to Access DARTS Transit (Item 11.1)**

WHEREAS, the Disabled and Aged Regional Transit System (DARTS) provides paratransit service for people with disabilities on behalf of the City of Hamilton, through a Master Operational Agreement;

WHEREAS, to be eligible for DARTS service, citizens must meet certain eligibility criteria;

WHEREAS, the number of trips delivered by the DARTS service have increased by 64% between 2013 and 2019 and is projected to continue rising;

WHEREAS, the number of trips reported to be delivered by the DARTS service are one of the highest in Canada among comparable municipalities on a per capita basis; and,

WHEREAS, an increase in trips and an increase in registered and active customers beyond projections have been identified as key budget drivers;

THEREFORE, BE IT RESOLVED:

- (a)** That staff be directed to review the Disabled and Aged Regional Transit System (DARTS) service and report back to the Public Works Committee on the following:
  - (i)** The current eligibility criteria for DARTS service in conjunction with comparative reference groups;
  - (ii)** The definition of what constitutes a “trip” within the context of the service numbers reported by DARTS;
  - (iii)** The ridership projections for the anticipated number of trips to be delivered by DARTS based on anticipated population trends and demographics; and,
  - (iv)** Human rights and other legal implications if alterations to the current DARTS service eligibility criteria were to be made.

The motion, respecting Eligibility Requirements for Riders to Access DARTS Transit was amended by adding sub-sections (v) and (vi) to read as follows:

- (v) ***The number of ambulatory riders who are transported; and,***
- (vi) ***The number of non-ambulatory riders who are transported and, of these, how many are transported by DARTS vehicles and how many are transported by private sector vehicles.***

The motion, respecting Eligibility Requirements for Riders to Access DARTS Transit was amended by adding sub-section (vii) to read as follows:

- (vii) ***The scope of service that is currently provided and if there is an obligation to go beyond the services of the transit system.***

The Main Motion, ***As Amended***, to read as follows:

- (a) That staff be directed to review the Disabled and Aged Regional Transit System (DARTS) service and report back to the Public Works Committee on the following:
  - (i) The current eligibility criteria for DARTS service in conjunction with comparative reference groups;
  - (ii) The definition of what constitutes a “trip” within the context of the service numbers reported by DARTS;
  - (iii) The ridership projections for the anticipated number of trips to be delivered by DARTS based on anticipated population trends and demographics;
  - (iv) Human rights and other legal implications if alterations to the current DARTS service eligibility criteria were to be made;
  - (v) ***The number of ambulatory riders who are transported;***
  - (vi) ***The number of non-ambulatory riders who are transported and, of these, how many are transported by DARTS vehicles and how many are transported by private sector vehicles; and,***

***(vii) The scope of service that is currently provided and if there is an obligation to go beyond the services of the transit system.***

**(j) NOTICES OF MOTION (Item 12)**

**(i) Additional Report on Vision Zero (Added Item 12.1)**

Councillor Danko introduced a Notice of Motion respecting an Additional Report on Vision Zero:

WHEREAS, Vision Zero uses a data-based approach to road safety with the goal of reducing traffic-related serious injuries and fatalities towards the goal of zero;

WHEREAS, Report PW19015 identifies a number of specific action priorities;

WHEREAS, Appendix B of Report PW19015 includes an extensive list of Vision Zero action plan performance measures along with new, enhanced or maintained actions and an assessment of effectiveness;

WHEREAS, Appendix C of Report PW19015 includes a list of potential safety countermeasures which may be funded from a wide range of potential funding sources;

WHEREAS, direction to the Director of Transportation Services in the motion approved at the January 22, 2016 General Issues Committee (Budget) included item (vi) A regular reporting mechanism and track progress; and,

WHEREAS, the City of Hamilton has a long-standing commitment to improving road safety;

**THEREFORE, BE IT RESOLVED:**

That staff be directed to prepare an additional report on Vision Zero and report back to the Public Works Committee within six months on the following:

- (a) Comprehensive report on Vision Zero efforts, including and outline of vehicular traffic safety improvements to date, pedestrian safety initiatives, cycling initiatives, and seniors initiatives;
- (b) A summary and estimation of cost of all 2019 traffic safety initiatives that may have been financed through the capital budget, operating budget, Ward area rating budget, or other available funding sources;

- (c) Details of neighborhood outreach programs that have been conducted;
- (d) An analysis of evaluations, which are incorporated as part of the Vision Zero Plan; and,
- (e) Identification of additional improvements that could be made, including Capital, operating and funding implications.

**(k) GENERAL INFORMATION / OTHER BUSINESS (Item 13)**

**(i) Amendments to the Outstanding Business List (Item 13.1)**

The following amendments to the Public Works Committee's Outstanding Business List, were approved:

- (a) Items to be removed:
  - (i) Strategic Road Safety Program Update  
Item 10.3 on today's agenda - Report PW19015  
Item on OBL: C

**(l) ADJOURNMENT (Item 15)**

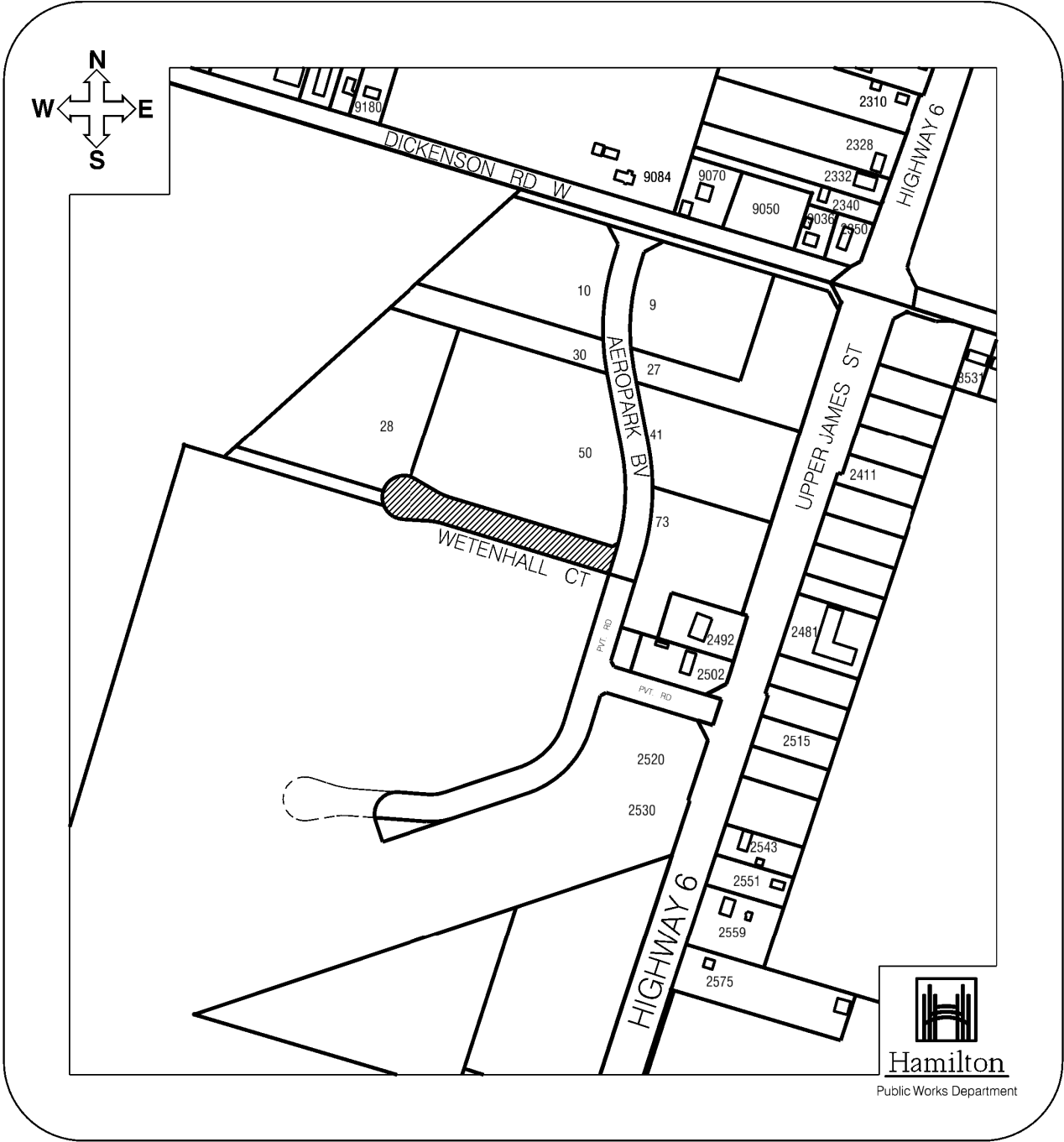
That there being no further business, the Public Works Committee be adjourned at 12:45 p.m.

Respectfully submitted,

Councillor L. Ferguson  
Chair, Public Works Committee

Alicia Davenport  
Legislative Coordinator  
Office of the City Clerk





**LOCATION PLAN**

PROPOSED CLOSURE OF

**WETENHALL COURT**

CITY OF HAMILTON  
PUBLIC WORKS DEPARTMENT

**LEGEND**



**SUBJECT LANDS**

DATE: NOVEMBER 16, 2018

Not to Scale

REFERENCE FILE NO : PW19\_\_