



CITY COUNCIL MINUTES 17-004

5:00 p.m.

Wednesday, March 8, 2017

Council Chamber

Hamilton City Hall

71 Main Street West

Present: Mayor F. Eisenberger, Deputy Mayor A. VanderBeek
Councillors A. Johnson, J. Farr, M. Green, S. Merulla, C. Collins,
T. Jackson, D. Skelly, T. Whitehead D. Conley, M. Pearson
B. Johnson, and L. Ferguson

Absent with

Regrets: Councillor R. Pasuta – Sick Leave; Councillor J. Partridge, Personal

Mayor Eisenberger called the meeting to order and recognized that Council is meeting on the traditional territories of the Mississauga and Haudenosaunee nations, and within the lands protected by the “Dish With One Spoon” wampum agreement.

The Mayor called upon Pastor Bill Thornton the Senior Pastor at the Flamborough Baptist Church, Waterdown, to provide the invocation.

APPROVAL OF THE AGENDA

The Clerk advised of the following changes to the agenda:

1. ADDED COMMUNICATIONS

5.4 Correspondence respecting the Protocol for Gender Identity and Gender Expression; Transgender and Gender Non-Conforming Persons:

- (g) Randell Neudorf, The Commons Mennonite Church;
- (h) Reverend Alissa Bender, Hamilton Mennonite Church;
- (i) Jonathan Glenn Betteridge, Staff Lawyer, HIV & AIDS Legal Clinic of Ontario (HALCO);
- (j) Dr. Siobhan Callaghan, member of the Shelter Health Network; Assistant Clinical Professor, McMaster Family Medicine Dept;
- (k) Christina Dahl;

- (l) Dr. Christina Baade, Associate Professor of Communication Studies and Multimedia, McMaster University;
- (m) Rabbi Hillel Lavery-Yisraeli, Beth Jacob Synagogue.
- (n) Dr. Amber Dean, Associate Professor, Acting Director, Gender Studies & Feminist Research, McMaster University

Recommendation: Be received and referred to the consideration of Item 1 of the Audit, Finance and Administration Committee Report 17-003.

5.8 Correspondence from Joey Coleman, Independent Journalist in response to the request of the City Manager to meet to discuss restrictions on freedom of the press.

Recommendation: Be received.

2. ADDED NOTICE OF MOTION

8.1 Artificial Turf – Sir Winston Churchill Secondary School and North Secondary School (Ward 4)

3. ADDED PRIVATE AND CONFIDENTIAL

10.3 Commercial Relationship Between the City of Hamilton and Kenaidan Contracting Ltd. (LS17009(a)/FCS17027(a)) (*Referred to Council at the March 6, 2017 Audit, Finance & Administration Committee meeting – Item 12.2*)

Pursuant to Section 8.1, Sub-sections (e) and (f) of the City's Procedural By-law 14-300, and Section 239(2), Sub-sections (e) and (f) 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; and, the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

10.4 US Steel Canada - Update

Pursuant to Section 8.1, Sub-section (e) and (f) of the City's Procedural By-law 14-300, and Section 239(2), Sub-sections (e) and (f) 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; and, the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

4. APPENDIX “A” to AUDIT, FIANANCE AND ADMINISTRATION COMMITTEE REPORT 17-003

The original Appendix “A” to Item 1 of the Audit, Finance and Administration Committee Report 17-003 was inadvertently attached to the Report. Copies of the REVISED Appendix “A” to Item 1, which was considered by the Audit, Finance and Administration Committee on March 6, 2017 were distributed prior

to Council's consideration of the Audit, Finance and Administration Committee Report 17-003.

(Pearson/VanderBeek)

That the agenda for the March 8, 2017 meeting of Council be approved, as amended.

CARRIED

DECLARATIONS OF INTEREST

None declared.

APPROVAL OF MINUTES

4.1 February 22, 2017

(Farr/Jackson)

That the Minutes of the February 22, 2017 meeting of Council be approved, as presented.

CARRIED

COMMUNICATIONS

(VanderBeek/B. Johnson)

That Council Communications 5.1 through 5.8 be approved, as follows:

- 5.1 Correspondence from Michael Andlauer, Owner, Hamilton Bulldogs Hockey thanking City Council for their support in their bid for the 2018 Mastercard Memorial Cup.

Recommendation: Be received.

- 5.2 Correspondence from Robin Botting respecting LRT Why?

Recommendation: Be received and referred to Light Rail Transit Sub-Committee.

- 5.3 Correspondence from Todd White, Trustee, Ward 5, Chair of the Board and Jeff Beattie, Trustee, Wards 9 & 10, Vice-Chair of the Board, Hamilton Wentworth District School Board (HWDSB) respecting the final Public Meetings for the accommodation reviews for elementary schools in Ancaster and West Hamilton.

Recommendation: Be received.

- 5.4 Correspondence respecting the Protocol for Gender Identity and Gender Expression; Transgender and Gender Non-Conforming Persons:

(a) Anthony Marco, President, Hamilton and District Labour Council.

(b) Ayden Scheim, Pierre Elliott Trudeau Foundation Scholar & Vanier Canada Graduate Scholar, PhD Candidate, Epidemiology and

Biostatistics, Schulich School of Medicine and Dentistry, Western University.

- (c) Congregation of the Sisters of St. Joseph in Canada.
- (d) Bob Marentette, Chair, Church Council, New Vision United Church, signed by 31 members of the New Vision United Church. *(The original letter is available for viewing in the Office of the City Clerk)*
- (e) Martin Dooley, President, Board of Directors, The First Unitarian Church of Hamilton
- (f) Rev. Victoria Ingram, Minister, First Unitarian Church of Hamilton
- (g) Randell Neudorf, The Commons Mennonite Church;
- (h) Reverend Alissa Bender, Hamilton Mennonite Church;
- (i) Jonathan Glenn Betteridge, Staff Lawyer, HIV & AIDS Legal Clinic of Ontario (HALCO);
- (j) Dr. Siobhan Callaghan, member of the Shelter Health Network; Assistant Clinical Professor, McMaster Family Medicine Dept;
- (k) Christina Dahl;
- (l) Dr. Christina Baade, Associate Professor of Communication Studies and Multimedia, McMaster University;
- (m) Rabbi Hillel Lavery-Yisraeli, Beth Jacob Synagogue;
- (n) Dr. Amber Dean, Associate Professor, Acting Director, Gender Studies & Feminist Research, McMaster University

Recommendation: Be received and referred to the consideration of Item 1 of the Audit, Finance and Administration Committee Report 17-003.

- 5.5 Correspondence from the Honourable Minister Dipika Damerla, Ministry of Seniors Affairs respecting the 2017 Senior of the Year Award.

Recommendation: Be received and referred to the Seniors Advisory Committee.

- 5.6 Correspondence from Minister Laura Albanese, Ministry of Citizenship and Immigration respecting the Global Hamilton Enterprising International Student project under the Ministry's Municipal Fund – Innovative Immigration Initiatives.

Recommendation: Be received.

5.7 Correspondence from Minister Steven Del Duca, Ministry of Transportation informing the City of Hamilton that the funding for the Community Transportation Pilot Grant Program has been extended for an additional program year.
Recommendation: Be received.

5.8 Correspondence from Joey Coleman, Independent Journalist in response to the request of the City Manager to meet to discuss restrictions on freedom of the press.

Recommendation: Be received.

CARRIED

(Pearson/B. Johnson)

That Council move into Committee of the Whole for consideration of the Committee Reports.

CARRIED

PUBLIC WORKS COMMITTEE REPORT 17-003

(Ferguson/VanderBeek)

That the THIRD Report of the Public Works Committee meeting be adopted, as presented, and the information section received.

CARRIED

PLANNING COMMITTEE REPORT 17-004

(f)(i) Design Review Panel - Pilot Project Evaluation and Related Recommendations (PED13137(b)) (City Wide) (Outstanding Business List Item) (Item 7.1)

(Collins/Pearson)

That Item (f)(i) of the Planning Committee Report 17-004, respecting Design Review Panel - Pilot Project Evaluation and Related Recommendations (PED13137(b)) (which was referred to staff) be lifted from the Information Section and added as Item 7 for discussion.

7. Design Review Panel - Pilot Project Evaluation and Related Recommendations (PED13137(b)) (City Wide) (Outstanding Business List Item)

- (a) That the Design Review Panel be established on a permanent basis as an advisory component of the development approval process;
- (b) That the Design Review Panel – Program Mandate, attached as Appendix “A” to Report PED13137(b), be approved;

- (c) That as part of the Downtown Hamilton Secondary Plan update, the revised Secondary Plan incorporate policies to support the Design Review Panel and to provide for the identification of advice from the Design Review Panel at the Formal Consultation stage, as part of a complete application pre-requisite for submission of an application for a complex Zoning By-law Amendment and major Site Development Applications within the Secondary Plan Area;
- (d) That the item respecting staff reporting back on the effectiveness of the Design Review Panel be identified as completed and removed from the Planning Committee Outstanding Business List.

CARRIED

(Collins/Pearson)

That Item 7 of Planning Committee Report 17-004 be amended by deleting subsections (b) to (d) in their entirety and inserting the following therein:

- (b) That the Design Review Panel – Program Mandate, hereto attached as Appendix “A”, be approved with the following revisions:
 - (i) That Subsection 3.2 be revised to read as follows “Applications subject to review by the DRP pursuant to Section 3.1 above, shall include all complex Zoning and Major Site Plan Applications subject to the following:”
 - (ii) That Subsection 3.3 be revised to delete and replace the last sentence with the following: “At the Formal Consultation Stage, projects that are within the Design Priority Areas that are subject to DRP will be identified.”; and,
 - (iii) That Subsection 6.1 be deleted in its entirety and replaced with the following: “The DRP will have applications for an Official Plan Amendment, Zoning By-law Amendment and Site Plan Control and projects referred to the group by the Planning and Economic Development Department in accordance with Section 3.0.”
- (c) That staff proceed with the recruitment of members for the Design Review Panel;
- (d) That the item respecting staff reporting back on the effectiveness of the Design Review Panel be identified as completed and removed from the Planning Committee Outstanding Business List, and
- (e) That the following recommendation (c) of Report PED13137(b) be referred back to staff and that staff be directed to consult with the Development Industry Liaison Group (DILG) on the process and timing of obtaining DRP advice on development applications:

- (c) That as part of the Downtown Hamilton Secondary Plan update, the revised Secondary Plan incorporate policies to support the Design Review Panel and to provide for the identification of advice from the Design Review Panel at the Formal Consultation stage, as part of a complete application pre-requisite for submission of an application for a complex Zoning By-law Amendment and major Site Development Applications within the Secondary Plan Area.

The amended Item 7 to read as follows:

- (a) That the Design Review Panel be established on a permanent basis as an advisory component of the development approval process;
- (b) *That the Design Review Panel – Program Mandate, hereto attached as Appendix “A”, be approved with the following revisions:*
 - (i) *That Subsection 3.2 be revised to read as follows “Applications subject to review by the DRP pursuant to Section 3.1 above, shall include all complex Zoning and Major Site Plan Applications subject to the following:”*
 - (ii) *That Subsection 3.3 be revised to delete and replace the last sentence with the following: “At the Formal Consultation Stage, projects that are within the Design Priority Areas that are subject to DRP will be identified.”; and,*
 - (iii) *That Subsection 6.1 be deleted in its entirety and replaced with the following: “The DRP will have applications for an Official Plan Amendment, Zoning By-law Amendment and Site Plan Control and projects referred to the group by the Planning and Economic Development Department in accordance with Section 3.0.”*
- (c) *That staff proceed with the recruitment of members for the Design Review Panel;*
- (d) *That the item respecting staff reporting back on the effectiveness of the Design Review Panel be identified as completed and removed from the Planning Committee Outstanding Business List, and*
- (e) *That the following recommendation (c) of Report PED13137(b) be referred back to staff and that staff be directed to consult with the Development Industry Liaison Group (DILG) on the process and timing of obtaining DRP advice on development applications:*
 - (c) *That as part of the Downtown Hamilton Secondary Plan update, the revised Secondary Plan incorporate policies to support the Design Review Panel and to provide for the identification of advice from the Design Review Panel at the Formal Consultation stage, as part of a complete application pre-requisite for submission of an application*

for a complex Zoning By-law Amendment and major Site Development Applications within the Secondary Plan Area.

Amendment CARRIED

Main Motion as Amended CARRIED

(Pearson/A.Johnson)

That the FOURTH Report of the Planning Committee be adopted, as amended, and the information section received.

CARRIED

GENERAL ISSUES COMMITTEE REPORT 17-005

3. Codes of Conduct and Training for Council Appointed Bodies (LS17008 / CL17002) (Outstanding Business List Item) (Item 8.2)

(Whitehead/Skelly)

- (a) That Appendix "B" to Item 3 to the General Issues Committee Report 17-005, being the Hamilton Advisory Committee / Task Force Code of Conduct, be amended by deleting Section 6 in its entirety and replacing it with the following in lieu thereof:

~~6. MEDIA COMMUNICATION~~

~~Except for the Chair, who may accurately communicate a recommendation or direction, Appointees shall not comment to the media.~~

~~Should the media contact an Appointee directly, the Appointee shall refer the media to the Chair or, in the absence of the Chair, to the Vice Chair.~~

6. COMMUNICATION

Appointees should accurately communicate a recommendation or direction.

Appointees may provide their own personal opinion on a matter, provided that it is made clear to the party they are speaking to that the comments are their own and are not being made on behalf of the Committee.

Appointees may refer the media or others making inquiries to the Chair, or, in the absence of the Chair, to the Vice-Chair.

- (b) That sub-section (b) to Item 3 of the General Issues Committee Report 17-005, be amended by adding the words "**as amended**," after the words "Report LS17008/CL17002)" to read as follows:

- (b) That the Advisory Committee / Task Force Code of Conduct (attached as Appendix “B” to Report LS17008/CL17002), **as amended**, be approved; and,

(Ferguson/Whitehead)

That the second paragraph in section 6 be further amended by adding the following wording after the word Committee “providing it does not relate to In Camera discussions.”

The amended section to read as follows:

Appointees may provide their own personal opinion on a matter, provided that it is made clear to the party they are speaking to that the comments are their own and are not being made on behalf of the Committee ***providing it does not relate to In Camera discussions.***

Amendment CARRIED

The Main Motion, as amended, to read as follows:

- (a) That Appendix “B” to Item 3 to the General Issues Committee Report 17-005, being the Hamilton Advisory Committee / Task Force Code of Conduct, be amended by deleting Section 6 in its entirety and replacing it with the following in lieu thereof:

~~6. — MEDIA COMMUNICATION~~

~~Except for the Chair, who may accurately communicate a recommendation or direction, Appointees shall not comment to the media.~~

~~Should the media contact an Appointee directly, the Appointee shall refer the media to the Chair or, in the absence of the Chair, to the Vice Chair.~~

6. COMMUNICATION

Appointees should accurately communicate a recommendation or direction.

Appointees may provide their own personal opinion on a matter, provided that it is made clear to the party they are speaking to that the comments are their own and are not being made on behalf of the Committee providing it does not relate to In Camera discussions

Appointees may refer the media or others making inquiries to the Chair, or, in the absence of the Chair, to the Vice-Chair.

- (b) That sub-section (b) to Item 3 of the General Issues Committee Report 17-005, be amended by adding the words “**as amended**,” after the words “Report LS17008/CL17002)” to read as follows:

- (b) That the Advisory Committee / Task Force Code of Conduct (attached as Appendix “B” to Report LS17008/CL17002), **as amended**, be approved; and,

Amendment CARRIED
Main Motion as Amended CARRIED

7. Street Hockey (LS17006) (City Wide) (Item 8.6)

Councillors Pearson, Conley and B. Johnson indicated that they wished to be recorded as OPPOSED to this Item.

(Eisenberger/Whitehead)

That the FIFTH Report of the General Issues Committee be adopted, as amended, and the information section received.

CARRIED

AUDIT, FINANCE AND ADMINISTRATION COMMITTEE REPORT 17-003
--

1. Protocol for Gender Identity and Gender Expression; Transgender and Gender Non-Conforming Persons (HUR17002) (City Wide) (Item 8.1) (attached hereto as Appendix “A” to Report 17-003)

This Item CARRIED unanimously on the following standing recording vote:

Yeas: Eisenberger, Johnson, Farr, Green, Merulla, Collins, Jackson, Skelly, Whitehead, Conley, Pearson, Johnson, Ferguson, Vanderbeek

Nays: 0

Absent: Partridge, Pasuta

2. Inclusion of Report HUR17002 to the Protocol respecting Gender Identity and Gender Expression; Transgender and Gender Non-Conforming Persons (Item 9.1)

This Item CARRIED unanimously on the following standing recording vote:

Yeas: Eisenberger, Johnson, Farr, Green, Merulla, Collins, Jackson, Skelly, Whitehead, Conley, Pearson, Johnson, Ferguson, Vanderbeek

Nays: 0

Absent: Partridge, Pasuta

(Skelly/VanderBeek)

That the THIRD Report of the Audit, Finance and Administration Committee be adopted, as amended, and the information section received.

CARRIED

(Pearson/B. Johnson)

That the Committee of the Whole Rise and Report.

CARRIED

MOTIONS

7.1 JCC STRIKE OUT CANCER TOURNAMENT – SPECIAL OCCASION PERMIT LIQUOR LICENCE

(Skelly/Jackson)

WHEREAS, Hamilton City Council has received Notice (attached hereto as Appendix “A”) from Mr. Bill Edwards on behalf of the Juravinski Foundation, that they wish to obtain approval for a Special Occasion Permit Liquor Licence to sell alcohol on July 8, 2017 between the hours of Noon and 11:00 p.m. and July 9, 2017 between the hours of Noon and 5:00 p.m. at Turner Park, 344 Rymal Road East, Hamilton, Ontario, during the JCC Strike Out Cancer Tournament taking place in Hamilton, Ontario;

WHEREAS, the Alcohol and Gaming Commission of Ontario requires that if a permit holder is not a registered charity or non-profit organization, that a resolution of the Council is required to designate the event as one of municipal significance; and

WHEREAS, the City of Hamilton does not have an objection to the Liquor Licence Serving Time Extension for the following establishment;

THEREFORE BE IT RESOLVED:

- (a) That the City of Hamilton hereby deems the JCC Strike Out Cancer Tournament, being held in the City of Hamilton, Ontario on July 8 and 9, 2017, as municipally significant; and,
- (b) That the following applicant be provided a copy of this resolution for inclusion with their application to the Alcohol and Gaming Commission of Ontario:
 - (i) Juravinski Foundation c/o Bill Edwards, Hamilton, Ontario.

CARRIED

7.2 SYRIAN FAMILY SPONSORSHIP INITIATIVE HAMILTON FUNDRAISER – SPECIAL OCCASION PERMIT LIQUOR LICENCE

(Ferguson/B. Johnson)

WHEREAS, Hamilton City Council has received Notice (attached hereto as Appendix “A”) from Ms. Maggie Irving on behalf of the Syrian Family Sponsorship Initiative Hamilton, that they wish to obtain approval for a Special Occasion Permit Liquor Licence to sell alcohol on March 18, 2017 between the hours of 7:00 p.m. and 12:00 a.m. at the Morgan Firestone Arena, Rotary Club of

Ancaster, 385 Jerseyville Road West, Ancaster, Ontario, during the Syrian Family Sponsorship Initiative Hamilton Fundraiser taking place in Hamilton, Ontario;

WHEREAS, the Alcohol and Gaming Commission of Ontario requires that if a permit holder is not a registered charity or non-profit organization, that a resolution of the Council is required to designate the event as one of municipal significance; and

WHEREAS, the City of Hamilton does not have an objection to the Liquor Licence Serving Time Extension for the following establishment;

THEREFORE BE IT RESOLVED:

- (a) That the City of Hamilton hereby deems the Syrian Family Sponsorship Initiative Hamilton Fundraiser, being held in the City of Hamilton, Ontario on March 18, 2017, as municipally significant; and,
- (b) That the following applicant be provided a copy of this resolution for inclusion with their application to the Alcohol and Gaming Commission of Ontario:
 - (i) Syrian Family Sponsorship Initiative Hamilton c/o Maggie Irving, Dundas, Ontario.

CARRIED

Mayor Eisenberger relinquished the Chair to Deputy-Mayor VanderBeek to move the following Item:

7.3 Freedom of the City – 100th Anniversary #31 Lion Sea Cadets

(Eisenberger/Whitehead)

WHEREAS, Royal Canadian Sea Cadets Corp 31 LION is the oldest continuously operating Sea Cadet Corps in Canada;

WHEREAS, RCSCC 31 LION Sea Cadets is named after the Royal Navy battlecruiser, HMS LION, flagship of Vice Admiral Beatty at both Dogger Bank in 1915 and Jutland in 1916, and traces its history to 1917;

WHEREAS, Royal Canadian Sea Cadets learn about the naval and maritime environment by participating in a variety of activities on and off the water;

WHEREAS, the City of Hamilton 424th Transport and Rescue Squadron of the Royal Canadian Air Force wishes to conduct a series of events to “give back” to Hamilton;

THEREFORE BE IT RESOLVED:

That the Freedom of the City be granted for the Royal Canadian Sea Cadets Corp 31 LION parade on June 10, 2017 on the forecourt of City Hall on June 10, 2017

CARRIED

Mayor Eisenberger assumed the Chair.

7.4 Artificial Turf – Sir Winston Churchill Secondary School and North Secondary School (Ward 4)

(Merulla/Collins)

WHEREAS, the Sir Winston Churchill S.S. athletic field will be revitalized (artificial turf) and be used as the football field for both Sir Winston Churchill S.S. and the new North Secondary School;

WHEREAS, the Hamilton Wentworth District School Board approved this project starting April 06, 2017 and to be completed June 23, 2017; and

WHEREAS, the Ward trustee for the HWDSB in a letter dated February 03, 2017 requested that the City of Hamilton partner with the HWDSB with a financial commitment of \$75,000 in celebration of Sir Winston Churchill's Secondary School's 50th Birthday.

THEREFORE BE IT RESOLVED:

That the City of Hamilton's \$75,000 contribution be funded from the Ward Councillor's Ward 4 Capital Reserve #108054.

CARRIED

NOTICES OF MOTION

Councillor Merulla introduced the following Notice of Motion:

8.1 Artificial Turf – Sir Winston Churchill Secondary School and North Secondary School (Ward 4)

WHEREAS, the Sir Winston Churchill S.S. athletic field will be revitalized (artificial turf) and be used as the football field for both Sir Winston Churchill S.S. and the new North Secondary School;

WHEREAS, the Hamilton Wentworth District School Board approved this project starting April 06, 2017 and to be completed June 23, 2017; and

WHEREAS, the Ward trustee for the HWDSB in a letter dated February 03, 2017 requested that the City of Hamilton partner with the HWDSB with a financial commitment of \$75,000 in celebration of Sir Winston Churchill's Secondary School's 50th Birthday.

THEREFORE BE IT RESOLVED:

That the City of Hamilton's \$75,000 contribution be funded from the Ward Councillor's Ward 4 Capital Reserve #108054.

(Merulla/Collins)

That the Rules of Order be waived to allow for the introduction of a motion respecting Artificial Turf – Sir Winston Churchill Secondary School and North Secondary School (Ward 4).

CARRIED

For disposition of this matter, refer to Item 7.4

STATEMENT BY MEMBERS

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

PRIVATE AND CONFIDENTIAL

Council approved the following Items without moving into Closed Session:

(i) Closed Session Minutes - February 22, 2017 (Item 10.1)

- (a) That the Closed Session Minutes of the February 22, 2017 Meeting be approved;
- (b) That the Closed Session Minutes of the February 22, 2017 Meeting remain private and confidential and restricted from public disclosure.

CARRIED

(ii) Citizen Appointment to the Property Standards Committee (Item 10.2)

(Whitehead/Skelly)

That Brian Tisdale be appointed to the Property Standards Committee for a term commencing March 9, 2017 and to expire with the current term of Council or until such time as a successor has been appointed.

CARRIED

(Merulla/Farr)

That Council move into Closed Session at 7:00 p.m. to consider:

(iii) Commercial Relationship Between the City of Hamilton and Kenaidan Contracting Ltd. (LS17009(a)/FCS17027(a)) (Referred to Council at the March 6, 2017 Audit, Finance & Administration Committee meeting – Item 12.2) (Added 10.3)

(iv) US Steel Canada – Update (Added 10.4)

Pursuant to Section 8.1, Sub-sections (e) and (f) of the City's Procedural By-law 14-300, and Section 239(2), Sub-sections (e) and (f) of the *Ontario Municipal Act, 2001*, as amended, as the subject matters pertain to litigation or potential litigation, including

matters before administrative tribunals, affecting the City; and, the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

CARRIED

Council reconvened in Open Session at 8:50 p.m.

(iii) Commercial Relationship Between the City of Hamilton and Kenaidan Contracting Ltd. (LS17009(a)/FCS17027(a)) (Referred to Council at the March 6, 2017 Audit, Finance & Administration Committee meeting – Item 12.2) (Added 10.3)

(Merulla/Collins)

- (a) That, due to the impairment of the commercial relationship between the City of Hamilton and Kenaidan Contracting Ltd. ("Kenaidan") that has resulted from litigation and from Kenaidan's acts or omissions, staff be directed to reject any current and future Bids, as defined in the Procurement Policy By-law, received from Kenaidan or any of its related corporate or individual entities, including any joint venture to which Kenaidan is a party, until and including March 7, 2019;
- (b) That the City of Hamilton not enter into any contract with Kenaidan, or any of its related corporate or individual entities, including any joint venture to which Kenaidan is a party, until and including March 7, 2019;
- (c) That the contents of Report LS17009(a)/FCS17027(a) remain confidential.

CARRIED

(iv) US Steel Canada – Update (Added 10.4)

Direction was given to staff in Closed Session with nothing to report in Open Session.

BY-LAWS

(VanderBeek/B. Johnson)

That Bills No. 17-036 to No. 17-042 be passed and that the Corporate Seal be affixed thereto, and that the By-laws be numbered and signed by the Mayor and the City Clerk to read as follows:

Bill No.

- 036** To Amend By-law No. 01-218, as amended, Being a By-law to Regulate On-Street Parking
- Schedule 6 (Time Limit Parking)
 - Schedule 8 (No Parking Zones)
 - Schedule 10 (Alternate Side Parking)
 - Schedule 12 (Permit Parking Zones)
 - Schedule 13 (No Stopping Zones)
 - Schedule 14 (Wheelchair Loading Zones)
 - Schedule 15 (Commercial Vehicle Loading Zones)

Wards: 1, 2, 3, 4, 5, 7, 8, 12, 13

- 037** To Adopt Official Plan Amendment No. 73 to the Urban Hamilton Official Plan Respecting Text Changes to the Parkland Dedication Policies (Phase 1)
Wards: City Wide
- 038** To Adopt Official Plan Amendment No. 13 to the Rural Hamilton Official Plan Respecting Text Changes to the Parkland Dedication Policies (Phase 1)
Wards: City Wide
- 039** To Amend By-law No. 09-124, being a By-law to Require the Conveyance of Land for Park or Other Public Recreational Purposes as a Condition of Development or Redevelopment or the Subdivision of Land
Wards: City Wide
- 040** To Amend By-law No. 86-77 and No. 01-215 to Permit Street Hockey
Wards: City Wide
- 041** Being a By-law to Permanently Close an Unassumed Alleyway on Registered Plan 691, designated as Part 1 on Reference Plan 62R-19864, abutting 15 Cottrill Street, Hamilton
Ward: 1
- 042** To Confirm the Proceedings of City Council

CARRIED

(Skelly/Jackson)

That, there being no further business, City Council be adjourned at 8:55 p.m.

CARRIED

Respectfully submitted,

Mayor Fred Eisenberger

Rose Caterini
City Clerk