



## City of Hamilton

### CITY COUNCIL ADDENDUM

20-012

Wednesday, May 27, 2020, 9:30 A.M.

Due to the COVID-19 and the Closure of City Hall

All electronic meetings can be viewed at:

City's Website: <https://www.hamilton.ca/council-committee/council-committee-meetings/meetings-and-agendas>

City's YouTube Channel: <https://www.youtube.com/user/InsideCityofHamilton> or Cable 14

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#### 4. COMMUNICATIONS

\*4.10 Correspondence Inc. in support of for Councillor Jason Farr's Motion to Utilize the Rooftop of York Boulevard Parkade as a Temporary Open-Air Performance Space:

\*4.10.a Mark Furukawa, Dr. Disc ( Hamilton ) Inc.

\*4.10.b Brodie Schwendiman, Owner/Operator, The Casbah

Recommendation: Be received and referred to the consideration of Item 6.1

#### 5. COMMITTEE OF THE WHOLE

##### 5.2 PUBLIC HEARINGS / WRITTEN DELEGATIONS

5.2.a Written delegations calling for the continuity of Bike Share in Hamilton:

\*5.2.a.b Chris Ritsma on behalf of several Hamilton residents

- \*5.2.a.c Cindy Gangaram, Chair – Environment Hamilton Board of Directors
- \*5.2.a.d Kojo Dampety, Hamilton Centre for Civic Inclusion
- \*5.2.a.e McMaster Students Union
- \*5.2.a.f Wayne Terryberry Acting Chair - McMaster Active Transportation Committee
- \*5.2.a.g Kate Flynn, Acting Director, Centre for Climate Change Management at Mohawk College
- \*5.2.a.h Sean Van Koughnett, Associate Vice-President (Students and Learning) & Dean of Students McMaster University
- \*5.2.a.i Rebekah Jackson-Gravely  
  
Recommendation: Be received and referred to the consideration of Item 5.4 (f) Public Bike Share Transit Contract Update (PED20109(a))

- \*5.2.b Written delegation from Tim Potocic on behalf of the Arts community in full support of the Community Enrichment Fund applicants.  
  
Recommendation: Be received and referred to the consideration of Item 5.4 (a) 2020 City Enrichment Funding Recommendations.

## 5.4 DISCUSSION ITEMS

- \*5.4.f Public Bike Share Transit Contract Update (PED20109(a))(Wards 1, 2, 3, 4, 5, and 13)  
  
Discussion of Appendix "A" of this report in Closed Session is pursuant to Section 8.1, Sub-sections (e), (f) and (k) of the City's Procedural By-law 18-270, as amended, and Section 239(2), Sub-sections (e), (f) and (k) of the Ontario Municipal Act, 2001, as amended, as the subject matter pertains to litigation or potential litigation, including matters before administrative tribunals, affecting the City; the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose; 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 City of a local board.

## 7. NOTICES OF MOTIONS

- \*7.1 Future of LaSalle Park

\*7.2 Interim Continuation of the SoBi Bike Share Program

## 10. BY-LAWS AND CONFIRMING BY-LAW

\*10.2 106

Being a By-law to Permanently Close a Portion of a Fletcher Avenue, Hamilton, established by Registered Plan 452, in the City of Hamilton, subject to Instrument No. VM175601, being All of PIN 17571-0081 (LT), City of Hamilton

Ward: 5

\*10.3 107

Being a By-law to Permanently Close a Portion of the Road Allowance of Harrison Road, established by Lots 20 & 21, Concession 7, in the Geographic Township of Binbrook, in the City of Hamilton, designated as Part 1, Plan 62R-5283, being Part of PIN 17383-0144 (LT), City of Hamilton

Ward: 11

\*10.4 108

Being a By-law to Permanently Close a Portion of the Road Allowance of Harrison Road, established by Firstly: Part of Road Allowance between Lots 20 & 21, Concession 7, in the Geographic Township of Binbrook, in the City of Hamilton, designated as Part 2 on Plan 62R-5283, being Part of the PIN 17383-0144 (LT), Secondly: Part Lot 20, Concession 7 in the Geographic Township of Binbrook, in the City of Hamilton, designated as Part 2 on Plan 62R-5181, being Part of the PIN 17383-0144 (LT), Thirdly: Part of Lot 20, Concession 7, in the Geographic Township of Binbrook, in the City of Hamilton, designated as Part 4 on Plan 62R-5181, being Part of the PIN 17383-0144 (LT)

Ward: 11

\*10.5 109

Being a By-law to Permanently Close a Portion of the Road Allowance of Harrison Road, established by Firstly: Part of Road Allowance Between Lots 20 & 21, Concession 8, in the Geographic Township of Binbrook, in the City of Hamilton, designated as Part 6 on Plan 62R-5181, being Part of the PIN 17383-0144 (LT), Secondly: Part of Lot 20, Concession 7, in the Geographic Township of Binbrook, in the City of Hamilton, designated as Part 8 on Plan 62R-5181, being Part of the PIN 17383-0144 (LT)

Ward: 11

**Pilon, Janet**

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**Subject:** Letter of Support for Clr. Jason Farr's Motion to Utilize the Rooftop of York Boulevard Parkade as a Temporary Open-Air Performance Space

From: drdiscinc@bellnet.ca <drdiscinc@bellnet.ca>

Sent: Monday, May 25, 2020 12:39 PM

To: clerk@hamilton.ca

Subject: Letter of Support for Clr. Jason Farr's Motion to Utilize the Rooftop of York Boulevard Parkade as a Temporary Open-Air Performance Space

To Whom It May Concern:

My name is Mark Furukawa, and I am the owner of Dr. Disc, the record store, proudly located in downtown Hamilton since 1991, and I am also the former Chairperson of the Hamilton Music Advisory Team (HMAT).

Not only is music part of my DNA, it is, more importantly, a core part of what makes Hamilton a notable, vibrant, creative, and cultural force with a truly unique and recognizable place in Canadian arts heritage.

As we are all too aware, the COVID-19 pandemic has shut down all in-person live music performances. Pre-pandemic live concerts consisted of closely knit groupings of people of various sizes, and for this reason the logistics and model itself have to be changed radically, and no one can foresee what measures will be implemented in Canada or how long it will actually take before concerts are even allowed again. These types of gatherings will undoubtedly be one of the last types of social events to be brought back which is a death knell for promoters, venue owners, and musical artists alike.

So what do we do in the meantime in order to not only show support for our live music scene, but also to provide some much-needed live music to concert-goers and music lovers? Councillor Farr has presented a motion that is a much-needed forward, hopeful look towards having actual live music concerts in the City again. While it is certainly not intended to be a final live music solution, the temporary use of the rooftop of the York Boulevard Parkade to host a series of concerts will at least provide a very visible, forward-thinking way to support not only the live music scene itself, but also its musical creators.

Even though capacity for attendees will be limited, I believe that an online broadcast component to the concerts will have to be an essential part of the overall promotional strategy in order to maximize the audience so that thousands of fans can participate in each session. This would also provide a huge benefit to the City itself as the series would undoubtedly shed a positive and beneficial light on Hamilton due to this initiative being simultaneously innovative, optimistic, groundbreaking and community-building, not to mention that it would involve repurposing the Parkade into an unconventional performance space which may prove to be a blueprint for similar future events.

In closing, I would like to offer my full support for this initiative. Hopefully this motion will pass and a suitable promoter can be vetted in order to make this concert series a reality.

Sincerely,

Mark Furukawa  
Per Dr. Disc (Hamilton) Inc.

Mark Furukawa  
Dr. Disc ( Hamilton ) Inc.  
20 Wilson Street

Hamilton, Ontario. CANADA

L8R 1C5

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Tel: (905) 523-1010

Fax: (905) 523-0149

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Store Hours:

Open: Monday - Thursday, Saturday from 10:00AM to 6P:00M Friday from 10:00AM to 8:00PM; Sunday from Noon to

6:00PM ===== drdisc.ca

**Pilon, Janet**

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**Subject:** Re Open air performance - York Parkade

**From:** Casbah Hamilton <[casbahbrodie@gmail.com](mailto:casbahbrodie@gmail.com)>

**Sent:** Monday, May 25, 2020 2:13 PM

**To:** [clerk@hamilton.ca](mailto:clerk@hamilton.ca)

**Subject:** Re Open air performance - York Parkade

To City Staff, Council:

I would like to communicate my support for the Mayor's motion to pursue open air performances on the rooftop of the York Parkade.

When government officials and health officials confirm the safety for events like this, i believe it would be an exciting prospect.

Sincerely

Brodie Schwendiman

Owner/Operator, The Casbah

## 5.2 (a)(b)

A letter to Hamilton's Mayor and Members of Committee of the Whole,

We are writing to you regarding the recent news regarding Hamilton's bicycle share system.

Hamilton's bicycle share system, branded as "SoBi", is an essential part of Hamilton's transportation infrastructure. The SoBi network meets the commuting, recreational and transit needs of people across the city by offering an affordable mode of active transportation. It contributes to a multi-modal approach to transportation by providing bikes when and where people need them and helps to address the common 'first and last mile' problem.

Bike share compliments the HSR by connecting Hamiltonians more directly to their desired destination, or by providing service when and where the HSR is not available. It increases utilization of the existing and expanding cycling network. Additionally, programs like the Everyone Rides Initiative which relies on SoBi, help to ensure that the benefits of SoBi are shared across our community and provide an affordable alternative to other forms of transportation for those who need it.

SoBi is a community recreational asset and should be supported by the city in the same way it supports the creation and maintenance of roadways, public parks, paths, and the escarpment stairs. For example, SoBi bikes are a key community resource for exploring the Hamilton waterfront and rail trail networks. Based on membership, we know SoBi riders live in most of Hamilton's wards. SoBi has the added benefit of employing a fee-for-use model, which means that the cost of operation can be partially recovered.

SoBi benefits those visiting the city and contributes significantly to regional transit mobility by providing a reliable and direct connection to the GO Transit System. It serves as the primary mode of transportation for many people. The fact that SoBi network does not currently operate in all wards means it has room to grow. It does not indicate that it is not worth investing in.

A Hamilton without a bike share system will be less accessible for many citizens, will contribute less to healthy and active lifestyles that serves the City's vision to "Be the best place to raise a child and age successfully" and will undermine our efforts to address the Climate Emergency that Hamilton Council declared. Failing to support a bike share system is contrary to the Transportation Master Plan's goal to move people out of single occupant vehicles and into other modes of transportation. Bike share in Hamilton also aligns with more than half of City Council's Term of Council Priorities.

<b>Term of Council Priority</b>	<b>Alignment with Hamilton Bike Share</b>
<b>Multi-Modal Transportation</b>	Fills the gap for the first and last mile of transportation journeys to access local and regional transit to other parts of the City and beyond.
<b>Climate Change</b>	Zero-carbon emitting mode of transportation.

<b>Equity, Diversity and Inclusion</b>	Affordable transportation option for residents compared to other modes of transportation. Provides opportunities for those with different abilities to utilize bicycles to traverse a distance not possible by walking. Adaptive bikes give those who never thought they could ride a bike, the ability to.
<b>Integrated Growth and Development</b>	Provides an additional piece of transportation infrastructure to support the growing density in Hamilton and relieve congestion on existing roadways and the HSR transit system. Most cities that Hamilton competes with for employment have bicycle share systems.
<b>Fiscal Health and Financial Management</b>	<p>Hamilton bike share is more cost-effective transportation infrastructure estimated at less than \$2.00 operating cost per passenger trip, compared to the HSR at \$4.61. Investing in bike share is cost-effective, especially as transit continues to operate at an even higher cost with reduced service and capacity for the foreseeable future.</p> <p>Improve desirability for residents and employers which will reduce the tax burden on current payers, especially in outer wards as economic activity expands in the urban areas (City of Hamilton 2020 Budget Overview, Reassessment Tax Shifts).</p> <p>SoBi bikes and infrastructure are already owned and deployed. There are also opportunities to expand the service area and explore other funding models.</p>

For these above reasons we recommend the following:

1. The City of Hamilton fund the operations, either directly or through a third party, of the SoBi system in the event that Jump/Uber does not meet their contractual obligations.
2. In the case Jump/Uber does meet their contractual obligations, the City of Hamilton ensures the continued operations of the SoBi system beyond February 2021 through direct financial support.

The undersigned are members of the Hamilton Cycling Committee but are not writing in that capacity. We have written and signed this letter in our capacity as residents of the City of Hamilton only,

Ann McKay, Ward 1 resident  
Chris Ritsma, Ward 2 resident  
Christine Yachouh, Ward 2 resident  
Kate Berry, Ward 2 resident  
Jessica Merolli, Ward 2 resident  
Cathy Sutherland Ward 3 resident  
Roman Caruk, Ward 6 resident

Sharon Gibbons, Ward 6 resident  
Kevin Vander Meulen, Ward 7 resident  
Cora Muis, Ward 13 resident  
William Oates, Ward 13 resident  
Jeff Axisa, Ward 15 resident



## 5.2 (a)(c)



May 25, 2020

Dear Mayor Eisenberger & Members of Hamilton City Council,

Environment Hamilton is a strong advocate for transportation options in our community that are healthy, safe, equitable, and environment and climate friendly. Our city's bike share system has evolved into precisely such a system, serving as an essential part of our local transportation network that is affordable, green, and an ideal solution as we grapple with effectively responding to the climate emergency. The system is incredibly well-used, with over 26,000 active members who have collectively taken 1.6 million rides and travelled over 2 million kilometres on SoBi bikes over the past 7 years.

As you are aware, Uber and its subsidiary Jump took over the operation of the system in April of 2018. On Friday May 15<sup>th</sup>, Uber notified City of Hamilton staff that they were terminating their contract to operate the system a year early and, further, that the service would cease to operate as of June 1<sup>st</sup>, 2020.

We are writing to inform you that, in the immediate term, we support Cycle Hamilton's call for:

1. Uber to honour their initial contract and support bike share operations until February 2021, and;
2. If needed, for the City of Hamilton to provide financial support to ensure the ongoing operations of bike share.

Over the longer term we believe the City of Hamilton must recognize the essential service that the bike share system provides to our community and to commit to ensuring that the system survives by providing financial and/or in-kind support. It is important to recognize that the system currently provides huge value for money. A useful comparison is provided by EH board member Ryan McGreal. He points out that the annual operating cost per HSR bus is \$374,000, with each bus supporting an annual average of 81,000 passenger trips, translating into a cost per passenger trip of \$4.61. By comparison, the entire annual operating cost of Hamilton Bike Share is \$600,000 which is less than the annual operating costs for two buses. The bike share system supported 350,000 passenger trips last year - more than four times as many trips as a bus - for an operating cost per passenger trip of \$1.71.

Public investment in SoBi makes sense on so many levels. It makes economic sense as the financial analysis above confirms. It makes social justice sense as bike share is a system that offers mobility justice for Hamiltonians who can't afford to move around our city in other ways. Active transportation contributes to mental well-being and ensures people get essential exercise, helping to reduce the costs to our public healthcare system. Bike share offers a safe way for our community to transition into the new normal awaits us in a post-COVID world.

Finally, it makes sense to support bike share because this active transportation system supports modal shifts away from private automobiles. Encouraging and supporting these shifts is essential for Hamilton to consider as we grapple with how to tackle the climate emergency; the fact that transportation is the only increasing source of greenhouse gas emissions in our city is not lost on us and is a good reason not to lose bike share now or in the future.

We urge you to take the necessary steps to ensure that the bike share system in Hamilton not only continues to exist, but continues to thrive and grow into the future.

Regards,

A handwritten signature in black ink that reads "Cindy Gangaram". The signature is written in a cursive, flowing style.

Cindy Gangaram  
Chair – Environment Hamilton Board of Directors

A second handwritten signature in black ink, identical to the one above, reading "Cindy Gangaram".



Dear Mayor & City Councillors of Hamilton,

Hamilton's bike share system is a vital part of our transportation network and an essential mode of transportation for Hamiltonians every day. Over the past 7 years this system has grown to have 26,000 active members who have collectively taken 1.6 million rides and travelled over 2 million kilometres by bike. Uber took over operations of the system in April 2018.

On Friday, May 15th, Uber notified the City of Hamilton that they were terminating their contract early and winding down SoBi Hamilton operations as of June 1, 2020.

To ensure that residents have reliable access to bike share, our organization supports Cycle Hamilton's call for:

1. Uber to honor their initial contract and support operations until February 2021, and
2. If needed, for the City of Hamilton to provide financial support to ensure the ongoing operations of bike share.

As per the [City's Strategic Plan voted by Council](#) the remainder of the 2018-2022 term of Council are to prioritize Climate Change, Multi-Modal Transportation, Trust, & Confidence in City Government. To provide financial support to the operations of the bike share program is to uphold a Strategic Plan informed by over 54,000 resident aspirations.

During the COVID-19 pandemic, more than 300 new members have signed up and the system operates as an essential service. This growing membership reflects global trends that show an increase in cycling as people look for physically distant ways to complete their essential trips and exercise. Hamilton's bike share system has been essential to residents over the past 7 years and Hamiltonians need it to continue as a critical piece of the transportation network during Hamilton's recovery from the pandemic.

We want to see the continued operation of bike share in Hamilton and support Cycle Hamilton's calls to action.

Sincerely,  
Kojo Dampety

A handwritten signature in blue ink, appearing to read "Kojo Dampety", is written below the typed name.



Dear Mayor Eisenberger and Members of Council,

On behalf of more than 25,000 McMaster undergraduate students, this delegation expresses strong support for the continuation of Hamilton's bike share system.

The McMaster Students Union asks councillors to recognize the importance of the bike share system as an essential transportation service for students. Research shows that McMaster campus bike share hubs have the highest daily ridership in the city. Students rely on the bike share system as an affordable, convenient and sustainable transportation service to get to and from campus, complete essential activities in the surrounding neighbourhoods, and explore other areas of Hamilton.

The bike share system also provides significant benefits for students and all Hamilton residents across the city. It promotes a healthy lifestyle, provides affordable daily transportation, and reduces carbon emissions. The popularity of the bike share system, with 26,000 members, attests to the positive impact of the bike share system.

The health, social and environmental benefits of the bike share system are even more important in light of restrictions on public transit capacity due to the current pandemic, as evidenced by the 300 new members who have signed up for the bike share system since the COVID-19 emergency declaration.

As such, the MSU calls on the City of Hamilton to hold Uber to their contractual obligations to continue operating the bike share system until Feb 2021. As a secondary alternative, the City should provide financial support through seeking new partners and/or assuming operating costs on its own. Nonetheless, the MSU believes the bike share system should be maintained and expanded beyond 2021.

As the city envisions how to recover from the pandemic, ensuring the continuation of the bike share system will be a key part of building an integrated, sustainable multi-modal transportation network that benefits all McMaster students and Hamilton residents.

Regards,

McMaster Students Union

Ryan Tse,  
**Associate Vice-President  
(Municipal Affairs)**

Fawziyah Isah,  
**Vice-President (Education)**

Giancarlo Da-Ré,  
**President**

Mayor Eisenberger and Members of Council, May 25, 2020

On behalf of McMaster University's Active Transportation Committee, I am writing to express the committee's support for the continued operation of the SoBi Hamilton bike share system. Since it started in 2015, SoBi Hamilton has provided health benefits and mobility options to the McMaster community by enabling cycling trips to and from campus, as well as across the city. The Active Transportation Committee will look into ways the university may be able to support the long term sustainability of the SoBi program.

[Research](#) conducted by McMaster's Dr. Darren Scott found that hubs located on McMaster's main campus are associated with the highest daily ridership. This indicates that the University is the most popular origin and destination in the city and that McMaster students, staff, and faculty use SoBi for commuting. Indeed, over 86,000 trips to and from the main campus have been recorded which strongly demonstrates the value of the bike share system to McMaster's community. SoBi has also introduced cycling to many who otherwise may have been prevented from cycling due to not owning a bicycle. Even for those living outside of Hamilton or the bike share service area, SoBi enables many to make short trips around campus or to the surrounding neighbourhood areas.

While bike share is valuable and important to McMaster, it undoubtedly has benefits to the broader Hamilton community. It is telling that more than 300 new members have signed up during the COVID-19 pandemic. Clearly bike share is an essential service that Hamiltonians rely on. The pandemic has led to an increase in cycling at a time when people are relying less on public transit. While Canada faces a bike shortage, the need for a bike share system is only heightened by this pandemic. The World Health Organization has expressed support for cycling to maintain physical activity and enhance mental well-being.

The SoBi program contributes immensely to the transportation needs of the McMaster community while providing health, environmental and social benefits. The financial contribution of McMaster's many users is already significant, however, with increased collaboration and partnership, particularly [amid public transit capacity restrictions](#), bike share can become an even greater component of the mode share of McMaster's community. We hope and recommend the city will ensure the continued availability of bike share not only until but beyond February 2021. Hamilton's bike share system has become essential infrastructure in the city's transportation network and is an important service available to McMaster students, faculty, and staff.

Regards, Wayne Terryberry Acting Chair - McMaster  
Active Transportation Committee

May 26, 2020

Dear Mayor Eisenberger and Members of Council,

Please accept this letter in support of SoBi Hamilton's bikeshare program, and in support of Council ensuring that SoBi Hamilton can continue to serve our community beyond June 1<sup>st</sup>, 2020. SoBi is a vital transportation service in Hamilton. It also will help us meet our climate change goals.

In 2019, a survey by CivicPlan showed that 40% of SoBi users use the service to commute to work, and 24% use it to run errands and attend meetings. As Hamiltonians return to work and businesses reopen, this service will likely grow in demand. For many, SoBi will provide a safe and affordable commute. For those of us working at home, this service will help us safely run errands, visit local businesses, and find a much-needed source of outdoor recreation to improve mental and physical health.

At the college, students and staff use the SoBi program to commute and visit Hamilton businesses. This takes cars off the road, reducing traffic and improving air quality. It also provides students with opportunities to learn about their city, and spend money locally.

SoBi can also help us meet our climate goals. Transportation is the second largest source of greenhouse gas emissions in our region, contributing to climate change. Studies of bikeshare programs, like SoBi, show that they help reduce traffic and increase the number of commuters who use alternative transportation options. In fact, 49% of SoBi members reported using their cars less often upon becoming a member.

On a personal note, in part because of the SoBi program, my family was able to give up our second car. I began biking, riding the bus and carpooling between Mohawk's Fennell Campus and my home in Dundas. Using both HSR and SoBi proved far more affordable than a second vehicle. For many Hamiltonians finding new financial pressures in the coming months, I believe SoBi will become an important affordable mobility program.

Ensuring the SoBi program's survival is a vital investment in the future of our community. It is an in demand affordable, low carbon transportation service. SoBi can be part of our response to the COVID-19 crisis, and part of our recovery and our climate-ready future.

Thank you,

Kate Flynn, Acting Director  
Centre for Climate Change Management at Mohawk College

1. <https://civicplan.ca/hamiltons-sobi-delivers-on-bike-share-promises-user-survey-highlights/>



**Student Affairs**  
McMaster University

Gilmour Hall 207  
1280 Main Street West  
Hamilton, Ontario L8S 4L8

May 26th, 2020

Mayor Eisenberger and Members of Council,

I am writing to express support for the continued operation of the bike share system in Hamilton. I was disappointed to hear that Uber has notified the City of Hamilton that it is terminating its contract early and ceasing operations of SoBi Hamilton as of June 1, 2020.

Sustainable transportation is important to the City and to McMaster University. We have worked closely with SoBi Hamilton over the past several years to help encourage use of the system. The University is also a major sponsor of the Hamilton Bike Share initiative, which has made bikes more readily available in our neighbourhoods.

Cycling is an important part of our sustainability and transportation planning and the University's commitment to health and well-being. There are currently eight bike share stations on McMaster's main campus and over 20 in the surrounding neighbourhoods accounting for over 86,000 trips to and from the university.

The bike sharing service is equally important to the broader Hamilton community, particularly as we are all managing through the pandemic.

Cycling is a highly valued option for people to get around our community, it provides a transportation choice that promotes health, reduces traffic and during COVID-19 provides an option for people who need transport but who don't feel regular public transit is an option.

With more than 26,000 subscribed to the system, Hamiltonians have clearly shown their need and support for this critical infrastructure and I hope the City is able to find a way to continue its operation well into the future.

Sincerely,

A handwritten signature in black ink, appearing to read "Sean Van Koughnett". The signature is fluid and cursive.

Sean Van Koughnett  
Associate Vice-President (Students and Learning) & Dean of Students  
McMaster University

May 25, 2020

Mayor Fred Eisenberger & Members of Hamilton Council  
Hamilton City Hall  
2nd floor - 71 Main Street West  
Hamilton, Ontario L8P 4Y5

**RE: The uninterrupted operation of Sobi bike share in Hamilton**

Dear Mayor and Members of Council,

I am writing to you as a concerned citizen of Hamilton and based on my experience as Chair of my employer's staff committee for Smart Commute, in order to share my perspective on the importance of the Sobi bike program in Hamilton.

The Smart Commute committee that I Chair at Hamilton Health Sciences (HHS) supports and encourages HHS employees to use sustainable ways of commuting to our sites, such as cycling, in order to reduce emissions from single occupant vehicles, as well as traffic gridlock and wear and tear on our roads. We know this approach can also free up more hospital parking spaces for the patients and families we serve who might not be able to use alternate transportation.

Our committee has been a steadfast supporter of the Sobi bike program in Hamilton. Hospital staff, patients, volunteers, students and visitors have been enthusiastically using Sobi Hamilton since it began. As a result, our employer now promotes the use of Sobi Hamilton as a wellness initiative using modest cost subsidies for HHS staff, recognizing the physical and mental health benefits associated with active transportation. This is greatly appreciated by our workforce, and has helped increase Sobi ridership.

There are several benefits to the continued operation of the Sobi program that I would like to highlight for your consideration, given my work promoting its use among my colleagues. These include:

- Providing a critical mode of transportation for households that do not have access to a vehicle
- Reducing air pollution in our city, thereby reducing the health impact of smog on its citizens
- Providing a positive impact on the cyclist's mental and physical health
- Providing a source of transportation during the current pandemic that enables physical distancing to reduce the spread of COVID-19

Bike share is a critical piece of the transportation network in cities worldwide. I strongly encourage the Mayor and Members of Council to seek and support all viable opportunities to Sobi operations uninterrupted after June 1, 2020.

Regards,

Rebekah Jackson-Gravely





May 25.2020

On behalf of the Arts and Culture community at large, we respectfully submit this letter to the Mayor, City Council and staff to recommend a fully adjudicated financial approach all applicants in the City Enrichment Fund.

***Prelude Explanation***

No corner of our community has been spared the impact of COVID-19. Nearly every sector of our economy has been upended. The arts and cultural sector, which relies upon large public gatherings and which operates on slender and precarious resource streams, has been the first and hardest hit as employment for most simply vanished overnight. The lives and livelihoods of the more than 12,000 local artists and cultural workers as well as the communities they serve have been devastated. Arts spaces and nonprofits are at risk of permanent closure.

The months ahead will be just as challenging, as organizations are forced to decide how and if they can continue to exist. The effects of the pandemic and lockdown of public life will reverberate well beyond the time when quarantine orders are lifted and the economy is allowed to reopen. Ours is a moment of extreme risk and also great potential. By its nature, the arts sector specializes in creating new possibilities. We are asking for the tools to do so.

Artists are self-employed and earn incomes about half the average Canadian, often cannot go on EI or sick benefits, often do not have health insurance, or anything in the way of savings. As of the 2016 census, the median annual income for Hamilton artists was \$18,358, well below the LICO threshold. Artists support themselves through exhibitions, performances, concerts, festivals and makers fairs, all of which were halted in mid-March, and which might not be able to take place again until early 2021. Many creative industry workers reliant on supplementary work in the service and hospitality industry sector, have been doubly harmed by the lockdown as restaurants and retail have furloughed staff, cut hours, or simply closed forever.

Arts organizations are in a similar situation. Reliant on a combination of government grants, private sponsorships, and event revenue, they have been blindsided by the elimination of an event season at the same time as they are unable to avoid fixed costs. On top of this, the broader economic landscape is desolated. Following the 2008 global financial crisis, the arts sector was faced with a resource drought as memberships and season subscriptions, attendance, sponsorships and corporate giving were all negatively impacted, never returning to pre-2008 levels. That is the baseline from which the sector was starting 2020. With the country now entering the deepest recession on record, the prospects are stark.

Emergency funding and organizational support is clearly needed for artists and arts and cultural organizations to continue promoting, celebrating, and sharing our city's cultural richness. Just as this lockdown has spotlighted the role of essential workers, it has demonstrated the importance of artists and musicians, whose livestreams have created spaces for our community to gather online, to connect and share messages of hope. Austerity measures impact all government services, but historically fall hardest on arts and culture, which can be cynically stereotyped as non-essential. The opposite is true. In this time of great unknowns, when our community is feeling dislocated and alien unto itself, we turn to the arts to get our bearings and to share an experience with others.

### ***Recommendations and Acknowledgments***

The City of Hamilton acknowledged the value and importance of this sector ten years ago, when it brought the Culture under the umbrella of Economic Development. Council expressed its support again in March 2015 when it invested in the first significant arts spending increase in a decade. Five years later, we find ourselves at another pivotal moment, and the arts sector is again asking the City to demonstrate its vision and support. Our recommendations include the following:

#### **1. Defend CEF from Budget Cuts**

We urge that CEF funding not be reduced, specifically cancelled events. In the best of years, CEF represents might represent from 10% to 30% of arts' groups funding. But for many groups, it is the only operational lifeline remaining as all other revenue streams dry up for 2020 and part of 2021.

#### **2. Put CEF Surpluses to Work**

We strongly advise that any legacy CEF surplus from 2019 as well as any new 2020 surplus should be used to lift up individual artists, small organizations, and those organizations not currently in the CEF system. CEF surpluses are rainy day funds, and these are rainy days.

#### **3. Increase Flexibility Around Spending**

We recommend that program parameters be revised to allow organizations to use CEF resources for organizational capacity and operational stability. This will allow them to respond to this crisis in ways that address fixed costs (wages, rent, utilities, overhead, etc.), improve adaptive capabilities, enhance community ties, strengthen synergies within the local cultural sector, and build relational capital, will improve their odds of survival and yield the greatest benefit to the community. Organizations with the visionary bandwidth to look beyond mere existence will be best positioned to rebuild in ways that promote resilience in this brave new world. Organizations that can find their footing and draft a grounded action plan are best able to adapt to emerging challenges and develop strategies for survival and revival.

#### **4. Follow the Example of Strong Cities and Cultural Leaders**

Funding bodies and municipalities are reinforcing their commitment to arts and culture despite pressures to cut.

- March 26, 2020 / Calgary Arts Development announced \$1.1M relief fund for arts groups impacted by COVID-19. Operational funds that already allocated to arts groups in the city for 2020 will not be affected.
- March 30, 2020 / Canada Council for the Arts stepped up with \$60 million in advance funding—about 35% of annual grants—to the country's 1,100 core-funded organizations.
- Mar 30, 2020 / Writers' Trust of Canada and The Writers' Union of Canada have created a \$150,000 emergency relief fund to support the literary community, distributing \$1,500 grants to writers who have suffered financial losses because of postponements or cancellations
- March 31, 2020 / Conseil des arts de Montréal expedited \$13M in funding, or 76% of its planned grants for 2020. Regular terms of payments were cancelled and subsequently amended.
- March 31, 2020 / Vancouver city council unanimously approved 2020 cultural grants totaling \$6.27M to 208 cultural organizations, including millions in operating funds for groups.
- April 17, 2020 / Heritage Minister Steven Guilbeault unveiled early plans to grant \$500M to Canada's arts, sports and cultural sectors as they weather the COVID-19 pandemic.
- May 21, 2020 / Nova Scotia announces that it is working to finalize a funding package for artists falling through the cracks of federal emergency funding programs amid COVID-19.

### **5. Enable Both Operating and Project Funding**

We would encourage the City to allow all CEF recipients to be able to use CEF funds more liberally, in order to allow them to develop innovative evolutionary responses to online presentation etc. Organizations may need to consider operational succession planning, develop COVID-19 Safety Plans to minimize chance of transmission, conduct thorough facility to map out things such as circulation patterns, determine the viability of physical distancing measures, and identify high-traffic points of contact.

### **6. Respond to the End of Normal**

Business as usual is now unusual. The world that we emerge into when this crisis is finally over will inevitably look very different from that we left two months ago as the economy locked down. We will have to find ways to co-exist with COVID-19, continuing to practice increased hygiene and physical distancing while scientists work towards a vaccine. The cultural sector is grappling not only with an abrupt and massive financial shock, but also with a long-term change to its economic footings. and the urgent need to adapt to new ways of working and new approaches to engaging the public. The resulting administrative burden on the arts will be severe, and will tax the same limited pool of staff that are expected to land successful grants, develop and nurture sponsor relationships, launch fundraising initiatives and do outreach.

### **7. Acknowledge That the Arts Emerge Last**

As the first events impacted by public health restrictions, arts and culture events and large gatherings will also be the last piece of the economy that be allowed back to work, the most challenging to plan, and the hardest to execute given the lack of clarity around operational expectations. There is also operational uncertainty around when it will officially be safe to gather again. There may also be practical considerations, as physical distancing restrictions may make larger gatherings impossible to regulate, or create economic hurdles that force deeper rethinks. And there is the matter of audiences themselves, who have reported to pollsters in large numbers that they are prepared to wait until a vaccine becomes available to resume their cultural calendar. Artists and culture workers cannot stand idle as the situation resolves itself. They must be authors of their own destiny.

### **8. Make Arts Funding User-Friendly, Transparent and Fair**

Applying for and reporting on CEF funds should be made easier to submit, subject to flexible terms, and evaluated using clear and consistent eligibility criteria. The points-based system adopted by the CEF appears to have challenges and need to be made easier during these pandemic times.

### **9. Create Spaces for Cultural Healing**

We recommend that the City consider creating dedicated spaces for arts and cultural recovery. Throughout this crisis, arts and creative expression have provided a critical way for isolated individuals to connect, reduce stress and enhance mental health. Many will emerge from lockdown with a newfound appreciation for isolated and marginalized populations and demographics. The crisis also revealed racial and socio-economic divides within society, as COVID-19 has had disproportionate impact on racialized and low-income demographics.

### **10. Fund Innovative Modes and Models**

Organizations should be empowered and encouraged to build engagement through innovative online programming — performances, workshops, curated content, and classes. Many groups have limited technological capability and stand to benefit greatly from this opportunity to leverage new technologies in support of their core mission and in service of artists. New presentation methods for the arts will need to be funded, with initiatives such as teaching online, subscriptions to Zoom and other explorations of online tools potentially qualifying.

### 11. Support Engagement Work Critical to Recovery

Public health officials have cautioned that a second pandemic wave may arrive this fall and winter, overlapping with flu season (October-May). This Fall/Winter timing coincides with cultural seasons, so as they emerge from lockdown, artists and cultural organizations will soon face a period of intense viral anxiety from the public. Community perception of arts and culture as a non-essential risk will reduce willingness to engage, slowing recovery of the sector.

Organizations have achieved great success thanks to the contributions of volunteers, many of whom facilitate public interactions. Those commitments may be more restrained as health anxiety overshadows enjoyment. Cornerstone cultural institutions cannot function effectively without volunteer staff. Large events cannot be successfully produced without the help of a significant number of volunteers. Even the best-case scenario would be problematic in this regard, as reduced volunteer capacity is a possible side effect of former volunteers emerging from lockdown and simply wanting to enjoy events as participants, not facilitators.

Yours sincerely,



**Tim Potocic**

**On behalf of the Arts community**

**Volunteer Arts Roundtable lobby working group:**

**Art Gallery of Hamilton – Shelley Falconer - [Shelley@artgalleryofhamilton.com](mailto:Shelley@artgalleryofhamilton.com)**

**Christopher McLeod - [mail@christophermcleod.ca](mailto:mail@christophermcleod.ca)**

**Cobalt Connects – Jeremy Freiburger - [jeremy@cobaltconnects.ca](mailto:jeremy@cobaltconnects.ca)**

**Cobra – Kojo Easy Dampsey - [kedmusic@outlook.com](mailto:kedmusic@outlook.com)**

**Factory Media Centre – Richelle Sibolboro - [chair@factorymediacentre.ca](mailto:chair@factorymediacentre.ca)**

**Hamilton Arts Council – Joanna Johnson - [coordinator@hamiltonartscouncil.ca](mailto:coordinator@hamiltonartscouncil.ca)**

**Hamilton Artist Inc. – Julie Dring - [director@theinc.ca](mailto:director@theinc.ca)**

**Hamilton Fringe – Heather Kanabe - [hffmanager@gmail.com](mailto:hffmanager@gmail.com)**

**Hamilton Philharmonic – Kim Varian - [kvarian@hpo.org](mailto:kvarian@hpo.org)**

**Sonic Unyon Records / Supercrawl Festival – Tim Potocic – [tim@sonicunyon.com](mailto:tim@sonicunyon.com)**

**Theatre Aquarius – Lorna Zarembo - [lzarembo@theatreaquarius.org](mailto:lzarembo@theatreaquarius.org)**

**Arts Group participants:**

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# INFORMATION REPORT

<b>TO:</b>	Mayor and Members Committee of the Whole
<b>DATE:</b>	May 27, 2020
<b>SUBJECT:</b>	Public Bike Share Transit Contract Update (PED20109(a)) (Wards 1, 2, 3, 4, 5, and 13)
<b>WARD(S) AFFECTED:</b>	Wards 1, 2, 3, 4, 5, and 13
<b>PREPARED BY:</b>	Peter Topalovic (905) 546-2424 Ext. 5129
<b>SUBMITTED BY:</b>	Brian Hollingworth Director, Transportation Planning and Parking Planning and Economic Development Department
<b>SIGNATURE:</b>	

***Discussion of Appendix "A" of this Report in Closed Session is pursuant to Section 8.1, sub-sections (e), (f) and (k) of the City's Procedural By-law 18-270, as amended, and Section 239(2), sub-sections (e), (f) and (k) of the Municipal Act, 2001, as amended, as the subject matter pertains to:***

- ***litigation or potential litigation;***
- ***advice that is subject to solicitor-client privilege; 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.***

## **COUNCIL DIRECTION**

On May 20, 2020, Council received Information Report PED20109 providing information regarding the status of the operations contract for the SoBi Hamilton public bike share system, and the notice from Social Bicycles LLC/Uber Inc. ("Uber") of their intent to unilaterally cease bike share operations as of June 1, 2020. This termination date is nine months earlier than the agreed upon contract termination date of February 19, 2021.

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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**

On Friday May 15, 2020, the City of Hamilton received a letter from Uber indicating that it intends to terminate the SoBi Hamilton bike share system operations effective June 1, 2020. The City of Hamilton owns the bicycles and stations. There is an operating agreement with Uber (most recently renewed on February 28, 2020) through which Uber operates the system at no cost to the City. This contract is not due to expire until February 19, 2021.

On the basis of several discussions between City and Uber representatives, Uber has reiterated that it will not and cannot continue to operate the bike share system beyond June 1, 2020 as it has laid off the staff who performed those operations. Further information on these discussions is provided in Appendix "A" attached to this Report.

### **Financial Considerations**

Staff have investigated operational funding requirements as well as potential short-term and long-term operator relationships. A review of system shut down and storage was also investigated. All financial information below is based on estimates, as staff do not have access to detailed financial statements from Uber.

### **Short-term Emergency Operations**

It is staff's opinion, that the only viable option to maintain continuity of service, given the extremely short notice provided by Uber, would be to contract with the previous non-profit operator of the bike share system, Hamilton Bike Share Inc. (HBSI) on an interim basis. HBSI operated the bike share program until Uber ended their relationship and took the operations in-house in 2019. The operational cost to provide this service is estimated at \$65,000 per month including bike share connectivity costs in the range of \$8,000 to \$10,000 per month. These costs could be offset somewhat by subscriber revenues, although those revenues are currently difficult to estimate as the City has no access to Uber's revenue data.

A modest increase to membership fees and/or an increase in advertising sales could further decrease the net costs, although it is recognized that increasing pricing may be a burden for some households. At present, membership fees are \$15 per month and the pay per use cost is 9 cents per km, which is lower than many other systems. With respect to advertising, Uber did not pursue advertising revenues from 2018 to 2020, so the market for advertising is unknown at this time.

## **Long-term Operations**

Since Uber's announcement of its intent to cease operations, some other operators have expressed interest in operating the Hamilton public bike share system, including non-profit groups in Hamilton, and commercial operators from Hamilton, across Canada and North America. This may be an indication that viable long-term alternatives exist.

Staff estimate that a competitive procurement process for a long-term operator would take approximately six months to complete.

## **Shut-down and Storage**

At the May 20, 2020 Council meeting, staff was asked to investigate the costs should the City wish to shut down the bike share program.

If the bikes are removed from service, it would be staff's recommendation that they be stored indoors, in order to provide a greater level of security, as well as weather protection, given the uncertainty of how long they would be in storage. The bikes' condition, if left outside, would degrade if they are not receiving regular maintenance like they do when they are deployed and in operation. In addition, batteries and solar panels cannot be stored in the bikes. They would have to be removed and stored separately.

The bike share stations could also be removed and stored, or a portion of them can be left in place to provide parking for personal bikes. If removed, the stations could be stored outdoors in order to reduce costs.

Local service providers, the City's Real Estate group, the Hamilton Port Authority, bike share industry experts, and operators in various Canadian and American cities were consulted in the development of this costing estimate. It is estimated that storage space requirements would be approximately 15,000 to 20,000 square feet. An indoor facility is preferable in order to maintain the bikes in a useable condition. An estimate of the rental cost for storage is included in Appendix "A" attached to this Report. Costs could be reduced if the stations are left in place or stored outdoors. Other costs, including removal and transport of bikes and disassembly of racks and decommissioning of bikes also need to be taken into account in the determination of costs, which are further elaborated on in Appendix "A" attached to this Report.

At the time of this report, options for storage of bicycles and racks were being explored. The City's Real Estate group has identified 10 Hilliard as a potential interim location pending future redevelopment for the transit garage. The option of using a hockey rink was considered but this would be problematic if recreational activities are re-started. The option of using the lower level of the Summer's lane parking garage was also

considered but this was also rejected due to the challenge of providing adequate security, as well as the possible impacts on parking revenues if the bikes remain in storage once parking demand returns to pre-COVID levels.

## **OTHER CONSIDERATIONS**

### **Experience in Other Jurisdictions**

There are other cities in North America who were notified by Uber of its intent to cease bike share operations and these cities are reacting in similar ways to Hamilton, maintaining the position that Uber Inc. cannot unilaterally exit agreements.

### **Ontario Municipal Commuter Cycling (OMCC) Grant for Bike Share System Enhancement and Upgrades**

On August 18, 2017, Council approved Item 9 of Public Works Committee Report 17-010 and authorized the City of Hamilton to apply to receive funding for 17 City of Hamilton projects including a \$1.3 M Public Bike Share Transit Enhancement program to be completed by the end of 2020. Funds for the OMCC program are 80% provincial dollars and 20% City dollars. The enhancement program involves the refurbishment of all 1,350 bike share racks and baseplates as well as the construction of 650 new racks and baseplates which will become 65 new stations with new signs. The enhancement program also included the expansion of the program to new areas, the first of which was identified as an expansion east from Ottawa Street to Kenilworth Avenue (Ward 4). Along with this, the number of bikes in the network was increased to 900 from 825 and new parts were purchased in order to upgrade screens and key pads. The OMCC grant also involves the upgrade of the networked bike share controllers that comprise the electronic modules in the bikes – also known as the “brains”. With these upgrades, the full Hamilton bike share fleet would be fully modernized.

As of this date, the purchase of the additional racks, baseplates and bikes has been completed and they are due to be deployed in the field (including the new station locations between Ottawa Street and Kenilworth) in Summer 2020. The portion of the work to refurbish the stations has already been awarded and the work is in progress and due to be complete by August 2020. The vendor for the upgrades to the controllers has been selected but the purchase has not been finalized. In total, approximately \$575,000 of the OMCC funds for the bike project have been spent, a further approximately \$361,000 is committed, but not yet spent, and the remaining funds are already available for re-allocation to other OMCC projects.

Under the terms of the OMCC, all funded projects must be complete by the end of 2020 or the funds revert to the Province. OMCC funds can be re-directed, but only to other projects already approved for OMCC funding. Given that the bike share program was



identified as a single project, it is unclear what the potential would be for re-allocation of the funds not already spent toward other OMCC projects, without incurring a penalty for not completing the project. Staff is seeking clarification from the Province. It should be noted that additional funds will be needed to complete other OMCC projects, notably the Claremont Access cycle track, and potentially the Hunter Street cycle track. Staff will be providing an update on the Claremont project at the June 3, 2020 Committee of the Whole Meeting.

### **Public Bike Share Service Area and Escarpment Neighbourhoods Business Plan**

In 2019, Council approved the development of the Public Bike Share Transit Service Area and Escarpment Neighbourhoods Business Plan to be undertaken in 2020. This plan was approved by Council in 2019 through the Capital Budget process (Project ID 4031955878) for \$150,000. This plan was intended to develop a path forward to install and enhance bike share transit service in:

- Neighbourhoods connecting to Mohawk College, the campus itself and St. Joseph's campus; to line up with the Claremont Access construction;
- Lime Ridge Mall and surrounding neighbourhoods;
- Concession Street and surrounding neighbourhoods to Mountain Drive Park;
- Valley Park;
- Downtown Waterdown;
- Downtown Ancaster;
- Downtown Stoney Creek;
- Downtown Dundas expansion;
- Confederation GO Station and additional service to Confederation Park;
- Royal Botanical Gardens;
- Current service area improvement and expansion into Ward 4; and,
- City of Burlington (as a partnership with the City).

It was staff's intention to contract a consultant to undertake the Business Plan this summer, but with the announcement by Uber, this initiative has been put on hold until operations are confirmed.

### **Everyone Rides Initiative Previous and Current Grants**

The Everyone Rides Initiative (ERI) is Canada's first bike share equity program. It is operated by HBSI. The City of Hamilton is not involved in the funding or operation of the program. It was made possible by grants provided by Union Gas, the Hamilton Community Foundation, the Federation of Canadian Municipalities, and recently the Trillium Foundation. The ERI provides subsidized access to the bike share system and cycle training to those in financial need, newcomers to Hamilton, and those who cannot

ride a two-wheeled bike share and require an adaptive bike, such as a three-wheeled tricycle.

The current \$700,000 grant provided to HBSI by the Trillium Foundation provides subsidies for memberships. It requires the bike share system to be operational in order to meet the deliverables of the grant. Shutting down the bike share system would jeopardize the ERI and could negatively impact the funding provided by the Trillium Foundation to HBSI.

### **User Information**

There are currently 26,500 active users and 600 have signed up since the beginning of the pandemic.

There are over 500 ERI individual memberships and relationships with ten social service organizations who provide access for their clients.

In membership surveys from 2016-2018, on average, 40% of riders cycled once a month or less before they joined; indicating that they are primarily not cyclists. As well, 48% of users identify their primary mode as by automobile, and 44% report driving less because of their bike share use.

From 2015 to present, riders have taken over 1.6 M trips and have travelled over 2.9 million kms.

### **APPENDICES AND SCHEDULES ATTACHED**

Appendix "A" - CONFIDENTIAL Appendix "A" to Report PED20109(a)

PT:cr

# CITY OF HAMILTON

## NOTICE OF MOTION

Council: May 27, 2020

**MOVED BY COUNCILLOR S. MERULLA.....**

### **Future of LaSalle Park**

WHEREAS, LaSalle Park, comprising approximately 51.5 acres of open space (35 ac.) and park/table land (16.5 ac.), was acquired by the City of Hamilton between 1912-1916;

WHEREAS, in 1958, Aldershot was annexed to the City of Burlington, yet the City of Hamilton continued ownership of LaSalle Park and the park was managed by the Hamilton Parks Board;

WHEREAS, between 1975 and 1983, the City of Burlington managed LaSalle Park under a joint management agreement;

WHEREAS, in 1983, the City of Burlington leased the Park from the City of Hamilton under the following terms:

- Term: forty (40) years, commencing Jan.1, 1983 and expiring Dec.31, 2022
- Annual Rent: \$1.00 (payable Aug.1 each year)
- Use: Exclusive right to maintain, operate, programme and manage LaSalle Park for the sole purpose of a public park and related parks uses - outdoor recreational activities and open to the public at all reasonable times at no charge to the public (with exception of Sailing Club)
- Improvements: Improvements or alterations to existing improvements require prior written consent of Hamilton, in its sole discretion
- Obligation: Burlington to maintain, operate, programme and manage LaSalle Park as its sole cost and expense
- Name: must continue as LaSalle Park
- Renewal: The Lease may be renewed for twenty-five (25) years and only by mutual agreement. There is no notice or exercise period;

and between 1993 and 1997, several amendments/consent agreements were entered into to address the rebuilding and restoration of the historic pavilion;

WHEREAS, the City of Burlington has from time to time expressed a desire to acquire LaSalle Park (barring that to renew the lease), but not at a price acceptable to the City of Hamilton; and,

WHEREAS, the current lease will expire on December 31, 2022 and the current event space operator of the pavilion within the park is seeking to book events beyond the expiry date of the lease;

THEREFORE BE IT RESOLVED:

That the Corporate Real Estate Office, in collaboration with other relevant divisions, be directed to undertake a review of the value and implications of alternative disposition (sell, lease, develop, operate) options for LaSalle Park, and report back to General Issues Committee.

# CITY OF HAMILTON

## NOTICE OF MOTION

Council: May 27, 2020

**MOVED BY COUNCILLOR N. NANN.....**

### **Interim Continuation of the SoBi Bike Share Program**

WHEREAS Hamilton's award-winning SoBi bike share program is recognized as the one of the most successful bike share system in North America;

WHEREAS the Everyone Rides Initiative, Canada's first bike share equity program, provides access to bike share to those who cannot afford it, newcomers and those who need more support, such as the use of trikes;

WHEREAS 26,000 Hamiltonians use the SoBi Bike Share Program;

WHEREAS 600 new users have signed up to use SoBi since the COVID-19 pandemic began, up from 300 during the early weeks;

WHEREAS the World Health Organization recommends cycling as a safe mode of travel to maintain safe physical distancing and to encourage physical activity and mental health during the pandemic;

WHEREAS the SoBi Bike Share program is a vital part of our transportation network and complements HSR service, especially while capacity of buses is limited for physical distancing reasons;

WHEREAS the SoBi bike share program plays an essential role in our local economic recovery by enabling workers an affordable option to safely travel to and from work, as well as for residents to run errands or simply enjoy our beautiful city;

WHEREAS Uber unexpectedly announced its intention to unilaterally terminate its c agreement with the City to maintain the operations of SoBi effective June 1, 2020;

WHEREAS the termination of SoBi operations jeopardizes the safe mobility of thousands of Hamiltonians across the City during a health pandemic;

WHEREAS it remains the City's position that Uber has a contractual obligation to operate SoBi until February 2021, but if the City does not act now, the SoBi bike share bikes will cease operation effective June 1, 2020 because of this action by Uber;

THEREFORE BE IT RESOLVED:

- (a) That if Uber does not agree to honour its contractual agreement with the City to operate the SoBi Bike Share program until February 2021 without interruption of services and at no cost to the City:
  - (i) That Council approve the single source procurement, pursuant to Procurement Policy #11 – Non-competitive Procurements, for the interim operation of the SoBi Bike Share program effective June 1, 2020 and that the General Manager, Planning and Economic Development Department be authorized to negotiate, enter into and execute an Agreement and any ancillary documents required to give effect thereto with Hamilton Bike Share Inc., each in a form satisfactory to the City Solicitor;
  - (ii) That the City's contribution to the interim operation of the SoBi Bike Share program be limited to providing the existing and near term committed bikes and stations, at no cost to the operator, as well as a financial contribution up to a maximum of \$400,000;
  - (iii) Notwithstanding the Area Rating Special Capital Re-Investment Reserves Policy, that Council permit an exception to this policy and that funding to maintain the operation of the SoBi Bike Share infrastructure be provided as follows: \$150,000 from Ward 1 Special Capital Re-Investment Reserve Account (108051), \$100,000 from Ward 2 Special Capital Re-Investment Reserve Account (108052), and \$150,000 from Ward 3 Special Capital Re-Investment Reserve (108053) Cycling Project Account (4661717124 /4031755820);
  - (iv) That the City Solicitor be authorized and directed to take all necessary actions to pursue recovery of the full amount of the City of Hamilton's costs, expenses and damages arising from Uber's unilateral decision to cease bike share operations as of June 1, 2020.
- (b) That staff be directed to initiate a competitive procurement process with a goal of identifying a preferred long-term operator for the SoBi Bike Share program and report back to Council with the results of the procurement process prior to the end of 2020.

**Authority:**

Item 2, Public Works Committee  
Report 19-013 (PW19075)  
CM: September 25, 2019  
Ward: 5

**Bill No. 106**

**CITY OF HAMILTON**

**BY-LAW NO. 20-**

**Being a By-law to Permanently Close a Portion of a Fletcher Avenue, Hamilton, established by Registered Plan 452, in the City of Hamilton, subject to Instrument No. VM175601, being All of PIN 17571-0081 (LT), City of Hamilton**

**WHEREAS** Sections 8, 9 and 10 of the *Municipal Act, 2001* authorize the City of Hamilton to pass by-laws necessary or desirable for municipal purposes, and in particular by-laws with respect to highways; and

**WHEREAS** Section 34(1) of the *Municipal Act, 2001* provides that a by-law permanently closing a highway does not take effect until a certified copy of the by-law is registered in the proper land registry office; and

**WHEREAS** highways to be closed by by-law are declared to be surplus to the needs of the City of Hamilton under the Sale of Land Policy By-law;

**AND WHEREAS** at its meeting of September 25, 2019, the Council approved Item 2 of Public Works Committee Report 19-013, and authorized the City to permanently close and sell a portion of Fletcher Avenue, Hamilton, Ontario, established by Registered Plan 452, in the City of Hamilton, subject to VM175601, being All of PIN 17571-0081 (LT), City of Hamilton;

**AND WHEREAS** notice of the City's intention to pass this By-law has been published pursuant to the *Municipal Act, 2001*, S.O. 2001, c.25 as amended.

**NOW THEREFORE** the Council of the City of Hamilton enacts as follows:

1. That the portion of Fletcher Avenue, set out as:

Road Plan 452, lying north of Lot E, Plan 452, subject to Instrument No. VM175601, City of Hamilton, being All of PIN 17571-0081 (LT)

is hereby permanently closed.

Being a By-law to Permanently Close a Portion of a Fletcher Avenue, Hamilton, established by Registered Plan 452, in the City of Hamilton, subject to Instrument No. VM175601, being All of PIN 17571-0081 (LT), City of Hamilton

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2. That the soil and freehold of Road Plan 452 lying north of Lot E, hereby permanently closed, be sold to Teresa Laan for the sum of Nine Thousand, Five Hundred Dollars (\$9,500.00).
3. That this by-law shall come into force and effect on the date of its registration in the Land Registry Office for the Land Titles Division of Wentworth (No. 62).

**PASSED** this 27<sup>th</sup> day of May, 2020.

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F. Eisenberger  
Mayor

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A. Holland  
City Clerk



**Authority:** Item 21 (iii), Engineering  
Services Report 13/80  
(M80-16-036)  
CM: July 28, 1980  
Ward: 11

**Bill No. 107**

**CITY OF HAMILTON**

**BY-LAW NO. 20-**

**Being a By-law to Permanently Close a Portion of the Road Allowance of Harrison Road, established by Lots 20 & 21, Concession 7, in the Geographic Township of Binbrook, in the City of Hamilton, designated as Part 1, Plan 62R-5283, being Part of PIN 17383-0144 (LT), City of Hamilton**

**WHEREAS** Sections 8, 9 and 10 of the *Municipal Act, 2001* authorize the City of Hamilton to pass by-laws necessary or desirable for municipal purposes, and in particular by-laws with respect to highways; and

**WHEREAS** Section 34(1) of the *Municipal Act, 2001* provides that a by-law permanently closing a highway does not take effect until a certified copy of the by-law is registered in the proper land registry office; and

**WHEREAS** highways to be closed by by-law are declared to be surplus to the needs of the City of Hamilton under the Sale of Land Policy By-law;

**AND WHEREAS** at its meeting of July 28, 1980, the Council approved Item 21 (iii) of Engineering Services Report 13/80, and authorized the City to permanently close and sell a portion the road allowance of Harrison Road, established by Lots 20 & 21, Concession 7, in the Geographic Township of Binbrook, in the City of Hamilton, designated as Part 1, Plan 62R-5283, being Part of PIN 17383-0144 (LT), City of Hamilton;

**AND WHEREAS** notice of the City's intention to pass this By-law has been published pursuant to the *Municipal Act, 2001*, S.O. 2001, c.25 as amended.

**NOW THEREFORE** the Council of the City of Hamilton enacts as follows:

1. That the portion of the road allowance, set out as:

Lots 20 & 21, Concession 7, in the Geographic Township of Binbrook, in the City of Hamilton, designated as Part 1, Plan 62R-5283, being Part of PIN 17383-0144 (LT), City of Hamilton is hereby permanently closed.

Being a By-law to Permanently Close a Portion of the Road Allowance of Harrison Road, established by Lots 20 & 21, Concession 7, in the Geographic Township of Binbrook, in the City of Hamilton, designated as Part 1, Plan 62R-5283, being Part of PIN 17383-0144 (LT), City of Hamilton

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2. That the soil and freehold of Lots 20 & 21, Concession 7, in the Geographic Township of Binbrook, in the City of Hamilton, designated as Part 1, Plan 62R-5283, being Part of PIN 17383-0144 (LT), City of Hamilton, hereby permanently closed, be sold to Wesley Lemstra and Lindsay Lemstra for the sum of Two Dollars (\$2.00).
3. That this by-law shall come into force and effect on the date of its registration in the Land Registry Office for the Land Titles Division of Wentworth (No. 62).

**PASSED** this 27<sup>th</sup> day of May, 2020.

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F. Eisenberger  
Mayor

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A. Holland  
City Clerk

**Authority:**

Item 8, Public Works  
Committee Report 16-003  
(PW16005)  
CM: March 9, 2016  
Ward: 11

**Bill No. 108**

**CITY OF HAMILTON**

**BY-LAW NO. 20-**

**Being a By-law to Permanently Close a Portion of the Road Allowance of Harrison Road, established by Firstly: Part of Road Allowance between Lots 20 & 21, Concession 7, in the Geographic Township of Binbrook, in the City of Hamilton, designated as Part 2 on Plan 62R-5283, being Part of the PIN 17383-0144 (LT), Secondly: Part Lot 20, Concession 7 in the Geographic Township of Binbrook, in the City of Hamilton, designated as Part 2 on Plan 62R-5181, being Part of the PIN 17383-0144 (LT), Thirdly: Part of Lot 20, Concession 7, in the Geographic Township of Binbrook, in the City of Hamilton, designated as Part 4 on Plan 62R-5181, being Part of the PIN 17383-0144 (LT)**

**WHEREAS** Sections 8, 9 and 10 of the *Municipal Act, 2001* authorize the City of Hamilton to pass by-laws necessary or desirable for municipal purposes, and in particular by-laws with respect to highways; and

**WHEREAS** Section 34(1) of the *Municipal Act, 2001* provides that a by-law permanently closing a highway does not take effect until a certified copy of the by-law is registered in the proper land registry office; and

**WHEREAS** highways to be closed by by-law are declared to be surplus to the needs of the City of Hamilton under the Sale of Land Policy By-law;

**AND WHEREAS** at its meeting of March 9, 2016, the Council approved Item 8 of Public Works Committee Report 16-003, and authorized the City to permanently close and sell a portion the road allowance of Harrison Road, established by Firstly: Part of Road Allowance between Lots 20 & 21, Concession 7, in the Geographic Township of Binbrook, in the City of Hamilton, designated as Part 2 on Plan 62R-5283, being Part of the PIN 17383-0144 (LT), Secondly: Part Lot 20, Concession 7 in the Geographic Township of Binbrook, in the City of Hamilton, designated as Part 2 on Plan 62R-5181, being Part of the PIN 17383-0144 (LT), Thirdly: Part of Lot 20, Concession 7, in the Geographic Township of Binbrook, in the City of Hamilton, designated as Part 4 on Plan 62R-5181, being Part of the PIN 17383-0144 (LT);

Being a By-law to Permanently Close a Portion of the Road Allowance of Harrison Road, established by Firstly: Part of Road Allowance between Lots 20 & 21, Concession 7, in the Geographic Township of Binbrook, in the City of Hamilton, designated as Part 2 on Plan 62R-5283, being Part of the PIN 17383-0144 (LT), Secondly: Part Lot 20, Concession 7 in the Geographic Township of Binbrook, in the City of Hamilton, designated as Part 2 on Plan 62R-5181, being Part of the PIN 17383-0144 (LT), Thirdly: Part of Lot 20, Concession 7, in the Geographic Township of Binbrook, in the City of Hamilton, designated as Part 4 on Plan 62R-5181, being Part of the PIN 17383-0144 (LT)

Page 2 of 2

**AND WHEREAS** notice of the City's intention to pass this By-law has been published pursuant to the *Municipal Act, 2001*, S.O. 2001, c.25 as amended.

**NOW THEREFORE** the Council of the City of Hamilton enacts as follows:

1. That the portion of the road allowance, set out as:

Firstly: Part of Road Allowance between Lots 20 & 21, Concession 7, in the Geographic Township of Binbrook, in the City of Hamilton, designated as Part 2 on Plan 62R-5283, being Part of the PIN 17383-0144 (LT), Secondly: Part Lot 20, Concession 7 in the Geographic Township of Binbrook, in the City of Hamilton, designated as Part 2 on Plan 62R-5181, being Part of the PIN 17383-0144 (LT), Thirdly: Part of Lot 20, Concession 7, in the Geographic Township of Binbrook, in the City of Hamilton, designated as Part 4 on Plan 62R-5181, being Part of the PIN 17383-0144 (LT)

is hereby permanently closed.

2. That the soil and freehold of Firstly: Part of Road Allowance between Lots 20 & 21, Concession 7, in the Geographic Township of Binbrook, in the City of Hamilton, designated as Part 2 on Plan 62R-5283, being Part of the PIN 17383-0144 (LT), Secondly: Part Lot 20, Concession 7 in the Geographic Township of Binbrook, in the City of Hamilton, designated as Part 2 on Plan 62R-5181, being Part of the PIN 17383-0144 (LT), Thirdly: Part of Lot 20, Concession 7, in the Geographic Township of Binbrook, in the City of Hamilton, designated as Part 4 on Plan 62R-5181, being Part of the PIN 17383-0144 (LT), City of Hamilton, hereby permanently closed, be sold to Wesley Lemstra for the sum of Two Dollars (\$2.00).
3. That this by-law shall come into force and effect on the date of its registration in the Land Registry Office for the Land Titles Division of Wentworth (No. 62).

**PASSED** this 27<sup>th</sup> day of May, 2020.

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F. Eisenberger  
Mayor

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A. Holland  
City Clerk

**Authority:**

Item 8, Public Works  
Committee Report 16-003  
(PW16005)  
CM: March 9, 2016  
Ward: 11

**Bill No. 109**

**CITY OF HAMILTON**

**BY-LAW NO. 20-**

**Being a By-law to Permanently Close a Portion of the Road Allowance of Harrison Road, established by Firstly: Part of Road Allowance Between Lots 20 & 21, Concession 8, in the Geographic Township of Binbrook, in the City of Hamilton, designated as Part 6 on Plan 62R-5181, being Part of the PIN 17383-0144 (LT), Secondly: Part of Lot 20, Concession 7, in the Geographic Township of Binbrook, in the City of Hamilton, designated as Part 8 on Plan 62R-5181, being Part of the PIN 17383-0144 (LT)**

**WHEREAS** Sections 8, 9 and 10 of the *Municipal Act, 2001* authorize the City of Hamilton to pass by-laws necessary or desirable for municipal purposes, and in particular by-laws with respect to highways; and

**WHEREAS** Section 34(1) of the *Municipal Act, 2001* provides that a by-law permanently closing a highway does not take effect until a certified copy of the by-law is registered in the proper land registry office; and

**WHEREAS** highways to be closed by by-law are declared to be surplus to the needs of the City of Hamilton under the Sale of Land Policy By-law;

**AND WHEREAS** at its meeting of March 9, 2016, the Council approved Item 8 of Public Works Committee Report 16-003, and authorized the City to permanently close and sell a portion the road allowance of Harrison Road, established by Firstly: Part of Road Allowance Between Lots 20 & 21, Concession 8, in the Geographic Township of Binbrook, in the City of Hamilton, designated as Part 6 on Plan 62R-5181, being Part of the PIN 17383-0144 (LT), Secondly: Part of Lot 20, Concession 7, in the Geographic Township of Binbrook, in the City of Hamilton, designated as Part 8 on Plan 62R-5181, being Part of the PIN 17383-0144 (LT);

**AND WHEREAS** notice of the City's intention to pass this By-law has been published pursuant to the *Municipal Act, 2001*, S.O. 2001, c.25 as amended.

**NOW THEREFORE** the Council of the City of Hamilton enacts as follows:

Being a By-law to Permanently Close a Portion of the Road Allowance of Harrison Road, established by Firstly: Part of Road Allowance Between Lots 20 & 21, Concession 8, in the Geographic Township of Binbrook, in the City of Hamilton, designated as Part 6 on Plan 62R-5181, being Part of the PIN 17383-0144 (LT), Secondly: Part of Lot 20, Concession 7, in the Geographic Township of Binbrook, in the City of Hamilton, designated as Part 8 on Plan 62R-5181, being Part of the PIN 17383-0144 (LT)

Page 2 of 2

1. That the portion of the road allowance, set out as:

Firstly: Part of Road Allowance Between Lots 20 & 21, Concession 8, in the Geographic Township of Binbrook, in the City of Hamilton, designated as Part 6 on Plan 62R-5181, being Part of the PIN 17383-0144 (LT), Secondly: Part of Lot 20, Concession 7, in the Geographic Township of Binbrook, in the City of Hamilton, designated as Part 8 on Plan 62R-5181, being Part of the PIN 17383-0144 (LT)

is hereby permanently closed.

2. That the soil and freehold of Firstly: Part of Road Allowance Between Lots 20 & 21, Concession 8, in the Geographic Township of Binbrook, in the City of Hamilton, designated as Part 6 on Plan 62R-5181, being Part of the PIN 17383-0144 (LT), Secondly: Part of Lot 20, Concession 7, in the Geographic Township of Binbrook, in the City of Hamilton, designated as Part 8 on Plan 62R-5181, being Part of the PIN 17383-0144 (LT), City of Hamilton, hereby permanently closed, be sold to Niagara Peninsula Conservation Authority for the sum of Two Dollars (\$2.00).
3. That this by-law shall come into force and effect on the date of its registration in the Land Registry Office for the Land Titles Division of Wentworth (No. 62).

**PASSED** this 27<sup>th</sup> day of May, 2020.

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F. Eisenberger  
Mayor

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A. Holland  
City Clerk